

The background of the cover is a photograph of a wall. The wall is covered in numerous handprints in shades of blue, green, and purple. There are also some small drawings and graffiti scattered across the surface. At the bottom of the wall, there is a thick, horizontal band of bright red paint. To the right, a portion of a window frame is visible, showing a window with a metal latch or handle. The overall appearance is that of a wall in a school or community center, possibly in a developing area.

LANDS OF **SHAME**

HELEN HUGHES

Lands of Shame

Aboriginal and Torres Strait Islander
'Homelands' in Transition

Lands of Shame

Aboriginal and Torres Strait Islander
'Homelands' in Transition

Helen Hughes

*For Baniyala's children and my
children's children that they may share
this land in prosperity and peace.*

Lands of Shame
by Helen Hughes

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Abbreviations

ABA	Aboriginals Benefit Account
ABS	Australian Bureau of Statistics
ACCHO	Aboriginal Community Controlled Health Organisation
ACOSS	Australian Council of Social Service
ASIC	Australian Securities and Investments Commission
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CDEP	Community Development Employment Projects
CHIP	Community Housing and Infrastructure Program
CIS	The Centre for Independent Studies
COAG	Council of Australian Governments
FaCSIA	Department of Families, Community Services and Indigenous Affairs
ICC	Indigenous Coordination Centre
NACCHO	National Aboriginal Community Controlled Health Organisation
NATSISS	National Aboriginal and Torres Strait Islander Social Survey
OATSIH	Office for Aboriginal and Torres Strait Islander Health, Department of Health and Ageing
OIPC	Office of Indigenous Policy Coordination, Department of Families, Community Services and Indigenous Affairs
ORAC	Office of the Registrar of Aboriginal Corporations
RSPCA	Royal Society for the Prevention of Cruelty to Animals
TAFE	Technical and Further Education
VET	Vocational Education and Training

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Preface

For over 30 years, The Centre for Independent Studies has been an independent voice in policy debates across the board. Our overwhelming desire is to put forward ideas that will lead to improvements in the well-being of individuals and their families, and a prosperous and free future for the country. Our focus on liberal economic and social policies is central to our concern for those unable to participate in Australia's prosperity. Study after study has shown that economic freedom is essential for an economy to thrive and that the best way to assist those most disadvantaged is through strong economic performance.

We have devoted considerable attention in recent years to the lowest income groups and to the welfare policies that have kept them poor and have reduced their capacity to manage their own lives within a wealthy society of self-reliant citizens.

Many of the issues we deal with are straightforward to analyse and prescriptions easy to come by. However, when we come to thinking about how to improve the tragic situation with Indigenous policy, easy prescriptions are the last things that come to mind. The Centre has long been concerned with the plight of Aborigines and Torres Strait Islanders because they are the most disadvantaged Australians. This became more urgent in recent times.

When members of a remote community in Arnhem Land in the Northern Territory visited the Centre at the end of 2004 and sought our assistance, we responded with an initial assessment of living conditions and the policies that led to them in *A New Deal for Aborigines and Torres Strait Islanders in Remote Communities* (Issue Analysis No 54, March 2005) by Helen Hughes and Jenness Warin. The interest in *A New Deal* was widespread and the lively debate that followed showed that many Australians were deeply concerned with the shameful living conditions of Aborigines and Torres Strait Islanders in the 'top end'. This concern compelled Professor Hughes to embark on this major and wide-ranging book.

The conditions in which most Aborigines and Torres Strait Islanders live in the remote communities continue to be an embarrassment to every Australian. *Lands of Shame* details the deprivation of these settlements and suggests reforms that would help to give Aborigines and Torres Strait Islanders the same choices and opportunities that other Australians enjoy.

This book is in so many ways a thoroughly depressing read. It tells of utter failure in policy going back several generations. It is a story of

political timidity, backward-looking bureaucratic rigidity underpinned by an ideological framework that treated this group of Australians as unable to pursue their lives as do their fellow citizens. It is also a story of a significant group of Australians for whom there is almost no hope: health statistics are appalling, school education and meaningful jobs are almost non-existent, housing is so sub-standard that it is dangerous to live in some of the dwellings. The list goes on. The treatment of Aborigines and Torres Strait Islanders, and the deplorable situation it has created, has probably left little choice other than urgent active intervention to turn things around.

Professor Hughes makes many recommendations and also outlines some glimmers of hope as growing numbers of communities begin to try to take control of their own lives and futures. There are also encouraging moves politically, especially at the Commonwealth level, to bring about meaningful reforms. These are long overdue. Overturning generations of policy failure will take strong, determined and practical policies but the dreadful plight of those in the 'homelands' demands that they begin without hesitation. And it is not about spending ever more amounts of money. If it was, there would be few problems now.

What is required is thinking about practical ways to restore dignity through education and work and an urgent focus on resolving the Third World health conditions affecting so many. There is a role for government, but importantly there is a growing role for civil society and engaged individuals and organisations as Professor Hughes describes. Even more importantly, leadership in the remote communities is beginning to seize control of their own problems and seek their resolution, but they will need help. This cannot be the 'help' of the past for it has failed.

It is not beyond the wit of Australians at every level, from the community to national, to formulate what has to be done to end this dependence and deprivation. *Lands of Shame* is a clarion call to all Australians who want to see Aborigines and Torres Strait Islanders given the same hopes and aspirations for the future that the rest of the nation enjoys.

Greg Lindsay
Executive Director
The Centre for Independent Studies

Map showing selected Aboriginal and Torres Strait Islander Communities



Chapter 1

Introduction

1. Introduction

Australia is one of the wealthiest countries in the world. It has beautiful cities and a splendid countryside. It has enriched its society by absorbing large numbers of immigrants since World War II. It takes part in world affairs. It is well regarded for its scientific, cultural and sporting achievements. In the midst of this plenty, the extreme deprivation of so many Aborigines and Torres Strait Islanders is deeply shameful.

The Aboriginal and Torres Strait Islander population numbers some 500,000, a mere four per cent of Australia's 21 million people. Aborigines and Torres Strait Islanders fall into three groups.

- About a third—160,000 people—work in mainstream jobs in cities, towns and the country. Their wide range of occupations includes wharfies, truck drivers, building workers, postmen, real estate agents, doctors, lawyers and merchant bankers. These Aboriginal and Torres Strait Islander families have mainstream living standards. While they remain proud of their traditional culture and ties to their ancestral lands, they are also able to participate fully in Australian society.
- The largest numbers—about 250,000 people—exist on the fringes of towns and in major city ghettos. They have low labour force participation, high unemployment and high welfare dependence, poor education and poor health. They live in crowded, often derelict houses. Their everyday lives are prone to substance abuse and violence.
- The smallest group, about 90,000 people, live in some 1,200 'homeland' settlements established in remote Australia from the 1970s. These families are the most deprived. Most are totally dependent on welfare. Most have missed out on schooling for a generation. They suffer such appalling health that their life expectancy is more than 20 years shorter than that of non-Indigenous Australians. Most have deeply frustrating lives in crowded sub-standard houses in settlements marked by high rates of alcoholism, drug abuse and violence, particularly against women. Remote settlements have been compared to Third World refugee camps.

The remote areas to which Aborigines and Torres Strait Islanders were dispersed were called 'homelands, although this was the term used for the barren Bantustan wildernesses to which Indigenous Africans were pushed by South African Apartheid policies. Unfortunately, the clusters of remote settlements and outstations on which Aboriginal and Torres Strait Islander hunter-gatherers were settled also almost entirely lacked economic

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resources for decent livelihoods, making a parody of the domestic comfort that the term ‘homelands’ envisaged. ‘Homeland’ Aborigines and Torres Strait Islanders have not only been regarded as being different from other Australians, but also from the majority of Aborigines and Torres Strait Islanders who live outside the ‘homelands’. But with 90,000 or fewer Aborigines and Torres Strait Islanders living in ‘homelands’, cultural identity and the further development of Indigenous culture cannot be tied to the ‘homelands’.

Aborigines and Torres Strait Islanders, as the oldest immigrants, have a special place in Australia’s identity. Their centrality to Australian nationhood is unquestioned. But many of those who identify as Aborigines also acknowledge Anglo-Celtic and other ethnic ancestors. These latter-day immigrants brought to Australia the values of the liberal enlightenment, with its core notions of equality of opportunity, individual liberty and rational discourse that are the basis of Australian and all other advanced civil societies. Aboriginal and Torres Strait Islander culture is evolving and changing: it belongs to all Aborigines and Torres Strait Islanders, no matter where they live, and to the wider Australian nation of which it is part. In a sharp departure from more than 200 years of discrimination that has treated the oldest inhabitants as foreigners in Australia, all Aborigines and Torres Strait Islanders—women as well as men—must have the same rights, opportunities and responsibilities as other Australians.

This study focuses on the ‘homelands’ because their deprivation is greatest. The exceptionalist philosophies and separatist policies that treat Aboriginal and Torres Strait Islanders differently from other Australians, moreover, were designed for the ‘homelands’ and are the principal cause of their deprivation. Exceptionalist policies include the use of ‘customary’ law in the place of Northern Territory and State law, the imposition of communal instead of private property rights (notably for housing), teaching special ‘culturally appropriate’ (rather than mainstream) curricula in native languages rather than in English, and special local government arrangements. Most of the same policies have been applied to fringe settlements and city ghettos. The US Supreme Court ruling in *Brown v Board of Education* in 1954, that ‘separate is inherently not equal’, is demonstrated a hundred times every day in Australia, as Aborigines and Torres Strait Islanders are subjected to separate laws, separate property rights, separate schooling and separate local government.

Australia clearly has the resources to enable today’s deprived Aborigines and Torres Strait Islanders to live decent lives. More than \$3 billion of Commonwealth funding is spent annually on Aborigines and Torres Strait

Islanders in addition to normal Medicare, education and other public funding. But exceptionalist policies mean that most funding is wasted.

Fringe settlements and ghettos are predominately located in areas of ample employment. Aborigines and Torres Strait Islanders in these settlements have failed to become integrated into labour markets because of 30 years of exceptionalist policies. They will not be able to attain decent living standards until they become employable. Moving people to jobs in the 'homelands' is even more difficult because most are located in areas with few or no employment opportunities.

Tragically, the plight of the 'homelands' arose out of the best of intentions. The 'homelands' were designed to enable Aborigines and Torres Strait Islanders to enjoy their traditional lands as hunter-gatherers with culturally rich lives. Unfortunately, social and economic indicators—security, employment, incomes, educational attainment, health and housing—show that these expectations have been cruelly disappointed.

Australia cannot allow Indigenous deprivation to continue. The present Commonwealth Government has initiated a policy of 'practical reconciliation' to raise Aboriginal and Torres Strait Islander living standards. In his Australia Day address in January 2005, the Prime Minister, John Howard, paid 'respect to the first Australians—the Indigenous people of this country' and promised to 'look to their full enjoyment of the benefits and the bounty that Australia brings to all of its citizens'.¹ Current progress is, however, so painfully slow that at present rates of change another generation will be lost. Today's young Aborigines and Torres Strait Islanders will not be able to get jobs and live decent lives unless schooling and health improve dramatically in the next few years and these cannot be reformed without radical changes to the 'homeland' social environment.

A debate about the causes of the present deprivation and the solutions is essential for effective policy reform.

This study seeks to contribute to that debate by analysing the economic reasons for the failure of the 'homelands' and proposing policy reform options. It begins with a brief historical overview of the establishment of the 'homelands'. Demographic trends are then outlined. A stocktaking of the evidence regarding the insecurity of everyday life is followed by an examination of how 'homeland' dwellers have become 'land rich and dirt poor' and of the problems of joblessness, welfare dependence, unequal income distribution, poor housing, health and education. Local government issues are discussed. The continuing support for Aboriginal and Torres Strait Islander exceptionalism that led to the establishment of the 'homelands' is reviewed. The Commonwealth Government's policy of 'practical reconciliation' is evaluated and the policies of the governments

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of the Northern Territory, Queensland, Western Australia and South Australia are examined. Attention is drawn to the ineffectiveness of the Council of Australian Governments (COAG) in improving Aboriginal and Torres Strait Islander living standards. Hopeful steps by some remote communities to pull themselves out of the mire are described. A policy reform agenda to end 'homeland' deprivation concludes the study. ■

Chapter 2

Historical Background

2. Historical background

It was becoming evident in the 1960s that the missionary policies that had dominated relations with Aborigines and Torres Strait Islanders had failed dismally. Missionaries did not treat Aborigines and Torres Strait Islanders as equals with the same capacity for development and hence the right to make the same choices of livelihoods and lifestyles as other Australians. In remote Australia, most children educated in the dominantly missionary schools.¹ At a time when secondary schools were being developed in mainstream communities, only a few Indigenous children stayed at school past primary levels. Very few acquired skilled trade qualifications. Only a tiny proportion of exceptionally able and lucky youngsters were able to move from remote Australia to tertiary education.

The results of missionary education are evident today in the very small numbers of Aborigines and Torres Strait Islanders in the professions, particularly those in the hard sciences, and in public and private senior management. There are, for instance, one hundred Aboriginal and Torres Strait Islander doctors and one surgeon out of a total of some 56,000 medical practitioners in Australia. Some Aborigines, as they have done since colonial times, overcame the lack of education and discrimination to move to mainstream jobs and integrate into mainstream society, mainly in the major cities, but also in regional Australia. Like other Australians, they tended to intermarry with other ethnic groups, but many still identified as Aborigines or Torres Strait Islanders when censuses began to count them.

The 1967 Referendum

The consequences of denying Aborigines and Torres Strait Islanders the same opportunities as other Australians had already become embarrassing by the 1960s. This led to the winning of standard wages by Aborigines in the pastoral industry where many had been employed. But by raising the cost of labour, higher wages typically led to mechanisation. Together with changes in transport, this caused the demand for drovers to fall so that there was a marked reduction in the number of jobs in which Aborigines had specialised. Aborigines were not able to move to new jobs in the pastoral industry or outside it because they lacked the education to become clerks, tradesmen and other skilled workers. Many Aborigines and their families had to leave pastoral properties for missions and government camps to live on handouts. Schooling began to fall further behind. Without work, social and family norms deteriorated. It became evident

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that Aborigines and Torres Strait Islanders had much lower living standards than other Australians. They had lower labour force participation, higher unemployment, lower incomes, poorer education, worse health and housing and a higher incidence of alcoholism.

Australia's long history of economic, social and legal discrimination against Aborigines and Torres Strait Islanders had been enshrined, symbolically at least, in the Constitution. The steps to end their different treatment began with the legal enfranchisement of Aborigines and Torres Strait Islanders in the 1962 Commonwealth election. The last State to give them the vote was Queensland in 1965. In 1967, a national referendum was introduced to delete two minor clauses in the Constitution that involved major principles of civilised society, that is, that all of a country's citizens were equal and entitled to the same treatment. The clauses were: section 51(xxvi), which gave the Commonwealth Parliament the specific power to make laws with respect to 'The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws'; and section 127(xxvi), which provided that 'In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.'

There was so little opposition to the proposed removal of these clauses that a 'No' campaign was not mounted. The 'Yes' case was supported by liberals of all persuasions and by prominent Aboriginal leaders, notably Kath Walker (Oodgeroo Noonuccal). The Referendum passed overwhelmingly, with every electorate in every State voting positively and the highest 'Yes' vote (of 90.77 per cent) ever recorded in a federal referendum. Australians wanted to right past wrongs against Aborigines and Torres Strait Islanders.

Land rights

The Labor campaign that won office for the Whitlam Government in 1972 included proposals for the return to Aborigines and Torres Strait Islanders of parts of Australia's vast lands to symbolise recognition of their ancestral ties to 'country' and to provide them with resources that would enable them, like other Australians, to have decent living standards. The Whitlam Government accordingly appointed Justice Woodward to hold a Commission of Inquiry into appropriate ways of recognising Aboriginal land rights in the Northern Territory over which the Commonwealth Government had jurisdiction and where significant numbers of Aborigines resided. Justice Woodward's proposed procedures for claiming land and for conditions of tenure concluded that Aboriginal land should be granted as

inalienable freehold title—that is, it should not be acquired, sold, mortgaged or disposed of in any way—and that title was to be held communally. The Fraser Government enshrined Justice Woodward’s recommendations in the *Aboriginal Land Rights (Northern Territory) Act* of 1976 and the High Court’s *Mabo* judgment of 3 June 1992 extended the principles Australia wide.² The past 30 years have consequently seen a substantial extension of native land rights.

Two models of Indigenous development

After the passage of the 1967 Referendum, and with the beginning of the transfer of land to Aborigines and Torres Strait Islanders, two main approaches to Aboriginal and Torres Strait Islander development were emerging: a liberal and a socialist model.

The liberal model

Those liberally-minded considered that with the Referendum’s end to legislated exceptionalism, Aborigines and Torres Strait Islanders would be able to integrate into the economic mainstream. In the state of nature, the life of man was (in Hobbes’s words) ‘solitary, poore, nasty, brutish and short’.³ It was thought that Aboriginal lives would be enriched by participating in the technological and social advances that led to high living standards. Such evolving Australian values as individual freedom, equality, notably of men and women, democratic institutions, together with the privileges and responsibilities of advanced civil societies, were thought essential to well being. Immigration was leading to an ethnically plural society with a reduction in racial discrimination. Aboriginal art, dance and music were being embraced in a broader Australian culture, enabling Indigenous traditions to flourish. Thus it was thought that Aborigines and Torres Strait Islanders would not only be able to look back—to enjoy their traditions and links with ‘country’—but also look forward to participating in the life of reason that would free them from sorcery and fear of spirits.⁴

The Coombs socialist ‘homeland’ model

The Coombs socialist ‘homeland’ model, on the other hand, was the culmination of 200 years of exceptionalist and separatist Indigenous policies. It advocated the return of those Aborigines and Torres Strait Islanders who had remained relatively untouched by education to tribal settlements and outstations in the remote lands being returned to them under native title legislation. There they could live traditional lives as hunter-gatherers uncontaminated by modern Australia, away from mission stations and government camps and away from the Australian mainstream.

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Two strands of thought came together in the 'homeland' model advocated by Dr H C 'Nugget' Coombs, an eminent economist who had been one of the authors of Australia's post-World War II reconstruction and Governor of the Reserve Bank. On his retirement Dr Coombs began to focus on Indigenous issues.

The first strand came from anthropologists who considered that Aboriginal and Torres Strait Islander languages, ceremonies and traditions could only be preserved by hunter-gatherers living in isolation.

A second strand evolved from Marxist philosophies that had responded to endemic unemployment and business cycles that culminated in the depression of the 1930s. Socialists rejected the economic and social values of modern market economies in favour of communal property rights, including the public ownership of the means of production, notably land. They consequently placed a high value on communal lifestyles.⁵ Doctor Coombs focused on Aborigines and Torres Strait Islanders living in remote Australia. They were thought to be the least culturally affected by intermarriage and to have inherited communitarian social structures that were free of capitalist private property concepts. Resettlement out of the increasingly fraught missions and government camps to remote lands over which they had roamed in small bands as nomads was thought to be the means of regenerating their lives.

Many Aborigines and Torres Strait Islanders saw an escape from alcoholism, violence and the sheer anomie of life without jobs in a return to 'country'. They were in effect not given a choice between moving to the 'homelands' and getting the education and health that would have enabled them to find mainstream jobs and incomes. Not all moved. Some of the mission stations and camps survived and were incorporated into 'homelands'. A handful of these were near employment markets, but poor education and health, and the ready availability of welfare payments, led to welfare dependence. Some Aborigines and Torres Strait Islanders began to move to the outskirts of country towns and even to capital cities, but again, without education and with welfare readily available, many failed to move to mainstream employment.

The Coombs model was not formalised by Coombs, Brandl and Snowdon until 1983 when the policies to which they gave formal shape had been pursued for almost a decade. Geoffrey Blainey's *Triumph of the Nomads* had raised the profile of Aboriginal and Torres Strait Islander history.⁶ Two major Commonwealth inquiries, with subsequent reports, *Aboriginal Deaths in Custody* (1991) and the *Separation of Aboriginal and Torres Strait Islander Children from their Families* (1997)⁷ increased awareness of discrimination against Aborigines and Torres Strait Islanders

and of their deprivation. Neither, however, contributed much to the understanding of the reasons for that deprivation. The histories of white settlements then being published added to the quest for 'reconciliation' to compensate Aborigines and Torres Strait Islanders for past wrongs.⁸

The Coombs model was accepted by the Whitlam and Fraser Governments as the instrument that would, together with land ownership, lead to Aboriginal and Torres Strait Islander well-being embedded in traditional cultures. There was a movement to 'apologise' to Aborigines and Torres Strait Islanders with implied financial compensation. To most Australians, 'apologising' did not seem to be either an appropriate response to past transgressions for which they had no responsibility, or to be likely to improve Indigenous living standards. To socialists particularly, the 'homeland' movement, with Dr Coombs' sponsorship, seemed a more practical way of making up for past neglect.

'Homelands'

The Whitlam Labor and Fraser Liberal-Country Party Governments provided funding for the acquisition of extensive lands, but these did not support close settlement. Without work, welfare became essential to an even minimal existence. It soon became evident that expectations of a return to hunter-gatherer economies were not realistic. Aborigines and Torres Strait Islanders did not wish to turn back to their ancestral living standards. They did not want to subsist on 'bush tucker'. A Parliamentary inquiry already concluded in 1987 that the economic future for the 'homelands' would be a combination of hunting and gathering with support from social services, because 'there was a great demand in homeland settlements for western goods and services'.⁹ The CDEP (Community Development Employment Projects) scheme was developed to supplement welfare by providing sheltered employment that would not expose Aborigines and Torres Strait Islanders to mainstream competition, further undermining movement to mainstream jobs. Temporary 'advisors' to the 'homelands' became entrenched as administrators and skilled workers because Aborigines and Torres Strait Islanders were not being educated or trained.

An increasing gap between living standards in the 'homelands' and mainstream Australia was hidden by a permit system that limited access to dissenting scholars and media. Liberals of all political persuasions who sought to draw attention to the widening distance between 'homeland' and mainstream living standards were driven out of the debate by being labelled as racists.

Changing public perceptions

Public perceptions began to change when Peter Howson—and the Bennelong Society he helped to found in December 2000—began to analyse Indigenous deprivation by recognising the devastating impact that separatist policies, leading to the creation of remote settlement ‘living museums’, were having on the lives of Aboriginal and Torres Strait Islander men, women and children. He showed that a *rentier* class of Indigenous ‘Big Men’ as well as academics, cultural consultants, politicians, public servants, administrators and service providers soaked up the bulk of the considerable taxpayer funding devoted to keeping the Coombs model in place. It became clear that only fundamental policy reforms could give Aborigines and Torres Strait Islanders the opportunities and choices of other Australians.¹⁰

Noel Pearson, with the establishment of the Cape York Institute for Policy and Leadership in 1999, played an even more critical role in voicing the aspirations of Aborigines and Torres Strait Islanders by formalising their instinctive understanding of the devastating costs of welfare embedded in their mockery of CDEP payments as ‘sit-down’ money.¹¹ These steps toward the understanding of Indigenous deprivation enabled Amanda Vanstone, then Minister for Immigration, Multicultural and Indigenous Affairs, to abolish the Aboriginal and Torres Strait Islander Commission (ATSIC) that had given voice and a power base to the ‘Big Men’.¹²

Evidence about shocking social conditions in the ‘homelands’ began to appear in the media. In December 2004, *The Australian* wrote ‘That the circumstances of too many Indigenous Australians in remote communities are a national disgrace is beyond debate.’¹³ The abuse of women and children began to be reported despite continuing attempts to close the ‘homelands’ off by the permit system. By July 2006 *The Australian* was reflecting a widespread view when it editorialised that ‘Just as 40 years ago Aborigines and their allies in white society fought for indigenous rights, today the fight is to get Aborigines off the dole, away from the grog and into responsible working lives.’¹⁴ ■

Chapter 3

Demographic Trends

3. Demographic trends

Statistics for Aborigines and Torres Strait Islanders began to be collected in the 1971 Census.¹ Self-identification, on which census data are based, is necessarily subjective. It does not include all those descended from Aboriginal or Torres Strait Islander forebears, but increasing self-identification as well as high population growth has led to rising Indigenous population numbers. In the 2006 Census self-identified Aborigines and Torres Strait Islanders are expected to reach at least 500,000 people, the same order of magnitude of population as when the First Fleet arrived at Botany Bay.

Population of the 'homelands'

The Indigenous population was spread throughout the continent until white settlement. In the outback, traditional lifestyles and work in the pastoral industry maintained dispersal until there was coalescence around outback missions and government camps. The reverse movement to the 'homelands' initially ranged from very small 'outstations', through medium sized groups of 100 to 150 men, women and children, to somewhat larger settlements that included non-Indigenous administrative and service staff. Over time, 'homeland' dwellers, like other Australians, have moved to where there were shops, schools, medical services and other amenities in the larger settlements of Wadeye, Maningrida, Nguiu, Galiwinku, Milingimbi and Ngukurr in the Northern Territory and Aurukun, Yarrabah, Doomadgee, Mornington Island, Woorabinda, Cherbourg and Palm Island in Queensland. Torres Strait Islanders have moved from scattered islands to mainland settlements.

Like the medium sized settlements and outstations, however, the larger settlements are not based on jobs and enterprises, but on welfare. Though a few settlements are located in or near areas with significant mainstream labour markets, they too depend on individual welfare and CDEP payments and on public funds for housing, health and local government. Because of their personal and social welfare dependence, these larger settlements, many approaching the size of country towns, are not only marked by a high incidence of family dysfunction, but have become socially dysfunctional. After 30 years of negligible schooling, the administrators and service providers are still predominately non-Indigenous. Children do not go to school regularly but roam the streets, graduating to gang membership. Alcoholism and drug abuse are rife with ensuing domestic and public violence. In 1999, Palm Island received the accolade of being the most violent place on earth outside a combat zone. Maningrida and Wadeye

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are not far behind. Although many outstations have been abandoned except as seasonal holiday camps, some of the larger settlements are so dangerous that some families are turning back to 'outstations' in spite of their isolation and absence of services.

Table 2.1 Indigenous and non-Indigenous population distribution by remoteness, 2001

	Indigenous		Non-Indigenous	
	Number	Percent	Number	Percent
Major City	138,494	30	12,732,492	67
Regional	198,863	43	5,595,840	30
Remote	40,161	9	284,164	2
Very remote	81,002	18	97,473	1
Total	458,520	100	18,954,720	100

Source: J Taylor, 'Population and diversity: policy implications of emerging indigenous demographic trends', Discussion Paper No 283/2006 (Canberra: Centre for Aboriginal Economic Policy, Australian National University, 2006), p 5.

The current population of the 'homelands' is not known. Estimates range from 90,000 to 120,000 Aborigines and Torres Strait Islanders in an even vaguer 1,200 settlements.²

Table 2.1 indicates that the main concentration of Aborigines and Torres Strait Islanders is in regional Australia, with a substantial number also living in major cities. Aborigines and Torres Strait Islanders clearly have a different geographic profile from non-Indigenous Australians. The Australian Bureau of Statistics (ABS) Australian Standard Geographical classifications place 'homelands' in the 'remote' and 'very remote' categories, but these also include Indigenous residents outside 'homelands'. 'Homeland' populations therefore cannot be derived from published ABS data. Northern Territory Grants Commission population data by settlement suggest that perhaps 35,000 Aborigines live in settlements with populations that are more than 80 per cent Indigenous in the Northern Territory.³ It therefore appears that even the lower estimate of 90,000 may be too high. As birth rates are higher in the 'homelands' than in other Indigenous settlements, Indigenous people appear not only to be leaving outstations, but also the 'homelands'.

Fringe and ghetto populations

The numbers of Indigenous people dwelling on the fringes of towns and

in the ghettos of major cities cannot be derived from the way that the ABS has been publishing Indigenous data. Blurring differences between the three main groups—mainstream economy participants, town fringe and ghetto dwellers, and ‘homeland’ populations—obscures socio-economic differences. Hopefully, this will be remedied in the 2006 Census publications, with census districts used to classify the Indigenous population into meaningful socio-economic groups.

Table 2.2 Indigenous and non-Indigenous population distribution by States and Territories, 2001.

	Indigenous population	Indigenous		Non-Indigenous	
		Percent of total Indigenous population	Percentage of total State/Territory population	Non-Indigenous population	Percentage of total non-Indigenous population
New South Wales	134,888	29	2.1	6,440,329	34
Victoria	27,846	6	0.6	4,776,880	25
Queensland	125,910	27	3.5	3,503,036	18
South Australia	25,544	6	1.7	1,486,184	8
Western Australia	65,931	14	3.5	1,835,228	10
Tasmania	17,384	4	3.7	454,411	2
Northern Territory	56,875	12	28.8	140,893	1
Australian Capital Territory	3,909	1	1.2	315,408	2
Australia	458,520	100	2.4	18,954,720	100

Source: Australian Bureau of Statistics, *Population Characteristics: Indigenous and Torres Strait Islander Australians 2001*, Cat No. 4713.0 (Canberra: ABS, 2001).

New South Wales and Queensland have the highest Indigenous population numbers, with Western Australia next and then the Northern Territory (Table 2.2). This distribution underlines the relatively small proportion of Indigenous population in the ‘homelands’. Unfortunately welfare is pervasive in fringe and ghetto settlements as well as in the

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‘homelands’. As in mainstream welfare areas, babies attract allowances as soon as they are born. Youngsters automatically graduate from child allowances to independent welfare at 16 years of age.

Table 2.3 Population distribution of Indigenous Australians by region, 2001

	Major cities	Inner regional	Outer regional	Remote	Very remote	Total
NSW	50,600	39,016	22,823	5,320	1,991	119,750
VIC	12,334	8,668	4,017	57	NA	25,076
QLD	28,423	20,553	37,379	9,923	16,474	112,752
SA	10,883	2,026	5,329	1,080	4,092	23,410
WA	19,198	4,630	8,438	9,370	16,840	58,476
TAS	NA	8,103	7,119	358	179	15,759
NT	NA	NA	9,497	8,918	32,285	50,700
ACT	3,576	8	NA	NA	NA	3,584
TOTAL	125,014	83,004	94,602	35,026	71,861	409,507

Source: Australian Bureau of Statistics, Census of Housing and Population, Catalogue No. 2002.0, *Indigenous Profile* (Canberra: ABS, 2001).

Table 2.3 (with a less complete population coverage than Tables 2.1. and 2.2) indicates that whereas more than 42 per cent and 49 per cent of Indigenous people lived in major cities in New South Wales and in Victoria respectively, in Queensland only 25 per cent and in Western Australia only 32 per cent lived in major cities. Queensland and New South Wales have the major fringe populations.

Although the fringe and ghetto groups already comprised the bulk of the Indigenous population in the 1970s, their situation has largely been ignored. The introduction of CDEP into fringe and ghetto areas exacerbated welfare dependence and reduced mainstream job participation even in areas of labour shortages. Only with the recent ‘mutual obligation’ push to get unemployed people off welfare and into jobs, and the even more recent abolition of CDEP in fringe and ghetto areas, has there been any effort to reduce welfare dependence.

Declining mainstream participation

The 1971 Census and subsequent censuses and surveys did not estimate the numbers of Aborigines and Torres Strait Islanders working in mainstream

jobs. Proxy indicators have to be used to show the extent of mainstream work participation and living standards. The 2001 Census had an owner/purchaser ratio of 38 per cent for Indigenous households in major cities and inner regional areas.⁴ The National Aboriginal and Torres Strait Islander Social Survey (NATSISS) used the same geographic classifications as census publications. It provided some suggestive data for 'mainstream' living standards for 2002. Of non-remote persons aged 15 years and over, 33 per cent had non-CDEP wages and salaries as their main source of income and 35 per cent of non-remote dwellings were either owned or being purchased.⁵ Professor Bob Gregory has quoted declining Centre for Aboriginal Economic Policy Research (CAEPR) estimates of the ratio in mainstream employment from 1971 to 2001. His own estimates showed a decline from 1991 to 2001.⁶ The proportion of families with mainstream incomes has probably fallen since strongly exceptionalist policies, leading to welfare dependence, were introduced 30 years ago.

'Homelands' are not unique to Australia. Indigenous people in Canada and in the United States have been subjected to similar policies and the same misery is now being inflicted on Amazonian tribes in Brazil. The resulting poverty and degradation are universal, even where Native Americans' casino monopolies have created high incomes for some tribes in the United States. The only exceptions are reservations where mainstream educated professionals and business people are using their market skills. The Canadian writer, John Ibbotson, despairing of Canadian reservations, called to Indigenous Canadians in *The Toronto Globe and Mail* on 8 August 2006:

If you're an Indian in your 20s living on a reserve you need to leave right now. Pack your bags, say goodbye to your family and friends and get out of there. Move to Toronto, Ottawa or Montreal. Find a job, any job, then get yourself back in school. This is the only chance you have to rescue what is about to become your wasted life.

In Australia, too, only those who in the past followed Ibbotson's advice have mainstream living standards.

Mobility and living standards

Within the 'homelands', mobility, defined as resettlement for a year or more, appears to be considerable, with movement to the larger settlements. So is less permanent 'movement'.⁷ Family visits are frequent. Most movement arises from the very limited level of services, so that people constantly travel to the settlements formed in earlier times around missions and to towns such as: Alice Springs, Tennant Creek, Katherine and Darwin in the Northern Territory; Cooktown, Cairns and its coast,

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and Mt Isa in Queensland; and Kalgoorlie in Western Australia. Young people particularly seek change. Family visits and attending funerals are common. It is not known how many of these visits become permanent.

Unlike other Australians who move to jobs or preferred locations to improve their standards of living Australia-wide (and abroad where 1 million Australians live), lack of education and the absence of personal assets, notably of home ownership, are barriers to mobility for mainstream jobs.

Indigenous mobility data are limited and not comparable over time.⁸ They were thought to indicate in the early 2000s that ‘the propensity to move is least in remote areas’ and that ‘movement rates are lowest in the Northern Territory and remote areas generally’.⁹ The decline of the total ‘homeland’ population, however, suggests that these patterns may have changed.

Superior services appear to have drawn the Indigenous population from the ‘homelands’ and from more to less remote country towns such as Broken Hill, Dubbo, Orange, Tamworth, Port Augusta and Kalgoorlie. These towns have seen an increase in the Indigenous population, although some have at the same time had a decreasing non-Indigenous population because of limited employment opportunities.¹⁰ Thus Indigenous mobility appears to be from welfare in one place to welfare in another. It has not released Aborigines and Torres Strait Islanders from welfare dependence.

Lack of education and welfare dependence make it difficult for most men and women in the remote ‘homelands’ to envisage integration into mainstream life. They recognise that mainstream employment would give them higher incomes but fear the pressures of working weeks and the insecurity of competing in mainstream jobs. Ramshackle and overcrowded dwellings are hated, but the responsibilities of private housing are feared. Ill health—including substance addiction—adds to the difficulties of moving. If jobs are nearby, so that workers can come home in the evenings or at weekends, or if seasonal work away from home is available, family and clan demands on earnings often discourage employment seekers. Sharing available incomes is increasingly seen as a cost, but in the absence of savings and home ownership it also represents security. Temporary mobility that returns workers to clan demands is thus often more difficult than permanent departure with home visits limited to annual holidays.

The case for core centres

Economists know that development is impossible to forecast. The Cape York Institute investigated the economic conditions that would make decent standards of living possible in ‘homeland’ settlements. It was evident that only those that could generate mainstream employment could lift themselves out of poverty.¹¹ For settlements near actual or potential

mines, nearby mainstream tourist resorts or with horticultural or fishing potential, economic viability could eventuate. But for others, future mainstream income opportunities cannot be known. It is clear, however, that not all 1,200 remote settlements can become economically viable even in the long run.

People now in 'homelands' that lack security, basic education and health services, cannot simply be dumped where there are jobs.¹² Today's remote settlements were created by the Commonwealth, Territory and State separatist policies and these Governments must undo the damage of their past policies and take responsibility for a transition to mainstream living standards. Economic viability can therefore not be the only determinant of public investment. The Commonwealth Government recognises that investment in education and health is needed, but funding cannot continue on present lines if a transition is to be achieved. The costs of providing adequate facilities for 1,200 settlements would be astronomical because of the diseconomies of scale. Staff of appropriate quality could not be found. It is time to stop dreaming and introduce practical policies.

A core population concentration policy is far less revolutionary than it may appear. The brutal truth is that most of the 1,200 settlements that are said to exist do not have functioning shops, primary schools, medical services or other facilities. Many have in effect disappeared and some have become mere recreational camps. Some of the larger country town sized settlements are among the most dysfunctional urban areas in the world. Having a core of around a hundred effective primary school/medical facilities working to mainstream standards in civic environments would be a vast improvement on the present disgraceful shambles. A core policy must start with the rehabilitation of the dozen or so large settlements like Wadeye, Maningrida, Mutitjulu and Palm Island to decent civic standards. Another group would have to be added to ensure that most families with children can move to settlements with a decent school and access to decent medical facilities.

The additional funding required would be limited. Millions of dollars are currently being wasted on programs that do not bring any benefit to Indigenous people. Transitional policies that actually give Indigenous people effective education, health, housing and law and get them into jobs would not cost much more than current funding. ■

Chapter 4

Security and the Law

4. Security and the Law

Shocking social dysfunction, lawlessness and violence are seen as the identifying characteristics of the ‘homelands’. Until relatively recently, voices exposing the egregious situation of the ‘homelands’ have not received the coverage needed to initiate serious policy reform, as evidenced by the continual deterioration in ‘homelands’ living conditions. However, more and more courageous women are being heard despite a permit system which hides them and the plight of their communities from public view.

The Women’s Task Force on Violence, chaired by Professor Boni Robertson of Griffith University ‘revealed a horrific level of violence against Indigenous women in Queensland in 1999’, but her report was quickly buried.¹ So were other reports of domestic violence. Dr Lara Weiland, then with the Royal Flying Doctor Service, attempted to alert the Commonwealth and Queensland governments to child abuse on Cape York in August 2003. She was sacked by the Queensland Department of Health.² Finally, a brave 14-year-old girl had the enormous courage to take a ‘respected elder’ to court. Although she had been promised in marriage to the man at the age of four, she had the temerity to want a boyfriend of her own age. When this came to the 55-year-old assailant’s notice, with her grandmother’s cooperation, he ‘beat the girl with a boomerang, then locked her in a room for four days during which time he repeatedly forced her to have anal sex’.³

Brian Martin, the Chief Justice of the Northern Territory Supreme Court, decided that he should hear the charges in the open at the community where the rape had taken place, 500 kilometres south-west of Darwin in Yarralin. It appears from the transcript of the sentencing remarks that the Chief Justice believed that this would have more impact on all the members of the remote community than bringing the offender to Darwin for sentencing. Although His Honour listened attentively to explanations of customary law, he made it plain that customary law was subservient to the law of the Northern Territory, especially when it came to protecting women and children. Unfortunately he undermined the impact of his remarks by imposing a remarkably lenient penalty—a suspended sentence of two years, with only one month to be served, when the maximum penalty for the crime was 16 years. Australian wide outrage was immediately reflected in the press, exacerbated by a recording of the communal hearing by a young member of the Director of Public Prosecutions team that read, as Paul Toohey wrote in *The Bulletin*, like an account of ‘a white girl’s picnic in the bush’.⁴ The Northern Territory Government appealed the sentence and the Northern Territory Court of

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Criminal Appeal increased it to 3 years, but suspended half the sentence, leaving only 18 months to serve.⁵ Later Chief Justice Martin acknowledged that he had got the sentencing wrong and had placed too much emphasis on customary law and the offender's ignorance of Territory law.

More instances of violence against women and children began to be reported. The dam broke on 15 May 2006 when Dr Nanette Rogers, Crown Prosecutor in Alice Springs for 12 years, on the ABC's *Lateline* programme described the 'culture of sexual assaults on children and violence against women' as entrenched in Indigenous central Australia.⁶ A few months later in August 2006, the leaders of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council, an organisation founded in 1980 in the Imampa, Docker River and Aputula settlements that had fought domestic violence silently for 12 years, stated:

In our communities there is a lot of petrol sniffing, illegal grog, people using marijuana and trafficking drugs and a lot of violence. There are a lot of people dying because of the violence, grog, petrol, marijuana, mental health problems and suicide.

There are children and young people who wander around hungry and neglected, with no one to look after them.

There are some men who will find weak young women and girls and give them petrol, grog or marijuana to get them to have sex with them.

Sometimes the men who are powerful on community councils are the ones doing the talking and sometimes they are involved in making the problem.⁷

Social causes of violence and abuse

The causes of abuse and other violence are well known. When parents do not have jobs, children grow up from infancy without regular meal times and other supports of family life. Schooling that is at best intermittent, does not teach basic skills, discipline or knowledge of the world. Violent DVDs tend to be the main source of entertainment. Boredom and lassitude are broken by bouts of frustration and resentment (especially when mainstream lives are glimpsed). All the stimuli of work and workplaces, career prospects, the hopes of owning cars (let alone houses), the dream of family lives of their own are denied to these young people. Overcrowded derelict housing, bouts of hunger, malnutrition and ill health are their daily lot. Fishing, hunting, food gathering and traditional ceremonies are

at best intermittent. They do not provide the rewards of mainstream work and incomes. Instead, drinking, smoking tobacco and marijuana, kava parties, sniffing petrol and using methamphetamines fill the vast spaces of ennui created by the joblessness and isolation of the 'homelands'.

Violence is common in all welfare-dependent societies. Because communal property rights mean that property and power disputes cannot be settled in courts, recourse to violence is inevitable. Violence was rampant in East European communist societies and still characterises the abuse of power in communist China. In the 'homelands', welfare dependence and communal property rights disputes are exacerbated by out of date social values, and cruel parodies of cultural traditions that are certainly not inherent in Aboriginal and Torres Strait Islander societies.⁸ Because education has failed to introduce rules of reasoning and causal sequences, fears of malignant spirits and sorcerers are used to strengthen the position of 'Big Men'. Distortions and perversions of pay-back practices have led to intimidation and a climate of fear.⁹

As a result of these social and cultural factors, violence has become endemic in the 'homelands', with a high incidence of murders, suicides (that may be disguised murders), assaults and child abuse merely being the most evident signs of a deep malaise. On Palm Island, children were reported to roam the streets late into the night 'because it was safer than their own homes with sexual abuse and neglect common within the Indigenous community'.¹⁰ For 'homeland' residents violence is so frequent that it does not attract comment. Powerful perpetrators of violence and abuse are protected by their leadership positions and connections. Policing cannot be effective when victims fear violent retribution if they seek justice. Witnesses to crimes usually refuse to testify because they fear harassment, intimidation and worse. If criminals are charged, physical assaults against witnesses often follow in the name of 'traditional Aboriginal culture'. Requests to medical staff and police to report and contain violence have largely been ignored.

Violence against women

The denial of equality to women is central to the assaults and sexual abuse that devastate the lives of women and children in the 'homelands'. Women's roles were subordinate to hunting and to the fighting necessary to preserve the tribe, but they had 'gathering' and childbearing roles that were essential to a nomadic band's survival. Demographic imperatives may have led to the marriage of girl-children to older men and to polygamy. But if today's violence against women and children had been practised, tribes would

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have been wiped out. Stone-age demographics, moreover, no longer apply. 'Customary laws' that sanction violent male behaviour, including violent behaviour by 'Big Men', are not compatible with Australian values.

The Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council specifically identified the role of leading Aboriginal men in violence against women and children.¹¹ Henry Councillor, Chairman of the National Aboriginal Community Controlled Health Organisation (NACCHO) warned that victims are likely to be assaulted if they complain and that 'we have to face the fact that the perpetrators are leaders of the community, and people are too often afraid to say this'.¹² Two prominent West Australian Nyoongar 'Big Men', Robert Bropho and Fred Collard, have been convicted and jailed for sexual attacks on young women.¹³ William Brown, Chairman of the Central Land Council, was given a sentence of two and a half months in jail when he threw a tomahawk at a woman, injuring her. The Alice Springs Magistrate, Melanie Little, suspended the sentence, so that he walked away free.¹⁴ Galarrwuy Yunupingu, a powerful Northern Territory leader who was a long time Chairman of the Northern Lands Council, conceded in Nhulunbuy Magistrate's Court in opposing a domestic violence order in June 2006 by his fourth wife, Valerie Ganambarr, that he had punched her in the cheek, tried to strangle her and dragged her along the floor by her hair. The Magistrate granted Ms Ganambarr's plea.¹⁵ But in October 2006 in the Supreme Court of the Northern Territory, Chief Justice Brian Martin, accepted an agreement by the parties to concede an appeal on the basis that Mr Yunupingu gave a written undertaking not to 'assault, threaten, intimidate or harass' his wife for six months. Justice Martin, who was concerned by inconsistencies in the evidence of the wife which stemmed from her apparent difficulty in understanding the proceedings, noted that this was a 'very sensible resolution of this matter'. Unfortunately to the world it confirmed that in the Northern Territory Indigenous women do not have the protection of the law, particularly if the assailants are well connected 'Big Men', and that, as noted in the media, enabling Mr Yunupingu to keep his guns for hunting was apparently of equal importance.

The Northern Territory passed legislation in 2003 to protect girls under 16 against sexual predators despite the protests of Mr Yunupingu,¹⁶ but argued that knowledge of the passage of the law was not widely known in Aboriginal settlements as an extenuating circumstance in the Yarralin case.

Violence against women is constant and pervasive. In Cherbourg, Queensland, in May 2006 two women were put in hospital, one with a punctured lung and broken ribs from a beating and the other with injuries due to an attack with a golf club.¹⁷ Communal medical practices do not record sexual violence or report it to the police.

In November 2006, Northern Territory Supreme Court Justice, Dean Mildren, remarked on the case of a girl who had been raped by Owen Bara on her way from school on Groote Eylandt just before her twelfth birthday, forced to have three children and subjected to constant violence under the guise of traditional Aboriginal marriage until she managed to leave Bara when she was 20. One of the daughters of this relationship was brutally attacked by Bara when she was five. Justice Mildren commented that the case was common knowledge on Groote Eylandt from the day of the girl's rape, but no one, not even the health workers involved in the births of her children, Indigenous and non-Indigenous, 'stepped in to help her'.¹⁸

Although polygamy is against Australian law, it is condoned by legal practice in the Northern Territory, Queensland, Western Australia and South Australia and by the welfare system that grants spouse allowances for several wives. Welfare staff argue disingenuously that this saves taxpayers' money. Paying multiple wives as individual single parents would evidently cost more. Polygamy is illegal in Australia. All new cases should be prosecuted, not condoned with welfare payments.

Sharon Payne, the prominent director of the North Australian Aboriginal Legal Aid Service that strongly supports 'customary' exceptionalism, considers that it is 'the influence of Western concepts [that has] contributed to broken families and violence'.¹⁹ She adds 'that there should be more involvement from Aboriginal elders in the sentencing process', claiming that 'there was usually nothing wrong with promised marriages as such. Promised brides are really about keeping kinship systems here, making sure the story of the country continues the way it should.' She concedes that 'the issue of forcing somebody to have sex against their will is a different matter altogether.'²⁰ But Indigenous girls, like all other Australian girls, must have the right to follow primary school with secondary education so that they can go on to work or further studies as they choose. To marry or not to marry, and whom and when to marry, must be their choice. The practice of children bearing children is unconscionable.

Violence against children

Violence against women has inevitably spilled over into violence against children. In May 2006 the London *Times* summarised Dr Rogers' *Lateline* evidence as follows:

A two-year-old Aboriginal girl was raped by a drunken relative who took her from outside her house while the mother was out, also drunk.

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A six-year old girl was raped anally by an 18-year-old Aboriginal petrol sniffer at a waterhole. She drowned as she was raped.

Another aboriginal man raped a seven-month old girl after taking her from a room of sleeping adults. The baby needed surgery under general anaesthetic for her injuries.

A two-month-old baby was stabbed by her father as he attacked his wife.

A violent father had frequent sex with his daughter as she shared a bed with her mother, and made her pregnant.²¹

The neglect of children by mothers and fathers in the throes of alcoholism, drug abuse and domestic violence is a damning indictment of 'living museum' societies. The Australian Institute of Health and Welfare claimed that state and foster care for Indigenous children was more than six times that for non-Indigenous children.²² Wesley Aird of the National Indigenous Council has called for more neglected children to be rescued. David Ross, Chairman of the Central Land Council, which covers an area where egregious neglect and abuse of children has been thoroughly documented, warned that the *Separation of Aboriginal and Torres Strait Island Children Report* ('*Stolen Generation Report*') resulted in children in need of protection not being taken into care.²³ There is worrying evidence that State and Northern Territory child care authorities, who have at best poor capacity for responding to children at risk, have been so afraid of being accused of 'stealing children' that many neglected children are left to their own devices in remote communities.²⁴ Paul Toohey partly attributes the high incidence of paedophilia to neglect so dire that children are seeking love from paedophiles to substitute for the parental love so devastatingly missing from their lives.²⁵

The release of a report on the high incidence of sexually transmitted diseases among young Aboriginal children in Western Australia documented child sexual abuse in Aboriginal societies. Of the 708 children reported with sexually transmitted diseases between 2001 and 2005, 80 per cent were Aboriginal. Of the latter, 19 were pre-schoolers or toddlers under 4 years of age.²⁶ A New South Wales report apparently containing similar findings was not released.²⁷

The abuse of young boys by Indigenous and non-Indigenous paedophiles in remote settlements, notably Maningrida, had been hushed up for years.²⁸ When some of the Maningrida boys found their way to Darwin, they deliberately stole to escape their so called 'communities' by going to jail where they were at least assured of a bed, regular food, a bit of education and television. One boy is said to have committed suicide rather than be

released from jail to renewed abuse in Maningrida, thus becoming a 'death in custody' statistic. In August-September 2006 the repeated rape of a 12-year-old Aboriginal boy over five months while bound and doped with marijuana by five teenagers and five men in Maningrida became a *cause celebre* in the region when the perpetrators were actually charged with the crime.²⁹ When the five teenagers' case came to the Darwin Magistrates court in February 2007, the 'respected Aboriginal leader' father of one of the accused boys sought to suppress media coverage because publicity would make it harder to resolve tension within Maningrida and to deal with the matter according to traditional law. The Magistrate, Dick Wallace, refused the application for a media blackout.³⁰

Rumours that boys as young as eight were being abused in pseudo initiation ceremonies were substantiated by Gary Lee, an Indigenous PhD student at Charles Darwin University who stated that '... everybody knows it's happening. There's a real reluctance to talk about it, yet everybody seems to know who the perpetrators are, and they are elders, older relatives, people with power.' Lee also noted that pornographic videos that stimulate sexual exploitation were not only common in remote settlements but in some instances were shown on large screens.³¹ In some Aboriginal settlements women have forbidden their sons to attend initiation ceremonies for fear of rape.³²

Following two months of public debate, the Commonwealth Government finally persuaded the Northern Territory and State governments to attend an Intergovernmental Summit on Violence and Child Abuse in June 2006. Fifteen Commonwealth, Northern Territory and State Aboriginal Affairs and Police Ministers and their attendant bureaucrats came. The Northern Territory and the States brought along their begging bowls for additional funding for police and there was a great deal of talk.³³ The principal outcome was a Task Force on Child Abuse that, after investigating 12 remote communities, made its fourteenth arrest in January 2007 of a 51-year-old man charged with sexually abusing four young girls in a Northern Territory remote settlement. He was bailed to appear in Darwin Magistrates court on 31 January 2007.³⁴

Alcohol, smoking and drugs

Alcoholism and drug abuse are higher in all welfare dependent communities than in working ones. High levels of alcoholism and drug abuse in the 'homelands' are not ethnic in origin, but result from weak education, low labour force participation and employment, and consequent family dysfunction. Welfare communities everywhere are notoriously violent because alcoholism and some forms of drug abuse, lead to violence.

Alcoholism

As the 'homelands' movement, with its lack of employment and pervasive welfare, led to high levels of alcoholism, reformers, particularly in Queensland, failed to analyse the causes of high alcohol consumption leading to a focus on alcohol 'management'. Alcohol management ranges from total prohibition to sales limits, sometimes with alcohol content restrictions. But in some communities in Queensland sales are limited to communally owned taverns so that the income of communities is dependent on alcohol consumption, encouraging drinking.

Alcohol-free settlements with no alcohol permitted are rare. Alcohol management has reduced consumption to some extent with community backing and particularly where employment is available. But where underlying socio-economic conditions that lead to high levels of alcoholism do not change, bored and frustrated people travel long distances and go to inordinate lengths—like alcoholics everywhere—to obtain a drink. Where alcohol is available in taverns, drinkers—often most of the people in a settlement—spend most of their time in a tavern when it is open or at drinking parties that readily become violent. Some communities arrange their welfare and CDEP payments to be staggered during the week so that they can binge drink for three or four days a week.³⁵ Heavy drinking is particularly associated with prolonged funeral ceremonies. Drunkenness is so common it is not remarked on. Drinking bouts lead to violence and sexual abuse.

Alcohol abuse is, of course, also the major form of substance abuse in mainstream Australia, responsible for many violent crimes, with heavy economic costs in production foregone and in health costs. It also destroys mainstream individuals and families. But in working societies with mainstream education, severe alcoholism is limited to a relatively small proportion of the population.

Smoking

About 50 per cent of Indigenous people, compared to 17 per cent of all Australians, smoke tobacco.³⁶ Smokers in the 'homelands' argue that it is not worth giving up one of their few pleasures because they will die young anyway. Marijuana is readily available—as it is anywhere in Australia. A third of Australians have smoked marijuana at some time.³⁷ It was not surprising that its use was reported to be rising in remote Indigenous communities in August 2006 by the National Drug Law Enforcement Research Fund (that supports 'war on drugs' strategies that have failed to halt consumption Australia wide).³⁸ It is not likely that marijuana is more readily available or more widely used than in mainstream Australia

but, as with alcohol use, the consequences are different because the socio-economic environment is different.

Kava

Kava was introduced to East Arnhem Land by missionaries from the South Pacific where it was generally limited to ceremonial occasions so that it did not lead to deleterious health effects. It was favoured because drinking kava leads to lethargy rather than violence. In East Arnhem Land consumption is so high that whole settlements are knocked out for a day or two every week. Seizures, extreme weight loss and permanent damage to vital organs follow. The Northern Territory Government is responsible for kava consumption under the *Kava Management Act 1998*. It has a monopoly of legal imports of kava, marketed through one wholesaler to licenced retailers who supply distributors in the settlements. The 600 to 800 grams a week retailers are permitted to supply to each purchaser are 'more than double the known harmful consumption levels (240–440g per week)'. Because kava is an important source of cash flows in the retail chain, the legal amounts are constantly exceeded. Legal supplies reached 26 tonnes in 2005 with a 'persistent illegal trade adding 8 tonnes'.³⁹ When the Minister for Indigenous Affairs, Mal Brough sought to limit supplies, he was shouted down. The health effects of high kava consumption are not taken seriously.⁴⁰

'Hard' drugs

Methamphetamines and other illegal 'hard' drugs are readily available in the Top End—as they are throughout Australia. The Commonwealth Government funded a tri-state (Northern Territory, South Australia and Western Australia) Substance Abuse Intelligence Desk in Alice Springs in January 2006. The Commonwealth raised its contribution to \$785,000 in October 2006 to enable the Desk to operate in 2007. The Northern Territory, South Australia and Western Australia are contributing the work of police but refuse additional funding. The unit has seized marijuana, amphetamines, LSD and ecstasy.⁴¹ Such action is no more likely to affect supplies than in the rest of Australia. As in alcohol abuse, 'hard' drug abuse affects a much higher proportion of the Indigenous 'homeland' population because of the absence of work and ensuing welfare dependence.

Petrol sniffing

The most devastating form of drug abuse, concentrated in central Australia, is petrol sniffing, particularly by children. Petrol sniffing destroys lives and leads to horrendous crimes. In areas where it is prevalent, some mothers used to smear petrol on their breasts to quiet crying babies in a latter-day version of the eighteenth century practice of soothing starving babies with gin. Sniffers become violent and uncontrollable and as their bodies are destroyed, they

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become a heavy burden on the mothers and grandmothers who have to care for them. Their wheelchairs mark the remote settlements where sniffing is prevalent. In 2003–4 it was said to affect more than 8 per cent of the central Australian ‘homeland’ populations. More than 20 South Australian Anangu Pitjantjatjara Lands Task Force programmes costing \$25 million had little effect on the 15 schoolchildren, 115 young adults and 92 people between 25 and 39 years old sniffing petrol in the Anangu Pitjantjatjara lands in 2004.⁴² In 2005 Wayne Chivell, the South Australian Coroner, was horrified when a mother, unable to express her distress because she spoke almost no English, brought her adult petrol sniffing son to a coronial inquiry into the deaths of two sniffers from Mutitjulu and one from Willowra. His picture, with a petrol can clasped to his chest, was captured on film, horrifying the wider Australian public.⁴³ In mid-2006 a coronial inquiry was called to investigate how the severed head of a petrol sniffing girl came to be dragged around the streets of the Fregon Kaltjiti (Pitjantjatjara) settlement of less than 300 people, 500 kilometres south-west of Alice Springs.⁴⁴ The successive Northern Territory and South Australian coronial inquiries drawing attention to the disastrous effects of petrol sniffing had little effect. ‘Truckloads of bureaucrats’, social workers and police bribes in the shape of sports equipment and even motor bikes were ineffective. In September 2006 there were thought to be at least 200 petrol sniffers aged 10 to 40 years in the Anangu Pitjantjatjara lands.⁴⁵

Commonwealth subsidies for the gradual replacement of petroleum by Opal fuel have been the only useful measure in reducing petrol sniffing. Some non-Indigenous consumers objected that it was hard on engines. Thus the Erldunda, Kulgera and Stuarts Well roadhouses at first refused to carry it instead of petrol.⁴⁶ The Minister for Health, Tony Abbott, however, succeeded in appropriating \$10 million of Commonwealth funds to subsidise the use of Opal in July 2006.⁴⁷ Funding was subsequently extended. It is supposed to be used in at least 65 communities by the end of 2006–07.⁴⁸ Progress was initially slow. Opal was supposed to be introduced in May 2006 in Oenpelli, a settlement of around 1,500, where petrol sniffing was known to be endemic with some 20 known regular sniffers. Diesel was used in the Oenpelli pumps. Petrol was brought in by car drivers and sold at \$30 a litre to sniffers. There was still talk of introducing Opal. In December 2006, four boys broke into the local meat works to sniff petrol, finding it in a quad bike and a petrol drum. A fifth boy raised the alarm when they failed to emerge the next morning: two were dead and one is probably damaged for life.⁴⁹

Although a systematic review of sniffing is not yet available, by early 2007 it appeared that substantial inroads were made into petrol sniffing

by the introduction of Opal. Reductions in the numbers of sniffers have been reported from sniffing centres in central Australia and the Anangu Pitjantjatjara Yankunytjatjara lands in South Australia.⁵⁰ But apart from importing petrol into Opal areas, petrol sniffers resort to lethal combinations of Opal with window cleaning and other liquids or simply steep Opal in polystyrene cups until vapours are released.⁵¹ Tony Abbott has soberly urged a continuing need for leadership and vigilance by remote settlements.⁵²

One drug 'bust' after another is reported in remote Australia. These do not signify a reduction of drug availability, but rather draw attention to continuing drug sales. Anangu Pitjantjatjara Council Chairman, Bernard Singer, correctly saw that 'jobs and training' were the only cures for petrol sniffing.⁵³ Worldwide, only economic and lifestyle changes have succeeded in reducing alcohol and drug abuse by individuals and communities. Alcoholics, drug abusers and petrol sniffers must, of course, be rescued by cures wherever possible.⁵⁴ There are three petrol sniffing rehabilitation centres in the Northern Territory. A year after the Commonwealth government made funding available, it was finally decided to build one in South Australia in February 2006.⁵⁵ But it is well established that only a few of those addicted can be cured. Treating substance abusers is the end of the road, not the beginning. The urgent task is to ensure that all Aborigines and Torres Strait islanders have decent education and living standards because this is the only known way to reduce levels of alcoholism and drug addiction.

Policing

Despite the Commonwealth Government's increased support for policing in the Northern Territory and the States, incarceration rates of Aborigines and Torres Strait Islanders remain much higher than for other Australians. They are highest in the 'homelands'. The ratio of Indigenous to non-Indigenous jail time is still growing. Aborigines represent 75 per cent of inmates in the Northern Territory. This is a higher ration than that of blacks in American jails. Aborigines have longer criminal records, have been convicted of more serious and violent offences, have committed more multiple offences, have more often breached previous court orders and were more likely to have re-offended after being given an alternative to full time imprisonment such as a suspended sentence than non-Indigenous Australians.⁵⁶ Their experience is closely mirrored by Canadian reservation *Autochthones* (native Indian Canadians)⁵⁷ because high criminal rates reflect the economic and social dysfunction of 'homelands' everywhere. Endemic violence is not likely to be reduced without radical economic and social reform, but improvements in policing are essential as the Doomadgee case showed.

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Considerable evidence indicates that many police in the Northern Territory, Queensland, Western Australia and South Australia are biased against Aborigines and Torres Strait Islanders. The policing that led to the death of Mulrunji Doomadgee on Palm Island, the reaction to the riots that followed and the subsequent seemingly dubious legal processes are not exceptional. Mulrunji went fishing early on Friday, 12 November 2004, and then, together with most men on the island, cashed his welfare cheque to start drinking. Passing two policemen who had been called to a 'domestic', he swore at one of the policemen, Sergeant Hurley, was arrested and put in a paddy wagon to be taken to the police station. Angered by this treatment, Mulrunji took a swing at Sergeant Hurley when he was taken out of the paddy wagon. Sergeant Hurley then allegedly knocked him to the ground, tearing his liver in half and breaking four ribs.

The Queensland Coroner, Christine Clements, found that Mulrunji had been killed by Sergeant Hurley. She concluded that:

It is a terrible tragedy that such a minor incident could lead to a man's death in custody. Mulrunji cried out for help from the cell after being fatally injured and no help came. The images from the cell videotape of Mulrunji, writhing in pain as he lay dying on the cell floor, were shocking and terribly distressing to anyone who sat through that portion of that evidence. The sounds from the cell surveillance tape are unlikely to be forgotten by anyone who was in court and heard the tape played.⁵⁸

A riot that burned down the police station after these events was quelled by the arrival of 30 policemen, with further arrests. The Queensland Director of Public Prosecutions, Leanne Clare, decided that Sergeant Hurley had no case to answer. When this led to a public outcry, the Queensland Premier, Peter Beattie appointed retired District Court Chief Judge, Pat Shanahan, assisted by Brisbane criminal lawyer, Peter Davis, to review Ms Clare's decision. But Mr Shanahan had been a member of the selection committee that appointed Ms Clare to her job. A new reviewer, Sir Laurence Street, was appointed. On his arrival at Palm Island he was greeted with the news of a second suicide. Mulrunji's son, Eric, killed himself shortly before the inquest into his father's death was finalised. Patrick Bramwell, aged 24, who had been in the cell in which Mulrunji was dumped and was expected to give evidence to the Street inquiry was found by his grandmother hanging from her almond tree. Michael McKenna and Ian Gerard commented on the house in which Patrick grew up that its 'walls (were) streaked with grime and graffiti, windows are broken, rooms bare with the exception of soiled

beds, and the primitive kitchen is a mess.’ In a good week there were only 11 family members in the three bedroom house.⁵⁹ Patrick’s aunt, Leanne Bramwell, said ‘her nephew had been anxious about his role in the death in custody of his friend’.⁶⁰ On Palm Island it was said police were pressuring him about his forthcoming evidence. A few days later Sir Laurence Street found that Sergeant Hurley had manslaughter charges to answer.⁶¹

Many settlements do not have police and many of the police positions that exist remain unfilled for long periods. Because of the lack of education there are few Indigenous policemen. Queensland discriminates against Indigenous Aboriginal Community police officers by denying them the free or subsidised housing available to non-Indigenous officers. Some non-Indigenous police behave professionally in difficult Top End conditions, but thugs, who are attracted to policing everywhere, have not been weeded out and are not controlled. Instead of stemming violence, many police contribute to it by bashing suspects. With most remote dwellers unable to speak English, mistrust between police and ‘homeland’ dwellers is inevitable. Sending police in temporarily where there are no police stations and sending in troops of 30 police after a disturbance heightens frustration and resentment. Rioting in Aurukun in January 2007 followed an alleged bashing case. Arrests for drug possession were followed by rioting in Maningrida a few days later.⁶² Police stations are too often alien oases where, between sorties to arrest drunk or violent locals, well-paid non-Indigenous policemen play cards with non-Indigenous nurses and teachers. Attempts to engage the community through outreach such as boys’ clubs are scattered and few. Clearly, the position will not improve until Aborigines and Torres Strait Islanders are represented in police forces, but until the Northern Territory, Queensland, Western Australia and South Australia introduce the necessary mainstream primary and secondary education, the current situation will prevail.

The law

A separate legal system continues to operate in the ‘homelands’. ‘Customary’ practices, such as public spearing, are applied as punishment for non-customary crimes. They have dire consequences when wounds become infected. They encourage further ‘pay-back’, with star pickets—the weapon of choice in the ‘homelands’—replacing spears. Pay-back against family members is responsible for many case of child rape. Murder is often the final consequence. Despite the cogent reasons for the abandonment of ‘an eye for an eye’ for the rule of law by civilised societies, bureaucrats who have failed to understand and hence to tackle Indigenous problems in the Top End still argue for ‘customary law’ for Aborigines and Torres Strait Islanders.⁶³

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The failure of education and lack of literacy creates severe problems in the administration of justice. Often defendants and witnesses alike require interpreters because of their complete lack of English skills. Ignorance of criminal codes is credible where Indigenous participants are functionally illiterate, and creates a vacuum for those pressing 'customary law' to push their claims. After the Yarralin hearing, Justice Martin took a group including the Northern Territory's Chief Magistrate, the Anti-Discrimination Commissioner, Ombudsman and others to a remote community to be instructed in 'customary law'. The 38 instances of customary law noted included an admonition against murder but, on the same level, also the prohibition of mentioning the names of dead people until two years after their death.⁶⁴ Indigenous laws, of course, differ from clan to clan. Such casual inquiry, like the Yarralin hearing, is an insult to jurisprudence.

Aboriginal legal defence services are mainly staffed by non-Indigenous lawyers. They use 'customary' law to protect assailants against victims, as they did in the Yarralin hearing. Women are doubly disadvantaged by traditional law that denies them rights in 'homeland' societies' and by the use of customary law in judgments and sentencing that protects aggressors against victims.⁶⁵

Murders are masked as manslaughter. When Gavin Makuma Yunupingu killed his sister-in-law, he was charged with manslaughter.⁶⁶ In May 2006, Trenton Cunningham who had abused his wife, Jodie Palipuaminni, for 11 years and had been charged and convicted for pouring boiling water on her and beating her with a steel bar so that she had to be hospitalised, killed her while out on parole for his crimes. She had appealed fruitlessly for protection to health staff on the Coburg Peninsula 29 times. Initially charged with murder, Cunningham was convicted of manslaughter and sentenced to 11 years and six months jail with a non-parole period of six years and six months.⁶⁷

Since 1996, 12 Indigenous people in the Northern Territory have been convicted for murder and 62 for manslaughter. There have been 24 convictions for dangerous acts causing death and 23 for dangerous acts causing death while intoxicated. That is, there were 109 non-convictions in 10 years for what were probably murders. This situation is partly due to the Report of the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission investigated 99 Aboriginal deaths in custody between October 1987 and November 1990. It was clear that the high number of Indigenous jail inmates was responsible for the high number of deaths. But because the Royal Commission failed to analyse the causes of violence and biases in policing that led to high incarceration rates, the conclusions drawn were that jail led to death so that it should be avoided

at all cost.⁶⁸ The plight of the victims of crime, notably of abused women who became victims again when their attackers were treated leniently, often by recourse to customary law, has been disregarded.

Exceptionalists, who have failed to identify the real causes of the high incidence of violence in the 'homelands', argue for 'community' policing and sentencing instead of the rule of law. In the 'homelands' this means that semi-literate, non-English speaking men without any acquaintance with the law are working as auxiliary police. It has been alleged that 'community police' even play a role in pay-back. They usually support 'Big Men' who are also often backed by formal legal representatives, for example, magistrates in 'judging' cases such as assault within remote settlements. Practices like these are a travesty of community policing like 'neighbourhood watch' that have proved successful in enhancing the strength of civil societies against an occasional psychopath. In the 'homelands' context, community policing and sentencing entrench 'Big Men'—who may also be grandmothers—further enforcing perverse rules and power structures. Daughters-in-law and children have no recourse to justice. Intimidation is enhanced. Complaints, however, are reduced so that naïve researchers can report success.

Customary Law

Commonwealth funding has been channelled into reform, but change is being bitterly fought by the supporters of legal exceptionalism who welcome everything that is practiced as 'customary', 'traditional' or 'cultural', even if it transgresses every principle of decency. Queensland Police Minister, Judy Spence, refused to cooperate with a Commonwealth Government proposal to review Indigenous policing.⁶⁹ The Northern Territory's Chief Minister, Clare Martin, fully aware of child abuse incidents, resisted pressure for an inquiry into violence and sex abuse for 18 months.⁷⁰ Syd Stirling, the Northern Territory Attorney-General, however, in September 2006 proposed reforms so that 'Being drunk will no longer be a defence to murder, and nor will an offender's cultural or ethnic background in assessing an ordinary person's behaviour.'⁷¹ These changes were introduced into the Northern Territory *Criminal Code* in October 2006.⁷² Jodeen Carney, Northern Territory Opposition Leader and Shadow Attorney-General, rejects exceptionalist arguments strongly, noting that 'The women and children who are brutalised every day in Central Australia are, apparently, meant to take great comfort from the knowledge that their violent, and usually drunk attackers have some passing acquaintance with, and at best a tenuous involvement with, some cultural practices.'⁷³

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A Commonwealth Senate Committee disagreed with Ms Carney. Most of the law, notably criminal law, concerning Aborigines and Torres Strait Islanders is Territory and State law, although the Commonwealth can legislate directly to change Territory law.

After the July 2006 COAG Council meeting when all States and Territories agreed to a renewed effort to overcome violence in Indigenous settlements, a Commonwealth Bill was drafted proposing that cultural background and customary law were to be ignored during sentencing for federal offences.⁷⁴ The Senate Committee considering the Bill was subjected to a vigorous campaign by lawyers committed to continuing to treat Indigenous people separately and differently. The eight Senators who comprised the Committee, under the pressure of the exceptionalists, apparently forgot that their ancestors in the distant past also treated women as chattels, but that by the time the First Fleet sailed, brutality against women was being questioned. The Committee recommended for exceptionalism. Philip Ruddock, the Commonwealth Attorney-General, is unequivocal: 'No one convicted of a crime in Australia should be able to plead their cultural practices and beliefs as mitigating factors in their sentencing. There should be one law for all.'⁷⁵ *The Australian* followed with an editorial under the heading of 'One law for all'.⁷⁶ The Committee's recommendations should be scrapped so that the Commonwealth can lead legal reform. An end to all forms of customary law is essential if women and children are to be accorded the protection of the law.

Cultural evolution

The evidence of family and community dysfunction in the 'homelands' is compelling. It cannot be ignored. The persistence of traditional beliefs that are no longer appropriate and of distortions and perversions of traditional practices, emphasise the urgency of the evolution of Aboriginal and Torres Strait Islander traditions to reasoning from evidence, to the acceptance of concepts of equality, liberty and of individual and mutual obligation and shared responsibility that underpin Australian social well-being. Sorcery, pay-back and misogyny have to be left behind to free men, women and children from fear and the rule of the strong. Exceptionalism that leaves weak Aborigines and Torres Strait Islanders, particularly women and children, at risk is a form of reverse racism. So are biases in policing and legal procedures. Substance abuse and violence will continue in the 'homelands', fringe communities and ghettos if the underlying socio-economic conditions do not change and if there is not one law for all. ■

Chapter 5

Land Rights and Land Councils

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5. Land rights and land councils

Recognition of past injustices and raising living standards for Aborigines and Torres Strait Islanders were long overdue when the movement to return some of Australia's lands to Aborigines gained momentum. During the past 30 years, Aborigines and Torres Strait Islanders have acquired native title rights to over a million square kilometres, equalling 20 per cent of Australia, and ranging from about one per cent of New South Wales to more than 40 per cent of the Northern Territory. Why then are Aborigines 'land rich and dirt poor'?

Inalienability and communal ownership are contrary to the economic principles that make private property rights the foundations of high income market economies. Denying Aborigines and Torres Strait Islanders private property rights meant that they have not been able to become entrepreneurs either by putting land to productive use or by using it as collateral for business. Unable to own their homes, they have been denied the comfort of their own dwellings and pride of ownership. Personal and family private property rights have not been able to evolve, retarding the development of civil society and Indigenous entrepreneurship.

Inalienability and communal ownership are a legacy of judicial interventions in economic policy, that, like the Harvester Award, bypass democratic parliamentary processes, disregarding economics in the name of social welfare and imposing high costs on low socio-economic groups. Entrenching narrow vested interests, judicial interventions are extremely difficult to reform. Justice Woodward and the High Court Justices were apparently unaware of the role that private property rights played in the economic development that has resulted in high incomes in market economies. The Justices ignored the considerable literature that already made the high costs of native title legislation an anachronism at the time of their deliberations. The legal arguments underlying the *Mabo* judgment have been questioned,¹ but although the economic foundations were examined in the early 1990s,² a debate about the conflict between communal and private property rights did not evolve until the poverty of the 'homelands' and its causes became evident from 2000 onwards.³

Land councils

Communal land ownership is complicated by a structure in which Land Trusts often actually own land while land councils administer it. Land Trusts do not only cover land in the remote homelands: thus the Northern Territory has 13 land trusts, Queensland has 49, South Australia has five

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and in Western Australia ownership is consolidated into one Aboriginal Lands Trust. In the Northern Territory, diverse clans have been grouped into the large Northern (1973) and Central (1974) Land Councils and there are two smaller Tiwi and Anindilyakwa Land Councils. Queensland has Northern, Central and Carpentaria Land Councils; Western Australia has the Goldfields, South West Aboriginal Land and Sea and Nanga-Ngoona Moora-Joorga Land Councils; South Australian land councils include the Antakaringa (Coober Pedy) and the Adnyamathanha Land Councils; and in New South Wales many small land councils have been placed under the control of a New South Wales Land Council. Other Indigenous organisations can also make land claims. Land trusts and land councils are the leading organisations, but a large number of other Indigenous organisations have been encouraged to form and multiply by separatist legislation and special registration facilities provided by Commonwealth and Territory/State jurisdictions. The National Native Title Tribunal is an additional umbrella body presiding over the registration of Indigenous Land Use Agreements Australia-wide but it by no means includes all land use arrangements in Australia.⁴ There is no general oversight or comprehensive registry of native title agreements.

Trusts and councils have separate boards, but in the 'homelands' land councils manage the swathes of land under communal native title. Board members are Indigenous. In the Northern Territory, the Northern Land Council has seven Regional Councils totalling 78 members and the Central Land Council has nine Regional Councils and a total of 89 members.⁵ The 'Big Men' (which include some women) that dominate trusts and councils are the power brokers, their rule not only embedded in legislation but enforced by kinship relations that include child marriage, polygamy, sorcery and pay-back. Extensive *ad hoc* consultations and scheduled periodic local, regional and central meetings settle the constant surges of conflicting claims from disparate clans and from within clans so that the councils absorb resources like sponges. Most 'homeland' trust and council members are not fully numerate or literate. Many can barely sign their name. They are not expected to contribute to the setting of council agendas. Their role is to collect their fees and support the more articulate 'Big Men'. Despite 'capacity building' rhetoric, the land councils have paid so little attention to basic education and real training for 30 years that managers, support staff and consultants are overwhelmingly non-Indigenous. They usually play the determining role in land council affairs.

Using native title to generate income for the constituent populations was presumably a major native title objective. Land councils were supposed to marshal income by leasing their land for productive purposes to commercial

enterprises. They have proved to be singularly inept in realising returns. They have not sought long term benefits through employment objectives. They lack professionalism in negotiations because they engage lawyers and other consultants on the basis of their communitarian beliefs and support for quick cash returns. Lip service has been paid to the importance of preserving 'sacred sites' and respecting 'country', but the emphasis in negotiations has been on short-term lump sum payments and longer term royalties and other cash rents that are often soon spent.⁶

The principal sources of income are from mines. Land councils are involved in negotiations for exploration and mining leases in addition to Territory and State governments, making the process costly for mineral corporations. Corporations frequently have to fund Indigenous negotiating bodies so that negotiations can proceed. Recent amendments have sought to simplify negotiations on native title land in the Northern Territory, but considerable resources still have to be consumed in every negotiation. The mining industry considers that native title Indigenous representative bodies should be spending an additional \$50 million a year in negotiations.⁷ There are no estimates of the actual costs to Indigenous land owning bodies, governments and mining corporations.

High mineral prices have increased mining profitability so that the industry is currently able to bear the costs of prolonged negotiations and high royalties, but this may not always be the case. Interest in mineral exploration and mining has increased, but it includes a growing number of get-rich-quick operators.

A new trend in mining agreements, has, nevertheless, emerged on the initiative of large and responsible mineral corporations interested in the industry's long term development with a local labour force. Instead of responding to a *rentier*, royalty-seeking mentality, these agreements incorporate the training of Aborigines for employment in mining. Such agreements could be pushed further to support schooling to ensure that 'homeland' youngsters can take up mining jobs.

Land councils are also involved in negotiations for rents from pastoral, horticultural, fishing, crabbing and other land and sea uses by private enterprise. The Central Land Council, for example, negotiated six pastoral leases in 2005–6. Returns from such rents are limited.

A recent groundbreaking settlement in North-Western Australia broke away from the *rentier* mentality to consider how horticultural land could produce income and employment under Indigenous ownership. The Chairwoman of the Miriuwung Gajerong Corporation, Edna O'Malley, rejected the argument of Pat Dodson (Chairman of the Reconciliation Council) that the public purse should be used to subsidise Indigenous

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nomads. Ms O'Malley commented that '... nobody wants to get Centrelink money ... it doesn't get us anywhere.' She argued that her people should acquire arable land so that they could not only lease land to farmers but also go into their own horticultural production to provide employment.⁸

Councils also spend a great deal of time approving other land uses such as the construction of public roads on the lands they administer and are concerned with giving permission for surveys, research, filming and photography.

Because of their *rentier* rather than production and income orientation, land councils and other Indigenous organisations spend a lot of effort on expanding their entitlements to land and sea rights. Increasing communal land ownership has high value for the 'Big Men' who run the land councils. The Northern Land Council considered it a major achievement that its land area increased from 124,818.18 square kilometres in 1984–1985 to 208,730.94 kilometres in 2002–2003. It reported that it was still adding an average of 3,000 square kilometres a year.⁹ The Central Council's Native Title Unit has been actively engaged in native title claims since 1994, with considerable areas still being claimed.¹⁰ Outside the Northern Territory, land ownership is also increasing though the recognition of historical links to land tends to be the priority rather than ownership, with an emphasis on sites of particular interest and the use of land for national parks. All land councils are thus involved in negotiation and legal procedures that have created substantial interests for legal, anthropological and other consultants who are not interested in the simplification of land title and leasing procedures.¹¹

The Indigenous Land Corporation

The Indigenous Land Corporation was established in 1995 '... to assist Indigenous people in Australia to acquire land and to manage Indigenous-held land in a sustainable way to provide cultural, social, economic or environmental benefits for themselves and for future generations.'¹² The Corporation is taxpayer funded. It buys land and it runs 10 pastoral stations. On these it employs 194 Indigenous workers out of a total of 309 employees, complaining that it often has to employ backpackers and other non-Indigenous workers because the CDEP system makes its job offers unattractive.¹³ It is impossible to learn from the Corporation's *Annual Reports* (going back to 2001–2) how much taxpayer money has gone into the land fund that finances the Corporation, how much has been spent and what the returns to that investment have been. Gary Johns claims that the Indigenous Land Corporation 'has more or less given up buying land for economic purposes. It has suffered too many failures.'¹⁴

Peter Howson has argued not only that the Corporation's transactions and properties have been mismanaged, but that in the 10 years from 1995 it spent \$438 million on 170 properties that at 30 June 2004 were valued at only \$160 million. He concluded that it should be wound up and the money spent on Indigenous education.¹⁵ His case has not been answered by the Corporation.

Land council earnings

In the Northern Territory, the royalties due to the four land councils flow to the Aboriginals Benefit Account that is headed by land council representatives but has been administered by the Commonwealth since 2003. The Aboriginals Benefit Account received \$57.3 million in 2005 and \$70.7 million in 2006.¹⁶ These are not as large as the mineral resources of the native lands would suggest they should be. The total returns to the 35,000 or so people thought to be living in the four Council areas amount to a little over \$2,000 per person annually. Only a very small proportion of the income that is disbursed, moreover, actually reaches the land councils' 'homeland' dwellers. Land council incomes are not taken into consideration in funding the 'homelands' and little, if any, tax is paid by those who actually receive these incomes.¹⁷ On the contrary, public funding also has to support the people leaving the 'homelands'. The Central Land Council is being subsidised by the Commonwealth's provision of accommodation for the estimated 2,000 people who have gone from their 'homelands' to live in the 'long grass' camps around Alice Springs.¹⁸ Darwin, Katherine and Tennant Creek 'long grass' camps similarly take the overflow from the Northern Land Council population.

The Aboriginals Benefit Account disbursed \$36.7 million in 2005 and \$44.8 million in 2006 to the four land councils. Forty per cent of the monies received went to meet administrative costs. Any money not needed for administrative costs could be distributed by the land councils. In 2004–5 in addition \$10.7 million was given by the Aboriginal Benefit Account to the land councils for distribution to their populations. This would have been \$300 per person if it had been distributed. In that year, another \$10.5 million was assigned for development grants to land councils and approved Aboriginal organisations 'assessed as having the administrative capacity to manage ABA grant monies'.¹⁹ The grant to the Northern Land Council included \$400,000 for 'ceremonial activities'. The Central Land Council received a grant of \$3 million for a new office building and the Anindilyakwa community \$2 million for investment in an office block. The Northern Aboriginal Investment Corporation received \$488,887 for unspecified purposes. The Central Land Council received \$88,000 for the

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Arkatna Aboriginal Corporation, again for unspecified purposes. In 2006 the grant component fell to \$8.9 million, with nearly one million going to social and economic development, \$2.2million to 'regional economic development strategy', \$2.1 million to 'Youth/education' and \$2.2million to 'Land/Sea management'.²⁰ Since being taken over by the Commonwealth, the Aboriginal Benefits Account is to be 'viable over the longer term' and 'targeted to achieve outcomes, particularly economic development'.²¹ It is therefore accumulating reserves on which it is earning interest.

Lump sum and recurring royalty payments accruing to land councils in Queensland, Western Australia and South Australia and the many other Indigenous organisations are not systematically reported. State Governments appear to be less concerned with transparency and accountability than the Commonwealth. Some royalty and lump sum recipients have begun to seek the assistance of financial institutions in the management of their income. The total annual income from native land title, and how much accrues to Aboriginal and Torres Strait Islander men, women and children rather than being absorbed by salaries and administrative costs, is not known.

Proposals for land privatisation are fiercely resisted. Palm Island has become a derelict settlement in spite of its ideal location. Other islands off the coast of Queensland, and the coast itself, are thriving tourist centres with communities of such well-being that they are attracting population from southern Australia. There is no reason why Palm Island should not be such a community. But when Andrew Boe, a Brisbane lawyer, prepared a proposal for the Palm Island Aboriginal Council to reclaim the settlement, including steps to start privatising land ownership, the Queensland Government was deaf and blind.²²

Landcare

Given the strong ties to the land of Aborigines and Torres Strait Islanders, it is amazing that the last 30 years of land title transfers have seen a disastrous spread of erosion, weeds and feral animals (including goats, dogs, cats, horses, pigs and camels) leading to substantial degradation of native title land. A Royal Society for the Prevention of Cruelty to Animals (RSPCA) initiative on Palm Island in 2003 showed the benefits of an environmental clean-up while also providing an occupation for bored unemployed youths. Three hundred wild horses were yarded, the dogs preying on them were put down at the rate of 30 a week, while dogs claimed by owners were sprayed, wormed and microchipped so that they could be kept under control, all to the great benefit of Palm Islanders. Funding was poured into the project after it was well on the way through a Shared Responsibility

Agreement.²³ Unfortunately, this is an isolated example of a small-scale Indigenous effort to control feral pests. Killing goats for pet meat, keeping down feral dog numbers and exporting camels are all non-Indigenous enterprises. It is clearly impossible for communally owned organisations to undertake pest eradication on a significant scale.

Rangers

Proponents of increased taxpayers' funding to enable the present 'homeland' separatist policies to continue in perpetuity have seized on publicly funded land care as a major source of future employment. The rhetoric has taken off. The Northern Land Council is said to be coordinating 35 Indigenous ranger programmes employing about 300 participants.²⁴ Fifteen ranger stations are being built to house boats and vehicles. The Bawinanga Aboriginal Corporation (Maningrida), for example, has provided uniforms for 15 rangers who are employed at \$230 a week, using CDEP funding, to watch for illegal foreign fishing boats.

Five uniformed Maningrida rangers located an Indonesian fishing boat in distress in November 2005, requested that it follow them into the Maningrida estuary while they reported it to Commonwealth Customs. They entertained the crew with a corroboree and because the vessel had run out of food, gave the Indonesians cigarettes, bread, ham, bacon and cold drinks while they waited for Customs staff to arrive.²⁵ Banyala on Blue Mud Bay was allocated \$205,000 to expand its conservation work, including cleaning up marine debris and controlling feral pigs and buffalo. It received a boat to enable illegal fishing vessels to be reported and two four wheel drive vehicles to move it around. A ranger station was constructed by contractors to house the equipment. 'Training' as rangers, uniforms, badges and CDEP payments were provided for four Banyala men.²⁶ There has been some success in preventing excessive Aboriginal harvesting of dugong. In Western Australia at One Arm Point five local Bardi men were to become uniformed rangers to assist senior fisheries officers catch Indonesian trochus poachers who were said to be destroying local trochus fisheries. The Commonwealth Government was asked for \$20 million.²⁷

Inland 'land care' and 'preservation' tasks have not been specified. Equipment—trucks and boats—have been supplied by the Commonwealth Government. The rangers are paid from CDEP funds.²⁸ Land care is supposed to include cleaning up the rubbish blowing round the streets of remote settlements, though why Commonwealth funding is necessary for what most Australians do as a matter of course is unclear.

The *Annual Reports* of the Northern and Central Land Councils have become models of environmentally sensitive rhetoric, but it is not easy to

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find cases of settlements cleaned up, erosion stopped, weeds cleared, feral animals destroyed and dogs (in plague proportion) caught and put down. There are no requirements of working hours or days, or for written reports on what has been accomplished. Ranger jobs, with their CDEP wages, four wheel drive vehicles and boats, have been the prerogative of well connected men with 'Aboriginality' assumed to be sufficient qualification for ranger positions. The associated use of public vehicles and boats is highly prized. The latter are used for recreational fishing. 'Rangering' thus appears to be one of the more cheerful 'homeland' scams. But one 73-year-old Mutitjulu elder was brought to court after months of using his ranger vehicle to visit remote 'outstations' where he offered petrol to girls of five and six in return for sexual favours.²⁹

Indigenous Protected Areas

Indigenous Protected Areas are being declared special conservation zones by the Commonwealth Government. The twentieth such declaration was signed with the Alyangula Land Council on Groote Eylandt after appropriate 'cultural dances' in June 2006. The Area took a long time to negotiate. The Land Council Chairman, Tony Wurramarba, was enthusiastic because he thought it would bring many jobs in the rehabilitation and revegetation of the island's manganese mine, 30 jobs in eco-tourism to begin in July 2007 and training for young people as rangers.³⁰ Greg Hunt, then Parliamentary Secretary to the Minister for the Environment and Heritage, was recruited to the cause, looking forward to the cleaning up of unacceptable litter and decay and seeing environmental partnerships with remote settlements in meaningful work, mutual obligation and Commonwealth payments for environmental services. He saw '... an enormous potential for Indigenous environmental management as an avenue for meaningful careers and the development of community pride.'³¹ Funding is available from the Department of the Environment and Heritage's ten-year-old Indigenous Protected Area Program that includes the 'homelands', although its 22 Aboriginal Protected Areas are mainly in regional Australia. Brian Gilligan, formerly Director-General of the NSW Parks and Wildlife, who recently reviewed the Program, was enthusiastic about it, recommending that the Commonwealth Government spend \$11 million over the next four years. He considered that \$20 million to \$30 million might be able to be well invested by 2010–2011 and that this could rise to \$50 million thereafter!³²

Future rangers

Prospects are not propitious for the future. Where rangers receive training it is in the debased Northern Territory's Vocational Education and Training (VET) system that does not regard numeracy or literacy as requisite for

‘certificate’ training (Chapter 8). Hunt envisaged that ‘junior rangers’ would be recruited in special primary school courses with secondary ranger courses to follow. This is unfortunately already happening. Aboriginal children who were unable to keep up in English and maths in a Jervis Bay primary school were not to be bothered with tutoring and mentoring to enable them to catch up, but were to be enrolled in special ‘ranger’ programme in Booderee (Jervis Bay).

To be effective land care agents, rangers at the very least have to be literate, numerate and able to communicate their findings in English. They have to be able to service equipment and use computers. They need at least mainstream secondary schooling to play a real role in conservation. Tertiary training is a necessary qualification for the management of national parks. Until Aborigines and Torres Strait Islanders become professionally trained they will continue to be unskilled, low paid ‘pretend’ rangers and picturesque ‘tribal’ tourist guides. Non-Indigenous managers and consultants will continue to run their lands and be their bosses. This is where current programmes are heading.

Permits

Land councils administer a permit system that differentiates native title land from all other Australian privately-owned land which is accessible to all subject to the common law of trespass. Territory and State ‘crown land’ national parks are usually regulated by universal entry conditions. Where fees are charged they apply uniformly to all visitors. Native lands are subject to ‘pass laws’ that are a mirror image of the former access limits to white lands in South Africa. Admittance and residence on native title land is restricted by ‘permits’ administered by land councils or other landowning Aboriginal organisations. Everyone who visits native title areas for any reason is supposed to apply for a permit to do so. In 2005 the Northern Land Council issued 14,104 transit and recreation permits and the Central Land Council issued 896 work and visiting permits, 2,003 transit permits, 82 tour company permits or a total of 2,981 permits.³³

These permits are discretionary. They are not important for the income they bring, though some incur charges, but for the power they confer on Councils and other Indigenous organisations to hide the secrets of the ‘homelands’. Power-brokers use permits to limit or prevent access by those they wish to exclude. Too often, their principal function has been to threaten potential Indigenous and non-Indigenous whistle blowers, enforcing conformity and suppressing victims. Permits to live in a location where corruption is rife can be withdrawn. Permits are used to keep out potential commercial competitors. Permits are also used to limit inquiry

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into conditions in the 'homelands' by media and researchers. Permits have thus been denied to journalists thought to be critical of conditions in the 'homelands', but granted to those who could be relied on to give favourable accounts. In South Australia, journalists must be accompanied by (and pay) a local 'cultural advisor'.³⁴ *The Australian* editorialised in August 2006 that 'monsters live in the dark' when the then Leader of the Opposition, Kim Beazley 'was forced to leave behind his usual retinue of reporters and photographers' to be allowed to visit Wadeye in the notoriously troubled Thamarrurr region.³⁵ Refusal to issue permits has been a principal reason for the long neglect of the endemic deprivation and crime of the 'homelands'.

Nicholas Rothwell, the eminent writer with years of experience in the Top End and unbounded sympathy for its people, has identified the secrets the permit system protects:

A persuasive silence is maintained by public servants and community workers, who have long since abandoned their reformist dreams and know they will be sacked at once by their Aboriginal 'employers' if they speak out about any of the linked syndromes of the bush: violence, drug and grog running, sexual abuse and predation, the failure of educational institutions, the constant, corrupting effects of welfare and work for the dole schemes.

Secrecy is also at the Aboriginal heart of dysfunctional communities, battered women and abused children do not dare speak out; senior Indigenous leaders are obliged to shield and protect their relations; mothers persuade their daughters-in-law to keep a code of silence about the sufferings that husbands inflict. Superimposed on top of this local discretion is the elegant muffling filter of the legal system: police cannot gather evidence from victims who fear to testify, while magistrates often pass light sentences in order to spare offenders the pain of incarceration far from the land.³⁶

John Reeves, a Darwin QC, was a lone voice in 1998 when he argued in *Building on Land Rights for the Next Generation* that to boost economic activity it would be necessary to break up and decentralise the Northern Land Council and abolish permits. In 2006, when the permit system was being questioned, Reeves added that it was being used to remove those 'that fall out of favour with the local ruling elite' and to get rid of those who want to run businesses that would compete with communal enterprises.³⁷ Mal Brough, the Minister for Indigenous Affairs, shocked by allegations of child abuse at Maningrida, sought to end the permit system to enable

child abuse and other crimes to be exposed.³⁸ Doubt was subsequently cast on the specific instances of child abuse cited by Mr Brough, but not on its prevalence in Maningrida. Mr Brough was aware of the purpose and effects of the permit system:

The permit system has been in place in the Northern Territory for almost 30 years. It has not improved the lot of Aboriginal Communities, nor has it protected them from exploitation, abuse and unscrupulous operators. However, it does serve to reduce public scrutiny of conditions in those communities already isolated because of their geographic remoteness.³⁹

Lowitja O'Donoghue thought it was time to end permits in the Pitjantjatjara Yankunytjatjara lands.⁴⁰ National Indigenous Council Chairwoman, Sue Gordon supported Mr Brough.⁴¹ The Northern and Central Land Councils, on the other hand, have organised opposition to the ending of permits, fearing an erosion of their powers. David Ross, the Chairman of the Central Land Council, claimed that every Aborigine in central Australia rejected the proposal to end permits.⁴² The Northern Territory's Chief Minister, Clare Martin, strongly supports the permit system and continues to oppose its reform.⁴³ Sharon Payne, of the Northern Australian Aboriginal Justice Agency said the plan to end permits was a 'disgrace designed to violate Indigenous Australians' human rights.⁴⁴ The South Australian Government, severely embarrassed by the shocking conditions in the Anangu Pitjantjatjara Yankunytjatjara lands, attached an amendment to a petroleum bill to end the 'ultra rigid' permit system that allowed few outsiders to penetrate the Anangu Pitjantjatjara Yankunytjatjara lands,⁴⁵ but it was subject to such strong lobbying in favour of retaining permits that it was lost by one vote.⁴⁶

Ninety-nine year leases

Communal ownership and inalienability has severely limited the extent to which Aboriginal and Torres Strait Islander land can be turned into a productive asset. Royalty and other income returns have been extremely limited and have largely been wasted or appropriated by 'Big Men' with little benefit to the majority of 'homeland' dwellers. In the 2004–2005 Northern Land Council's *Annual Report*, the Chairman, John Daly, acknowledged that:

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The Land Council has been very successful in assisting Aboriginal people to regain control of their traditional lands and, to a significant extent, their seas. Aboriginal people also have significant native title rights and interests over the pastoral estate ... Our people are amongst the poorest in Australia.⁴⁷

Property rights reform is essential to releasing the value of land to benefit the majority of the people living in the 'homelands'. The amendment of the *Commonwealth Aboriginal Land Rights (Northern Territory) Act 1976* to introduce 99-year leases was bitterly disputed by the Central and Northern Land Councils, by other 'Big Men' and non-Indigenous administrators and their consulting advisors who argued that existing leasing arrangements were adequate.⁴⁸ Terry O'Shane, Chairman of the North Queensland Land Council was opposed to the introduction of 99-year leases because he feared that land developers would buy up Aboriginal land.⁴⁹ Previous Northern Territory lease tenures only ran for relatively short periods of 20 years, not allowing for long-term investment, limiting their use. This is also the case in the States. The Bill amending the Northern Territory law was passed in November 2006. A move has been made to negotiate 99-year leases in the Tiwis, but the other Northern Territory Land Councils are opposed to 99-year leases and have taken no action to implement the amendment. The States need to follow.

'Homeland' residents who have never experienced land ownership and who are unfamiliar with leasing concepts, fear change because of its uncertainty and risks. They fear retaliation if they oppose council 'Big Men' who do not want to see 99-year leases issued. The Indigenous Co-operation Centres that are supposed to watch Indigenous interests do not have the capacity, and often do not have the desire, to become involved in advising 'homeland' inhabitants of the consequences of communal versus private property rights. Mainstream media do not penetrate into the 'homelands'. Some councillors may change their views when they begin to see how they could benefit from land leases and land sales. But without a strong Commonwealth Government lead, the prospects for land council reform and progress from communal ownership that benefits a few to private ownership that benefits the many are not strong. ■

Chapter 6

Property Rights and Communal Enterprises

6. Property rights and communal enterprises

The initial ‘homeland’ settlements did not have the facilities of small towns—shops, transport and medical practices—and they were too small to enable private entrepreneurs to start them up. Communal enterprises fitted the communal property rights-based Coombs model better than private enterprise, so that land councils, local governments and the many other communal Indigenous organisations also started enterprises. Missionary organisations participated by running shops and air services with Indigenous organisations. Where enterprises were economic, private entrepreneurs joined in. Three principal types of communal, or communally-associated enterprises emerged: services for the ‘homelands’, Aboriginal art and ‘tribal’ tourism, and production such as fishing, crabbing and labour services for mines.

Service enterprises

Service enterprises range from shops, fast food and kava sales in medium and large sized settlements to larger scale businesses such as air and barge transport run by ‘homeland’ association groups and land councils. Most of these were initially established because economies of scale were too small for private entrepreneurs. They take advantage of the prevalence of ‘book ups’ (permitting delayed payment till pension day) and cash-outs for EFTPOS cards as well as their monopoly positions to charge high prices and thus earn high compensation for their Indigenous board members and mostly non-Indigenous managers. In the past most EFTPOS cards and pin numbers were left with stores though more ‘homeland’ dwellers are taking charge of these themselves. Communal organisations use their monopoly ownership to exclude private, including Indigenous, entrepreneurs. They often lack basic business skills meaning they are inefficient. Larger operators such as land councils keep out smaller association or settlement operators. The Tiwi Land Council operates a costly barge operation that cannot deliver services in an emergency, but private operators have not been allowed to come into the Tiwis. A private tourism initiative was also thwarted. Tiwi Land Council businesses, however, enabled six Tiwi Councillors and three staff to enjoy a fully funded three week round the world trip, ostensibly to visit forestry and aquaculture ‘business partners’ in South Korea, England and the Netherlands, but also to attend their (non-Indigenous) secretary’s wedding in Germany.¹

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Some enterprises are owned by religious organisations and others are jointly operated with non-Indigenous private entrepreneurs. Most board members are Indigenous but management is usually non-Indigenous.

The former missionary Arnhem Land Progress Association (ALPA) owns community stores in Galiwinku, Gapuwiyak, Minjilang, Milingimbi and Ramingining and through a subsidiary, Australian Retail Consultants, manages another seven community stores in the Northern Territory and one in Western Australia. The Association owns a bakery in Darwin. In 2003 it returned \$180,000, in 2004 more than \$260,000 and in 2005 more than \$200,000 to its five owner communities. More than 200 Aborigines as well as non-Indigenous managers are employed by the Association.²

Indigenous Business Authority, a Commonwealth Government agency, supports Indigenous private enterprise and home ownership. In mid 2006, it obtained \$48 million of public funding to establish a network of 1,000 franchise-style outback shops.³ The funding was to promote the 'sustainability of community stores by providing a framework for group discount purchasing and better managerial, supply chain, food handling, nutrition and financial arrangements.'⁴ It is likely to be a complete waste of money. Most settlement shops struggle because they do not have an economic base. Even in the large settlements there is not enough demand to make competition possible. The poor quality of shops in small non-Indigenous towns has contributed to their population loss and the flight from the 'homelands'. A business oriented organisation should surely not be setting out to waste public funds.

Indigenous Business Authority received \$7.3 million in Commonwealth funding for its Home Ownership Program that targeted settlements on communal land in 2005. Maningrida was to be a focus.⁵ There was no suggestion of how this funding could lead to improved housing and no commitment to housing privatisation (Chapter 10).

Private mainstream foundations are keen to support Indigenous business, but it has to have commercial justification. It is a complete waste of taxpayer's funds to subsidise business enterprises, whether by investment incentives or tax deductions, that cannot succeed. A focus on core settlements could lead to viable private enterprises.

Marketing 'traditions'

A second group of communal enterprises seeks to commercialise remote lifestyles and cultural traditions, notably through art sales and 'tribal' or 'eco' tourism.

Art

Aboriginal art sales are loosely estimated to amount to \$200 million annually in Australian and global markets. Aboriginal art has evolved a long way from cave and sand painting. It is now part of a worldwide movement of 'traditional' or 'ethnic' art. Many Indigenous artists are in the forefront of this artistic evolution and the global market is growing.⁶ Deplorably, most of the benefits do not accrue to Indigenous artists. Most work and live in appalling conditions unless they leave remote settlements for mainstream urban areas. 'Fill ups' for motor vehicles, bags of groceries, drugs, beer, gambling chips or Viagra supplies for paintings that sell for thousands of dollars are not unusual. Painting 'factories' where artists work under duress have been found.⁷ Some art traders have worked hard to promote Aboriginal art, but fraud and exploitation are also common. Rewards in kind such as trips to major Australian cities or even abroad for art exhibitions are regarded as adequate recompense by many galleries. These conditions continue to prevail where communal art centres have been established and in some cases subsidised by Commonwealth funding.

Most art centres are managed by non-Indigenous art 'experts' and traders who control output and prices. Some art traders do spend considerable periods in the remote communities, but most traders, gallery owners and their anthropologist associates live in capital cities and travel the world while artists lack basic amenities in remote settlements. In a year an artist might produce paintings that would sell for a large sum in a major city gallery and receive less than a third of that sum. If they were to receive, say, 70 per cent of the value of the output they deliver to galleries, with galleries receiving 30 per cent, Aboriginal artists could earn a decent mainstream income.

The demand for Aboriginal art is almost certainly larger than for non-Indigenous paintings, it is growing more rapidly and the sales margins appear to be much higher. The disputes among the 'experts' and traders that are characteristic of most art markets are therefore even more intense. To retain their grip on art outputs, some galleries, and the 'experts' who thrive on the art trade, are attempting to prevent developments such as improved education. Newcomers offering better prices and conditions for the artists are not welcome.⁸ Some of the 'experts' try to make Aboriginal art more saleable by influencing artists' work, preventing artistic development they consider to be non-Aboriginal.

Melbourne has sought to limit galleries' share of Aboriginal art proceeds,⁹ but most of the exploitation takes place long before art works

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reach major city galleries. Rod Kemp, former Minister for the Arts and Sport, initiated a review of the art market.¹⁰ The Arts Council has allocated \$3 million to improving the Aboriginal art scene.¹¹ But the non-Indigenous art market is also not known for transparency and accountability. Until artists can read, write, count and negotiate in English, and art businesses have transparent accounting standards, exploitation will continue.

Despite the difficulties that beset Indigenous artists, because their art has entered the market economy, art forms have been able to evolve a long way from the technical and aesthetic limitations of hunter-gatherer art. Where individual craft producers and artists access markets directly—whether they are producing artefacts for tourists or major works of art—they are also earning real incomes. Commercialisation has led to both artistic and financial rewards. With modern communications, markets will be able to become more competitive, transparent and accessible to all producers.

‘Tribal’ tourism

‘Tribal’ tourism has considerable potential, with a large and growing demand from high income countries for glimpses of traditional societies. The absence of modern amenities is an attraction to this type of tourist so that it is possible to charge \$1,000 a night in a tent with bush walks to significant sites and ‘bush tucker’. The annual Garma festival attracts large, well-heeled crowds to East Arnhem Land every year.

Communal ‘tribal’ tourism in the ‘homelands’ makes a welcome addition to welfare incomes, but it does not provide year-round mainstream earnings and is therefore in effect dependent on welfare payments as a subsidy. Some honest and enterprising businessmen and foundations are helping to build such tourism, but others exploit ‘tribal’ attractions and the welfare and public funding subsidies available. Specialised production such as bush honey also cannot provide mainstream earnings so that it too is dependent on welfare subsidies.

Some Indigenous private entrepreneurs have gone into business successfully, building on their working experience in the mainstream tourist industry. They have been hindered by the absence of private property rights and have had to locate on freehold land outside the ‘homelands’. They have to be strong-minded when clans demand a share of their earnings.¹²

More than 300 ‘tribal’ tourism ventures with varying degrees of commercial success have emerged in Australia. Aden Ridgeway, who heads Indigenous Tourism Australia, plans to travel overseas twice a year ‘with a large delegation’ to market Indigenous tourism.¹³ But knowledge of opportunities to sample ‘tribal’ tourism is already significant in attracting

tourists to Australia. The suggested travel plans could become yet another taxpayer funded boondoggle. Experience on North American reservations and in Africa suggests that 'tribal tourism can entail significant costs'. Fragile settlements cannot afford to be exposed to alcohol, drugs and sexual predators. Designated national parks where sites of interest and cultural ceremonies may be sensitively preserved and where suitable accommodation and other facilities have to be provided, will be needed to provide sustainable 'tribal' tourist development that provides mainstream incomes and avoids social costs. Indigenous Tourism Australia should be justifying its existence by evaluating the costs and benefits of expanding 'tribal' tourism, recognising where progress is taking place, extending the network of significant sites and national parks and stimulating suppliers to provide appropriate facilities.

Productive enterprises

A third type of communal business seeks to exploit natural resources such as pastoral land, fish, crabs and timber and to provide labour teams for mines, other enterprises and local governments. Native title lands inherited substantial pastoral enterprises, but most of the investment has been lost. Entrepreneurial, technical and management skills were admittedly lacking, but they could have been hired. The fundamental reason for failure has been collective ownership. Some communally owned cattle stations are still being attempted.

Most productive enterprises have only been successful as a joint venture with private investors. The Tiwi islanders are thus attempting to develop timber resources in partnership with a private business that will manage the project. There has been talk of crocodile farms and other businesses. In well watered parts of remote Australia there are horticultural opportunities. Businesses supplying labour and other services to mines have been developed by private entrepreneurs.

Overall, communal land ownership and the absence of private property rights more generally have been insurmountable barriers to Indigenous enterprise. Entrepreneurial Aborigines and Torres Strait Islanders have had to move from native title lands to be able to start any business that was not dependent on monopoly rents.

Office of the Registrar of Aboriginal Corporations (ORAC)

Most 'homeland' communal businesses are registered with ORAC in the Office of Indigenous Policy Coordination (Commonwealth Department of Families, Community Services and Indigenous Affairs), or with other

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special Indigenous Territory and State registration bodies. Only a small proportion is registered with the Australian Securities and Insurance Commission (ASIC) like other Australian businesses.

Indigenous corporations have been able to register with ORAC instead of with ASIC since the passage of the *Aboriginal Councils and Associations Act (1976)*. In 2005–6 there were 2,585 corporations registered with ORAC, 34 liquidations in progress, 17 liquidations finalised, and 270 finalised deregistrations. The largest 300 registered corporations received nearly \$380 million from three Commonwealth Departments in 2004–5: \$222 million came from the Department of Employment and Workplace Relations, \$52 million from the Department of Family and Community Services and \$104 million from the Office of Aboriginal and Torres Strait Islander Health.¹⁴ Some of the larger ones are the National Aboriginal Community Controlled Health Organisation (NACCHO) and Aboriginal Community Cooperative Health Organisation (ACCHO) recipients of health funding. Whereas reporting by ASIC corporations is mandatory, reporting by ORAC corporations is in effect voluntary. Only 28 per cent of ORAC's 2,585 corporations reported fully and another 12 per cent partially. Full compliance decreased steadily from 1989–90, lifted slightly in 2003–4 though not to its previous peak, and fell again.¹⁵

Perusing so called 'full' corporation reports indicates that they are very different from the company reports that all other Australians have to submit to ASIC. Separate registration has encouraged the registration of corporations by small power groups to access public funds and royalties. Each corporation has to be headed by a governing committee. These are often so illiterate that someone else has to print names in lieu of signatures on the compliance form. How are these committee members supposed to have understood the balance and revenue and expenditure statements they are purporting to be signing? How is it that \$250,000 spent on the purchase of vehicles in each of two consequent years (totalling nearly half a million dollars) was not reflected in subsequent balance sheet asset values? Yet 'remote' accounting firms without a qualm sign-off with no less than 55 pages of boiler plate on reports that fail to disclose how public funds have been spent.

ORAC has been preparing changes in legislation 'to provide a unique opportunity for the Indigenous corporate sector to have a more modern tailored option. It allows for less "red tape" for smaller community corporations, especially unfunded land holdings ... Most importantly, the Bill allows "space" for culture and local practices to be recognised in corporations' rules and processes.' What is this 'culture'? It was on the ORAC website for months for all to see, introducing the revised Bill of the 'big mob of white fella law' in cartoons targeted at six or seven-year-olds who cannot

read or write sufficiently to understand the simplest of written instructions in English, but are thought competent to account for millions of dollars of public moneys. ORAC's cartoons, presumably developed at considerable expense by consulting anthropologists, would have been thought offensive and insulting if they had been used by the South African Government to address *kaffirs* at the height of apartheid. They were egregiously offensive and insulting to Aborigines and Torres Strait Islanders in 2006.

The time for treating managers of Indigenous corporations as children has surely passed. Illiteracy in corporation managers has to be tackled by intensive adult education. It cannot be an excuse for legislation that enshrines double standards so that Aborigines and Torres Strait Islanders may continue to be mired in deprivation. They deserve the same probity and protection of the law as other Australians by having their corporations registered with ASIC. ORAC is a component of apartheid policies that must be consigned to the rubbish bin.

Entrepreneurship

Entrepreneurship is an essential component of modern market economies. Most members of the labour force are employees, but entrepreneurship has high rewards in which Aborigines and Torres Strait islanders should be sharing. Almost all entrepreneurs initially gain experience as employees, demonstrating their work skills, managerial abilities and entrepreneurial flair in the market place. Most also start up businesses by drawing on their own savings. Australian banks are making special efforts to introduce banking to Aborigines and Torres Strait Islanders so that they can become savers rather than being trapped by borrowing for consumer goods, particularly when their incomes are low. If royalties were being equitably distributed rather than appropriated by a few 'Big Men', savings today would be much higher than they are. Australian capital markets are active and competitive so that access to capital is not difficult to obtain for projects with sound business plans. ASIC provides a sound framework for business. Calling for subsidies and tax exemptions for investment in Indigenous enterprises is not likely to attract the solid investors prepared to make managerial and technological inputs. It will draw in more carpetbaggers to prey on Indigenous businesses. The principal obstacles for Indigenous enterprise are the lack of education, of working experience and of private property rights. Increasing Indigenous entrepreneurship requires mainstream education and training and sustained mainstream job experience. In sum, stimulating Indigenous enterprise requires the ending of the many exceptionalist policies that have strangled it in the past. ■

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Chapter 7

Joblessness, Welfare Dependence and Income Distribution

7. Joblessness, welfare dependence and income distribution

Remote 'homelands' receive welfare from three sources. Firstly, remote settlement dwellers aged 16 years and over receive regular Newstart (unemployment) Allowances, Youth Allowances, Parenting Payments Partnered and Single, Widow and Disability Pensions, Carer Allowances, Family Tax Benefits and Abstudy deposited directly into their bank accounts, with supplements for such items as remote location and housing. Only a few live long enough for old age pensions. The digitalisation of these payments has led to egregious corruption because remote settlements do not have banking facilities. Some shops and roadhouses are said to charge up to \$25 for 'swiping' a bank card. With nowhere secure to keep cards, anyone can 'swipe' a card. Secondly, numbers of adults receive CDEP payments. CDEP funding is a form of local government funding because it also covers materials and capital costs for settlements. Thirdly, 'homeland' settlements, like other Australian urban areas and regions receive payments for public education, housing, health, recreation and other social activities. This is social welfare, because unlike other mainstream earning and taxpaying Australians, the residents of the 'homelands' do not make significant tax and rates contributions to public funds. The complex of private and social welfare has created a culture of welfare dependence that dominates 'homeland' societies, markedly diminishing desire and ability to participate in traditional cultural activities. The family and social dysfunction of Aborigines and Torres Strait Islanders in the 'homelands' is not ethnically unique, but typical of welfare dependence world-wide.

Labour supply

In the Northern Territory only some 15 per cent of Aborigines and Torres Strait Islanders have mainstream jobs.¹ These are mainly in the public sector and outside the 'homelands. According to the Australian Bureau of Statistics, Indigenous labour force participation in remote Australia was 59 per cent and in very remote Australia 62 per cent in 2002, but this counted CDEP participation as employment.² The Northern Territory Department of Employment had estimated in 2001 that Indigenous labour force participation, including CDEP participation, was 36 per cent.³ This seems much closer to the lack of occupation observed in the 'homelands'. For all Australians labour force participation was 65 per cent and for the Northern Territory it was 71 per cent in September 2006.⁴

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Labour supply problems are undoubtedly responsible for high unemployment. The Coombs experiment moved Aborigines to remote regions that had required vast areas and constant mobility for bare hunter-gatherer existence. Aborigines and Torres Strait Islanders, with high infant and child mortality rates, probably had a short expectation of life. Once settled in remote settlements and outstations they have had to be supported by individual and social welfare to enable them to exist at even today's miserable standards.

Almost all Australian youngsters stay at school till Year 10 and most to Year 12. They then start learning on the job in shops, offices and factories and as trainees while still studying part-time. Significant numbers proceed to tertiary education in TAFE colleges and universities. 'Homeland' Aborigines and Torres Strait Islanders have been excluded from this mainstream. Unlike the children of the most recent immigrants to Australia who go to mainstream schools on arrival, Indigenous youngsters are more engaged in 'rap' than traditional cultures, speaking neither their local languages nor English, but 'Aboriginal English'. They are not literate or numerate. Just as importantly, they have not experienced the discipline of 10 to 12 years of schooling which readies other young Australians for jobs. Without the daily, weekly and sustained learning and working efforts learned at school, participation in real jobs becomes difficult. A typical 'homeland' adult cannot follow instructions on a package of medicine or cleaning materials. Men eager to work on constructing a new building in a remote community with the help of a service organisation were initially unable to read a tape measure or undertake simple tasks such as dividing a piece of wood into two. They had difficulty in turning up regularly for work. Kava nights made work impossible the next day or so.

In most 'homeland' settlements very few children or adults get up in the morning to go to school or work. Non-Indigenous employees are often poor role models with short working hours and poor work attendance habits. Traditional hunting, fishing and bush food gathering is intermittent and largely recreational. So is participation in ceremonies. Traditional weapons such as spears are only used for ceremonial purposes. Men hunt with guns and fish with fishhooks and nets. Girls and women rarely look for bush food. Shops are the principal source of food and drink.⁵

Non-Indigenous staff dominate administration and service delivery in the 'homelands'. They reside in the larger settlements. Smaller settlements and 'outstations' are visited intermittently to strengthen such services as teaching and nursing. Most of the construction and maintenance is done by non-Indigenous staff and contractors who are under no obligation to

employ or even instruct 'homeland' dwellers. For example, when enough house locks are broken in a settlement, a non-Indigenous locksmith is sent in to repair them. Since the locks take no effort to fix, most are soon broken again as householders lose their keys, come home drunk or get locked out by one of the many residents living in a house. Non-Indigenous contractors arrive to camp in a settlement for a few days to do their work and leave. They often do not converse at all with the settlement's residents.

'Homeland' residents do not have the social skills that enable other Australians to move away from home to follow employment. In the infinite stretches of time that face 'homeland' dwellers, alcoholism, drugs and violence are only a hair's breadth away. In transitions to employment away from the 'homelands', when they are suddenly exposed to the choices and freedoms for which mainstream youngsters have received years of training, youngsters are in grave danger of not being able to manage their lives. 'Homeland' parents are thus extremely reluctant to allow their children to move to jobs in towns and cities. Starting jobs has even been a problem for high school boarders in the Cairns area because they cannot cope with the freedoms of becoming wage earners. The transition to employment requires supportive social frameworks to enable young people to manage mainstream life.

The CDEP scheme

The majority of 'homeland' men and many women receive CDEP payments, either as their sole income or more frequently, as a top-up to other welfare. CDEP had its origins in the demeaning proposition that Aborigines and Torres Strait Islanders are inherently and ethnically unable to make the same work efforts as other Australians. In Mapoon a Queensland community trying to help itself, for example, the Council Chairman, Peter Guivarra, estimated that the work done by 80 people on CDEP would require only 25 to 30 full time workers.⁶

CDEP 'employment' accounts for more than 40 per cent of Indigenous 'employment' in very remote Australia, more than 15 per cent of jobs in remote Australia, and nearly 5 per cent of employment in non-remote Australia. There are no data for the 'homelands'.⁷ In the 'homelands' CDEP payments are made to teaching and health aids, for office work and administration, for the maintenance of public spaces and tracks, rubbish collection and for building and housing maintenance. But overwhelmingly these are 'ghost' positions that are known as 'sit-down' money. In the smaller settlements schools are hardly ever open, medicine in health centres is severely restricted (sometimes with only Panadol available), rubbish is not collected and buried, grass is not cut, and there is no building and

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house maintenance. In the larger 'homeland' settlements (and in fringe settlements and ghettos), where CDEP funding supports Indigenous assistants to non-Indigenous staff, the situation is often worse.

The CDEP scheme has distorted labour supply, making it difficult for men and women to contemplate mainstream work standards when they know they will receive 'sit-down' CDEP money for doing very little or nothing at all. Although the CDEP scheme started in the 'homelands' on the grounds that no mainstream jobs could be made available, bureaucrats spread it to country towns and major cities, wherever Aborigines or Torres Strait Islanders could be found, following exceptionalist views that Aborigines were inherently incapable of being educated and thus could not compete in mainstream jobs. In 2002 there were 34,200 CDEP places, with 21,100 in 'very remote' areas and more than 13,000 in areas where there was ample employment. By 2005 the number of CDEP places had risen to 56,000.⁸

CDEP positions are created by the Commonwealth Department of Employment and Workplace Relations in Canberra. Within the 'homelands' they are politically rationed by prevailing power structures. In communities trying to achieve decent civic standards and economic development, managers have extreme difficulty making CDEP position holders do a day's work. In dysfunctional settlements CDEP becomes a tool of corruption. Jobs such as teaching have not gone to the best qualified or hardest working but often to the best connected. CDEP has been available for music, dance and art activities that other Australians do in their own leisure time. CDEP payments have been available at a rate of four hours a day for prolonged attendance at funerals. Traditional burial ceremonies generally lasted one day at the time of death with a return for one day some three months later. Chillers, supplied by a variety of funding including local governments, mines and other benefactors, have enabled funerals to be extended to several weeks feasting on packaged foods, alcohol and drugs that, in a travesty of traditional hunter-gatherer practices, suspends schooling and employment and soaks up substantial proportions of welfare incomes.

Private property rights

The absence of private property rights is a further deterrent to employment. Welfare dependence, with a constant presence of hunger, exerts pressure on those who earn incomes or conserve welfare payments to spend their money on food and clothing (and alcohol and drugs) for less prudent clan members. Without the institution of private property rights, notably in housing, those that get real jobs often have to cut themselves off from their wider families to persist in employment and maintain decent standards

of nutrition, housing and family life. Moving into a real job is very risky and uncertain compared with staying on welfare and CDEP. It subjects those who do move to enormous pressures from the people they leave behind. Simultaneously, they often have to face unreconstructed racist discrimination in their new environments. Even very successful footballers, earning high salaries and receiving support from their clubs sometimes find their situation unbearable.

Supply conditions are also affected by attitudes toward the appropriateness of employment and mobility of 'homeland' residents. Supporters of the Coombs model actively discourage proposals for mainstream employment, for example where a 'homeland' border tourist areas such as Uluru or the Port Douglas-Daintree region. Because of supply constraints, Mutitjulu and Mossman Gorge are totally welfare and CDEP dependent despite hundreds of nearby jobs. Even such opportunities such as fruit picking, though they only require workers to leave the 'homelands' for short periods, have been discouraged by the Northern Land Council. The Central Land Council has done nothing to enable young people from its domains to become involved in the tourist industry.

Professor Bob Gregory relates the lack of employment to the erosion of unskilled jobs.⁹ The proportion of unskilled jobs is undoubtedly falling in Australia, albeit to the great advantage of most Australians. Because of past separatist policies these are the principal jobs that most 'homeland' Aborigines and Torres Strait Islanders can now find. With decent education, private property rights and the ending of welfare dependence, however, the occupational choices of Aborigines and Torres Strait Islanders would become the same as for all Australians. Like other remote country Australians, they would also have to become mobile.

Labour Demand

Labour demand is not a problem. Remote and rural employers constantly complain of labour shortages and consequently high labour costs. Rural and urban labour markets have not been as open to new entrants since the 1950s when Australia absorbed large waves of immigrants. Only a few 'homelands', however, are situated within commuting distance of labour markets. Most workers from the 'homelands' would have to commute considerable distances or move, at least for some of the time, to become employed in mainstream jobs. Seasonal fruit picking and canning that enable backpackers to earn \$1,000 a week to fund their Australian holidays would seem to be ideal transitional jobs for 'homeland' workers. Mines that have 'on and off' working arrangements would also enable workers to maintain their connections with 'country'.

Rural labour

Discriminatory attitudes toward Aborigines and Torres Strait Islanders are still evident in many rural areas.¹⁰ The Shepparton District in Victoria has some 6,000 Aborigines, representing 10 per cent of the population. No effort was made in the past to get them into decent primary schools and into secondary education. Their housing and social amenities are separate and appalling. The State of Victoria has ignored the situation. The Centrelink bureaucracy had been unable to get any local Indigenous people into the work force whereas a private 'Ladders to Success' businessmen's initiative placed 100 people in jobs in a few months. Of these, 80 were still employed in full-time jobs three years later.¹¹ The town made a great virtue of welcoming immigrants from the Middle East, regretting that they tended to move to Melbourne as soon as they could. But it was deeply biased against Aborigines. A November 2005 ABC Radio discussion urged that seasonal guest workers should be brought from the South Pacific. Farmers, businessmen and the Chairman of the National Farmers' Federation Workplace Relations Committee did not mention the possibility of employing local Aborigines.¹² Shepparton attitudes are widely replicated throughout rural Australia where white communities have done nothing to integrate their fringe dwellers.

The pastoral industry is more advanced. It is beginning to train young Aborigines to carry out the highly skilled jobs of modern station life.

Other rural industries, particularly horticulture in the far North and West, claim extreme labour shortages, but at best ignore Indigenous labour and more commonly express prejudice and discrimination. In a major paper devoted to rural labour problems, the National Farmers' Federation relegated Aborigines and Torres Strait Islanders to the last page, regarding them only as suitable employees for the pastoral industry.¹³ The horticultural industry's representatives recently made their attitudes clear to the Senate Standing Committee on Employment, Workplace Relations and Education, enabling the Senators to conclude that: 'The Committee's assessment of the chances of attracting indigenous seasonal labour is that it is unlikely to succeed.'¹⁴ The Committee reflected the views of the National Farmers Federation, the many growers who have ignored the marginalisation of Aborigines in their communities for years and organisations such as 'Worktrainers' who have consistently failed to get Aborigines into the labour force. The Senators consulted the Northern Land Council that opposed the recruitment of Aborigines for fruit picking, but ignored the pioneering work of Noel Pearson and the Cape York Institute in getting remote Indigenous men picking fruit in

Victoria. The Senators' conclusions are ridiculed by the very successful 2005 Cape York Institute fruit picking initiative.¹⁵ When Cyclone Larry blew away the Innisfail banana crop in 2006, interrupting the backpacker fruit picking trail, the Atherton Tablelands and Bowen had a shortage of 2,600 jobs picking mangos, 600 picking lychees, 600 picking logans, 100 picking custard apples, 200 picking limes, 100 picking avocados and 300 picking mandarins. The growers wanted to bring guest workers from the Pacific despite thousands of Indigenous Cape York workers being a bus ride away.¹⁶ The complete lack of a response by the agencies funded to get Indigenous workers into jobs must have reinforced prejudices against Indigenous workers.

Perverse incentives to the agencies supposed to be moving Aborigines and Torres Strait Islanders into jobs account for employment outcome failures. In the spring of 2006 these job search organisations did not recruit the workers, organise transport and accommodation or provide the mentors needed to make inexperienced men and women productive so that they could earn the very high rates of pay available. The Cape York Institute has been exceptional in getting people into fruit picking jobs. Job search organisations collect handsome fees for such absurd 'training' as writing resumes and practising for interviews. They fail to take the necessary practical steps to place workers in the jobs available. Importantly, there are no penalties for not placing people in jobs. The job placement industry thrives and so does unemployment.

Mining employment

The mining industry has experienced a turnaround. Until recently, Indigenous workers in mining were mainly employed on 'make do' jobs such as maintaining roads and cutting grass. A tight labour market with high costs of bringing labour from the south and high labour turnover, have changed attitudes. The Commonwealth Government sought to stimulate change by signing an agreement with the Minerals Council of Australia in 2004 to coordinate welfare, training and social infrastructure investment by the industry.

A number of mining corporations were already taking measures to employ Indigenous workers so that Indigenous employment was estimated to have risen to 9 per cent of the remote mining labour force by 2006.¹⁷ Rio Tinto had 700 Indigenous mining employees and another 300 or so employed by contracting firms. It also had 30 Aboriginal university graduates in professional cadetships in 2006. Rio Tinto went into partnership with Indigenous Community Volunteers to help establish Indigenous businesses in mining areas. Rio Tinto's Argyle diamond mine in the Northern Territory

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has been the industry leader. It increased the Aboriginal proportion of its work force from 5 per cent in 2000 to 25 per cent in 2006 and is aiming at 40 per cent. The company had teams touring Kimberley settlements to see who might be looking for work and testing these men for literacy, numeracy and coordination. Those who showed promise were given traineeships and if necessary taught literacy and numeracy. The mine had 68 Indigenous apprentices out of a total of 73 in July 2006.¹⁸ Newmont's gold mine in the Tanami Desert was up to 18 per cent. (Recent GEMCO advances on Groote Eylandt are described in Chapter 14.)

The Ngarda Civil and Mining company employs Aborigines on jobs for BHP Billiton, Rio Tinto and Newcrest in Western Australia. Though getting those with few skills into jobs was difficult it employed 130 Aborigines out of a total of 150 at the end of 2005.¹⁹ The Dambima-Ngarda people made a breakthrough in negotiations with Aztec when they included a promise of 30 per cent of the jobs in the Koolan Island ore mine (as well as funding and shares) in native title lease negotiations. An Aboriginal Employment Strategy recruiting agency is helping mines secure Aboriginal staff. Some mines are also beginning to invest in schools and pre-employment programmes. The Derby TAFE has a literacy and numeracy course followed by training for the industry. Woodside was making an effort at Karratha. In the Pilbara, 7 per cent of BHP Billiton's employees were Aboriginal and it was aiming at 12 per cent.

Comalco at Weipa in Queensland claimed 18 per cent of its workforce was Aboriginal and was aiming at 35 per cent by 2010 although it doubted whether it would be able to meet this target. Zinifex Century's zinc mine in Queensland had Indigenous workers making up 20 per cent of its employees. Oxiana's Prominent Hill copper and gold mine in South Australia brought in six Aborigines from Oodnadatta to work in mainstream jobs. One of these workers, environmental officer Christine Lennon, said her job would make it easier to send her son to boarding school in Adelaide.²⁰

Not all mining corporations have begun to employ Aborigines and Torres Strait Islanders on a significant scale. Throughout its existence, the Alcan Gove bauxite mine and alumina refinery, the largest single employer in the Northern Territory with some 1,100 workers, has recruited or trained very few Aborigines from the surrounding region for its highly paid, skilled jobs, even when it recently substantially increased its operations. The mine's annual royalty and other payments have risen to more than \$9 million but have not contributed to education to enable people from the region to work in skilled jobs at the mine. Health, housing and living

standards in the region have stagnated. Alcan Gove's focus has been on cross-cultural awareness payments added to royalties through a partnership with the Yothu Yindi Foundation that supplies Yolngu community leaders to improve awareness of Yolngu culture for Alcan Gove employees and consultants. For this Alcan Gove won the 2006 Prime Minister's Award of Excellence in Community Business for the Northern Territory.²¹ Cross-cultural activities also included the supply of chillers for coffins to enable funerals to be extended for several weeks.

Mining employs more than 320,000 workers across Australia. When properly managed, the cost advantages of meeting labour needs locally and regionally are very considerable. Training costs are said to be \$30,000 to \$80,000, but Commonwealth subsidies are some \$30,000 per trainee. The mining industry has experienced such a substantial boom with record profits that it can well afford to invest in preparing Aborigines and Torres Strait Islanders for its highly skilled mainstream jobs by funding decent primary schools in remote settlements, following up with regional secondary/technical boarding schools and sending the most talented youngsters to mainstream boarding schools so that they can go on to universities. They can also support communities that want to change. Progress will be achieved by the entrepreneurial initiatives of competing mines rather than by government and mining industry bureaucrats sitting around tables.

Mainstream Tourism

Tourism is employing increasing numbers of Aborigines and Torres Strait Islanders as 'tribal' guides, but as an industry it lags far behind mining. Tourist operators have not made a major effort to employ workers from nearby 'homelands'. Uluru has a non-Indigenous labour force of over 1,000, but nearby Mutitjulu is entirely welfare dependent and dysfunctional. Coroner Greg Cavanagh, commenting on deaths from petrol sniffing in Mutitjulu, noted that there was plenty of work available in the tourist developments around Uluru.²² Few people from Mossman Gorge work in the booming Daintree-Port Douglas tourism area. Many entry jobs into tourism require minimal skills. It is an industry that enables its workers to 'learn by doing' and to progress up skill and management streams according to their ability. It is thus an ideal entry industry for today's Indigenous minimal skill profiles. Mainstream tourist operators seem to be able to overcome the fragmentation of their industry when demanding public subsidies to attract tourists to their regions, but have not been able to organise themselves to tackle major labour market problems. At least the tourist industry's operators do not appear to be actively discouraging Indigenous workers.

Armed forces

For many young Aborigines and Torres Strait Islanders the armed forces could provide fulfilling careers. Despite discrimination, some Indigenous Australians took part in World War I and II. Today's armed forces are a path to training in motor mechanics. This would suit many vehicle mad Indigenous youngsters as it does other young Australians. Some might wish to be sailors or pilots. But the modern army requires healthy and educated recruits. At present this cuts out the overwhelming majority of Indigenous youngsters.

As an indication of their interest in the armed forces, young Aborigines and Torres Strait Islanders volunteer for places in Norforce, the reserve arm of the Australian Defence forces in greater numbers than it can absorb. There are also said to be 100 Indigenous Defence Force cadets in remote Australia. The armed forces are short of qualified recruits. Unfortunately instead of considering what steps are needed so that Aborigines and Torres Strait Islanders can qualify to join the mainstream armed forces, the Australian Department of Defence is being urged by Dr Jerry Schwab of CAEPR to fund a junior ranger programme for the 'homelands' on the lines of the Junior Canadian Ranger programme for young, far north Indigenous Canadians. After 10 years of expensive effort this programme has 3,000 participants. Trail bikes would presumably take the place of skidoos to attract youngsters to the programme.²³ However, Schwab's conclusion does not make it clear why the Australian Defence Force should be duplicating the junior ranger endeavours of the Department of the Environment and Heritage.

Mutual obligation—getting 'homeland' workers into jobs

In recent years, a 'mutual obligation' policy has been applied to labour markets in an effort to reduce unemployment and welfare dependence. It has been known for years that most workers who become unemployed soon find new jobs on their own. Job search training and search organisations are ineffective in returning long-term unemployed workers to the labour force. The longer they are unemployed, the harder the return to work. Bureaucratic job searches waste public funds.²⁴ Job search schemes were thus largely replaced by a ruling that the unemployed, including those on single parent pensions, were to accept jobs offered through job search networks, participate in work-for-the-dole schemes, return to study or training, or lose their welfare incomes. Since it became clear that some long-term unemployment pension recipients were moving to disability pensions with conditions such as 'stress' to avoid 'mutual obligation', an

effort has also been made to move some of these welfare recipients into jobs.

Recognising that low labour force participation and correspondingly high welfare dependence was a prime cause of their economic and social deprivation, the Commonwealth Government sought to apply 'mutual obligation' policies to Aborigines and Torres Strait Islanders as to other Australians.

CDEP barriers to employment

When the Commonwealth Government started to apply mutual obligation principles to CDEP employment it was faced with a Byzantine build-up of CDEP 'jobs'. The Department of Employment and Work Relations had no idea of the composition of the Indigenous population or the difference between fringe and ghetto areas where mainstream jobs were available and the 'homelands' where there were no jobs. It was also not understood that the CDEP scheme was a form of local government funding. The teams sent out from Canberra to explain to settlements how 'mutual obligation' was to be implemented sowed confusion.²⁵

The failure of the Department of Employment to understand the CDEP system was illustrated by the case of Mr Troy Robinson. Late in 2006 the Department of Employment hailed Mr Robinson's move from CDEP 'secretarial roles' in Canberra to a mainstream job in the Attorney-General's Department as a 'mutual obligation' success.²⁶

As the Canberra teams reached the 'homelands', hardworking managers in such settlements as Warburton and Mapoon asked what alternative local government funding allocations would be made to keep local services functioning.²⁷ They received no answer. When it became evident that CDEP played a dual role in the 'homelands', the Department of Employment became so confused that it also did very little about the fringe and ghetto areas where mainstream jobs were available. During 2005–2006 only 3,704 people, less than a third of those on CDEP outside the 'homelands', moved from CDEP to real jobs.²⁸ But because unemployment overall declined to 4.5 per cent in January 2007,²⁹ the barrier to implementing 'mutual obligation' in fringe and ghetto areas was finally removed in February 2007 with the announcement that, except in the 'homelands', CDEP was to be abolished from 1 July 2007 with people either moving to real jobs or to programmes for the unemployed.³⁰

Unemployment in the 'homelands'

After years of no connection between work and payment, and with family and clan demands on earnings, only the most entrepreneurial 'homeland'

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dwellers have been prepared to take on the risks and relatively onerous unskilled work for low wages in neighbouring tourist resorts in areas such as Broome, Cooktown, Uluru and Daintree-Port Douglas areas. Most are women working as domestic and service workers. They were already employed when 'mutual obligation' policies were introduced. It continues to be amazing that, for example, in many roadhouses in remote areas non-Indigenous casual workers are employed rather than local Indigenous men and women. Is the problem CDEP payments? Fear of clan claims? Prejudice? Habit?

Requesting unemployed and CDEP workers in the 'homelands' to spend time on adult numeracy and literacy to make them more job-ready has not emerged as a form of 'mutual obligation' because the bureaucrats responsible for employment were not concerned with the education and health reforms necessary to increase employability. Making inroads into 'homelands' unemployment also requires support in finding transport, hostels and help with the management of alcohol and conservation of earnings. Such management has to be free from the exceptionalism that treats Aborigines and Torres Strait Islanders differently from other Australians by encouraging young Indigenous men to act irresponsibly.³¹ Without organisational changes that provide incentives for getting youngsters into work, 'orbiting', the Cape York Institute's term for moving to jobs outside the 'homelands' with regular returns to families and friends for holidays, will not take place. Sadly, it is particularly difficult for women to become mobile. They are generally burdened by children at early ages. Catching up on education and taking jobs is difficult for women caring for several kids.

Can 'mutual obligation' reduce social dysfunction?

The Commonwealth Government seeks to use 'mutual obligation' to achieve individual, family and community behavioural reforms to improve Indigenous living standards following the lead of Noel Pearson, whose Cape York Institute for Policy and Leadership and its associated Cape York Partnerships programmes pioneered welfare reform thinking for all Australia.³² The Institute has persevered in spite of being accused of undermining Indigenous living standards,³³ emphasising the reduction of passivity and the rebuilding of social norms, particularly in relation to children. The Institute has recorded several years' success in health, education, recruiting workers for fruit picking and placing bright primary school leavers in mainstream secondary boarding schools to proceed to tertiary education. Tony Abbott, Commonwealth Minister for Health and

Ageing, has recognised the social character of dysfunctional ‘homeland’ settlements, calling for welfare intervention or a new ‘paternalism’ to end the slum conditions of Indigenous settlements.³⁴

The Commonwealth Government used two complementary approaches to direct intervention for welfare reform. Firstly, just as welfare payments were given to individual recipients, incentives such as the construction of swimming pools were designed for communities in return for ‘mutual obligation’ promises to improve school attendance and children’s hygiene. Secondly, the withdrawal of benefits was to be used to improve individual and social behaviour. Thus parents whose children did not attend school might have their benefits withdrawn and given to other relatives. Instead of cash payments, families known to spend their money on alcohol and drugs might be issued vouchers that could only be spent on food and medicines.

Opposition to interventionist welfare policies was immediate. The same lobbyists who supported exceptionalist customary legal practices threatened legal action if Indigenous welfare payments were reduced because parents did not comply with ‘mutual responsibility’ agreements struck between a settlement and the Commonwealth, Territory and State Governments.³⁵ The steam was not taken out of this argument until November 2006 when the Minister for Families, Community Services and Indigenous Affairs, Mal Brough, proposed to apply active welfare intervention to all Australian families collecting welfare payments, including the withholding of welfare payments from parents who did not send their children to school and limiting welfare debit cards to spending on food, not on cigarettes or alcohol.³⁶ The debate changed as the Australian Council of Social Service (ACOSS), the National Welfare Rights Network and the National Council of Single Mothers and their Children attacked all attempts to modify behaviour through active welfare measures as denying anyone’s right to behave dysfunctionally.³⁷ By this time the Commonwealth Government had accumulated more than two years’ experience of active welfare intervention.

COAG initiatives

The Commonwealth Government attempted to begin a policy of ‘practical reconciliation’ in November 2000 by working with the Northern Territory and States through the Council of Australian Governments (COAG) in a ‘whole government’ effort to ‘make more effective use of government expenditure’.³⁸ In 2002 eight COAG ‘Initiative’ sites were selected. Four of these were—surprisingly—in the Australian Capital Territory, Northern Tasmania, New South Wales (Murdi Paaki) and Victoria (Shepparton). Only four were in the ‘homelands’: Anangu Pitjantjatjara, Cape York, East Kimberleys and Wadeye. The ‘Initiatives’ were based on three priority areas:

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- investing in community leadership initiatives;
- reviewing and re-engineering programmes and services to ensure they deliver practical measures that support families, children and young people. COAG also agreed that governments should look at measures for tackling family violence, drug and alcohol dependency and symptoms of community dysfunction; and
- forging greater links between the business sector and Indigenous communities to help promote economic independence.

Senior Commonwealth, Northern Territory and State bureaucrats were involved, there was ample funding and staffing, and ATSIC was to be engaged as the Initiatives were developed in 2002–3. The designers of the Initiatives failed to draw on the body of knowledge accumulated in social project interventions worldwide. No baseline information was gathered (with the exception of a later effort in Wadeye) and no specific targets were set in education, health, housing and security. It soon became evident within the Office of Indigenous Policy Coordination, that the Initiatives were so deficient that for all their mantras of virtuous words, they could have no practical impact.

Shared Responsibility Agreements

Discretionary public funding ‘mutual obligation’ interventions were introduced through Shared Responsibility Agreements to give content to ‘mutual obligation’ in return for ‘clearly defined and specific commitments by individual settlements to agreed education and health goals.’³⁹

One of the earliest Agreements was for Mulan, about 250 kilometres south of Halls Creek in Western Australia. The Commonwealth Government contributed \$172,260 for petrol bowsers in return for the community’s assurance that children showered daily and washed their faces twice a day, rubbish bins were placed at every house and emptied twice weekly, household pests were controlled four times a year, petrol sniffing was controlled, parents saw to it that children attended school and the health clinic, and that homes were kept clean and the rent paid on time so that the local government could fund pest control and house repairs.⁴⁰ Unfortunately the trachoma and other health data collected were so unreliable before and after the signing of this Shared Responsibility Agreement (Chapter 9) that it was impossible to ascertain the effect of the Agreement on trachoma. The Mulan community had made a major effort to wash children’s faces to reduce trachoma, so that when it was alleged that the disease had got worse since the Agreement, the community was devastated.⁴¹

Hope Vale in Queensland began to negotiate a Shared Responsibility Agreement at the end of 2003 as part of the Cape York COAG initiative. It covered health, housing, crime reduction, governance employment and school attendance. Four years later, in February 2007, Noel Pearson described the shocking slum that Hope Vale had become, with binge drinking and marijuana tearing the community apart four nights out of seven as amplifiers, turned to the street, boomed out and kids sat on the curb afraid to go home.⁴²

Gapuwiyak in East Arnhem Land, with 950 people plus 10 outstations, signed a Shared Responsibility Agreement in May 2005 principally for increased CDEP funding. There were also funds to build a multipurpose centre that would help to provide 'healthy activities for young people'. A consultant was to work with the community council to improve governance. In return the community was to provide labour to build the centre, stop the sale of take-away food to children during school hours and the Community Council was to work with the school to organise activities at the community centre for young people. There are 400 to 500 school age children in Gapuwiyak. The primary school does not reveal attendance, achievement or retention standards. Ill health is severe. The young people's problems are caused by their non-numeracy, lack of literacy in English and their joblessness. The Alcan Gove alumina mine is a mere 150 kilometres away. The Shared Responsibility Agreement typically did not tackle basic education, jobs or health but focused on keeping youngsters entertained!

Mossman Gorge on Cape York signed a Shared Responsibility Agreement for \$120,000 in June 2005 for funding for its Kuku Yalanji Dreamtime Tours that conducts rainforest walks and introduces tourists to Aboriginal culture. Unrealistically this was expected to take 30 people off CDEP into fulltime employment.⁴³ Mossman Gorge is within commuting distance of a considerable tourist area with a large demand for labour. Helping Mossman Gorge workers into mainstream jobs would mean making them numerate and literate in English. This could lead to mainstream employment, real incomes and the experience that could develop the skills that would enable them to run profitable tourist operations. Again, the Shared Responsibility Agreement avoided focusing on the education that would make employment possible.

Negotiations for each Shared Responsibility Agreement have been endless because Commonwealth, Territory, State and Indigenous Coordination Centre bureaucrats have been committed to turf wars and their own agendas instead of listening to settlements. They often bullied and badgered settlements to achieve their bureaucratic objectives. Indigenous

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Coordination Centres often failed to recognise the difficulty that semi-literate settlement representatives, who could barely communicate in English, had in formulating and completing requests. This weakness has been used to impose external, bureaucratic priorities. Non-Indigenous 'homeland' bureaucrats have frequently not been willing to help formulate proposals that would undermine their power bases. 'Homeland' settlements have been very willing to take on behavioural responsibilities in return for funding that could raise their living standards, but the bureaucrats charged with the Agreements have proved incapable of visualising changes that would lead to employment and real social behaviour change. In the rush to sign Shared Responsibility Agreements slogans such as 'traditional owners plan for the future' (Girringun) and 'empower the community' (Lockhart River) became substitutes for 'mutual obligation' that would lead to better lives.

A few of the Agreements have had some positive effects. The most successful have been swimming pools that have improved school attendance when a pool pass has been dependent on being at school, even though curriculum content was not always worth the effort. Swimming pools were also helpful because swimming in chlorinated water reduced infections. But 'mutual obligation' content has been evaporating and funding in the main merely increased consumption, often exacerbating welfare dependence. Shared Responsibility Agreements have degenerated into slush funds for politically smart operators and their bureaucratic supporters because they have not been willing to tackle basic deficiencies, notably in education. Chapters 8 and 9 indicate that education and health have not improved so that people have not been made more work-ready.

More than 120 settlements signed 189 Shared Responsibility Agreements by the end of 2006, but these included regional and major city areas. In Canberra, envied throughout Australia for its playing fields and recreational facilities, a Shared Responsibility Agreement provided funds for Indigenous recreational facilities! In Bundaberg a drop-in centre for young Indigenous people was funded. In Brisbane the funding was for the Northside Natives Sports Club. The 'mutual obligation' components of these Agreements are not self-evident.⁴⁴

By mid-2006 a sense of realism about Shared Responsibility Agreements was belatedly beginning to emerge. Wesley Aird, a National Indigenous Council member, argued for a paradigm shift in the bureaucracy 'to genuinely engage Indigenous communities through a developmental approach.' He added, significantly, that Mr Brough 'must also somehow, convince the states and territories to be part of a new approach.' He concluded: 'the lacklustre performance of mutual obligation over the past two years is not because of

the concept—the concept has a lot of merit. The problem is the want of technical know-how within the rank of public servants.⁴⁵ Efforts were then made to make Agreements easier for remote settlements to negotiate but there has been little evidence of improvement in process or focus.⁴⁶

Regional Partnerships Agreements—Ngaanyatjarra

A new Regional Partnership Agreement was devised to overcome the fragmented nature of the Shared Responsibility Agreements that made them extremely difficult to administer and monitor. The first Regional Partnership Agreement was signed in August 2005 rolling together three Shared Responsibility Agreements in the Western Desert Ngaanyatjarra settlements that are half way (1,000 kilometres each way) from Kalgoorlie and Alice Springs. The Regional Partnership Agreement was to ‘provide retail and nutrition training for the store, youth programmes and the posting of youth workers’.⁴⁷ This ‘homeland’ has 12 communities covering 2,000–2,500 people who are totally welfare dependent. Schooling, health, housing and incomes are appalling—almost every family is on welfare and CDEP. In the past 25 years only one Ngaanyatjarra student has passed year 12.⁴⁸ Warburton, the principal settlement of some 550 people, has ‘up to 75 young people past school age with no employment prospects’. What were the ‘youth workers’ supposed to do for kids and teenagers who have had trachoma, ‘glue ear’, diarrhoeal and chest diseases since childhood, cannot read, write, count or speak English and have no prospects of getting a job? Play football with them? Show them DVDs? The Partnership Agreement has a proposal for ‘online training and on-site learning at different stages of the project’. Without basic literacy and numeracy, what was the training to be?

The principal addition of the Ngaanyatjarra Partnership Agreement to the Shared Responsibility Agreements was to ‘develop a 20–30 year vision and investment plan for the area’.⁴⁹ This proposal is cruelly and deeply deceptive. It does not deal with the real situation which is that decent schooling, health, sanitation, power and water can only be provided in the foreseeable future if the Ngaanyatjarra settlements coalesce in Warburton for their children’s health and education. They can own houses in their ‘country’ and preserve their culture, but for the sake of their children’s future, like other rural parents, they have to move to where services can be provided at reasonable cost. If the Ngaanyatjarra youngsters are not to waste their lives, they too, like many other youngsters, Indigenous and non-Indigenous, will have to move to jobs in agricultural and mining towns, and urban areas. For a reasonable life as adults these youngsters need decent education, health and housing now (Chapters 8, 9 and 10).

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The Ngaanyatjarra people are not fools. Shire President Damian McLean is concerned about realistic alternatives to the CDEP scheme.⁵⁰ The Ngaanyatjarra are serious people deeply concerned about their problems and particularly about their children's futures. They deserve to be properly informed about their real options. They should not continue to be fobbed off with fairy tales. They need to know that they can retain their culture, develop it and maintain their ties to their land by keeping second homes on their ancestral lands like other people all over the world, but only if they opt for a concentration of services as a step to higher living standards and the lifestyle changes that entails. Pastor Livingston West, who is very influential among the Ngaanyatjarra people, recognises the critical role of education,⁵¹ but he also has to see that most of the youngsters will have to move away to get well paid jobs and have a decent life. Ninety-nine year leases on their house blocks would give the Ngaanyatjarra security of ownership. They would know that they and their children would always own a piece of their 'country'.

'Top down' or 'bottom up'?

Shared Responsibility Agreements and Regional Partnership Agreements are, in the words of Wesley Aird 'top down' attempts to modify the ill effects of welfare.⁵² There appears to have been a substitution effect with Commonwealth funding offsetting the neglect of the Northern Territory, Queensland, Western Australian and South Australian Governments, but baulking at intervening in education, policing and local government because these are Territory and State responsibilities.

The Cape York Institute has introduced a 'bottom up' approach by working with four settlements on Cape York Peninsula, first to articulate their needs and aspirations and then to achieve them. The discussions that preceded the launching of the Institute's Welfare Reform Project in mid-2006 included the possibility of using community agreed welfare levers such as helping families to manage budgets or parts of budgets and withdrawing welfare payments from families to give them to other responsible adults.⁵³ Proposals for a Family Commission of say, two elders and a retired magistrate for each settlement, have been aired. Such a Family Commission could be empowered to direct welfare payments to other relatives if parents were drinking or otherwise neglecting children and send the parents for counselling. It would ensure that all children attended school rested, fed and ready to learn.

A 'bottom up' approach requires a long-term commitment to social development encompassing detailed knowledge of economic and social

problems in families and communities, and sustained inputs. The Cape York Institute stresses involvement with the real economy and the importance of accessing mainstream jobs and incomes even if this means leaving the ‘homeland’ settlements. While responses are not yet finalised, the success of the boarding school programme by which youngsters from the Cape York settlements are now entering tertiary education is evidence that such an approach works. (The work of Christian communities, service organisations and mines that are also providing ‘bottom up’ support is discussed in Chapter 14.)

Income distribution

While nearly 80 per cent of Indigenous remote household incomes are in the two lowest quintiles, a fortunate 3.5 per cent of households have an income in the highest quintile.⁵⁴ These are the ‘Big Men’ who often have several sources of high income from councils, corporations and boards as well as from a disproportionate share of royalties. These permit luxurious lifestyles that run to (communally paid for) helicopters so that they can visit their several wives in outstations or pick up beer supplies.

Table 7.1 Annual incomes of leading Indigenous officials, 2006

	Base salary	Total remuneration
Chairman, Indigenous Business Authority	\$173,930	\$200,790
Chairperson Indigenous Land Corporation	\$161,140	\$214,710
Aboriginal and Torres Strait Islander Social Justice Commissioner	\$161,140	\$229,830
Chairperson, Torres Strait Regional Authority	\$131,010	\$199,500
Chairman, Northern Land Council	\$105,180	\$142,360

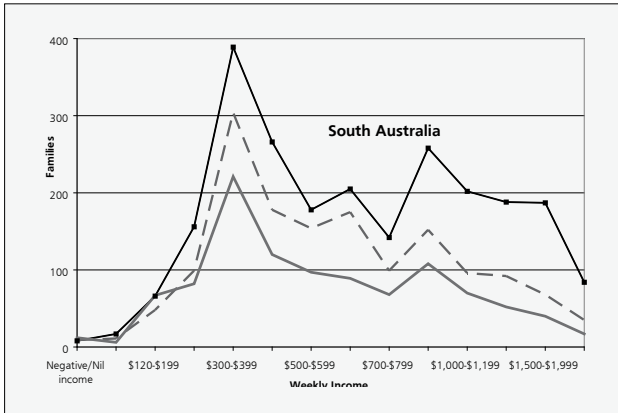
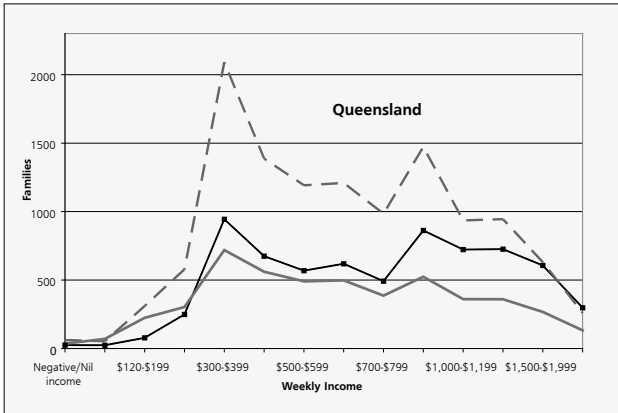
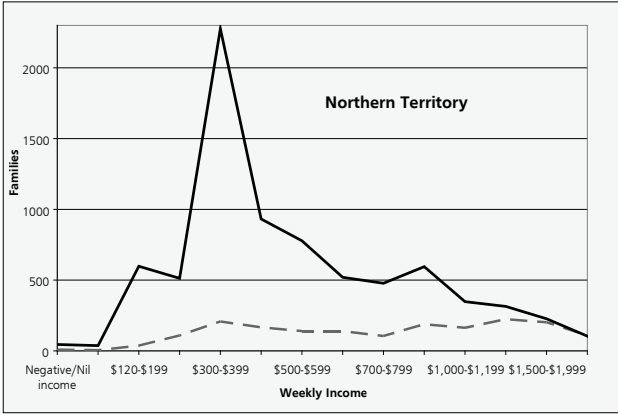
Source: Commonwealth of Australia, *Remuneration Tribunal, Remuneration and Allowances for Holders of Full Time Office*, Determination 2006, p 13.

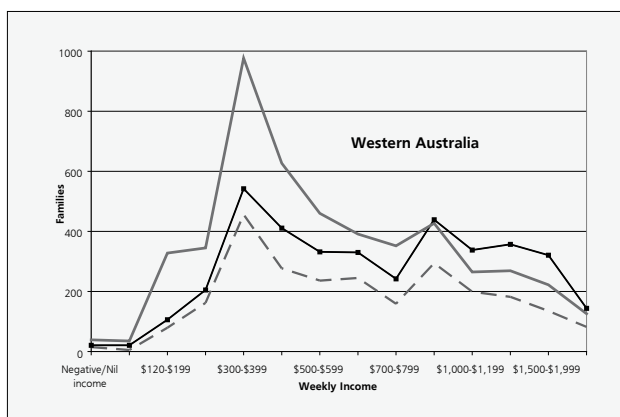
In addition to their remuneration, officials receive allowances. Mr Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner for example, receives a \$28,600 accommodation allowance and a \$7,128 travel allowance. All officials are handsomely superannuated.

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Chart 7.1 Distribution of weekly Indigenous family income—2001

— Major city - - Regional — Remote and very remote





Source: Australian Bureau of Statistics, Census of Housing and Population, *Indigenous Profile*, 2001, Cat. No. 2002.0.

At the other end of the scale are weekly household welfare/CDEP incomes of perhaps \$350 to \$600 a week, or \$18,000 to \$30,000 a year for families averaging seven.⁵⁵ Rents may be low, at \$70 to \$100 a week. Houses are usually shared by several families. But power and transport (where they are available) costs are high. Real poverty, with hunger and malnutrition, exists in the 'homelands' because of the high prices of food and other household goods and clothing. Non-numeracy and illiteracy makes incomes hard to manage. Alcohol and drugs can consume substantial proportions of the income available.

Professor Bob Gregory has drawn attention to the emergence of a high income Indigenous elite, but by using one income distribution figure for all Aborigines and Torres Strait Islanders, he has failed to distinguish the high income small elites in the 'homelands' from the mainstream Indigenous income earners, particularly in the major cities.⁵⁶ The distribution of Indigenous income for the 'homeland' States and Northern Territory (Chart 7.1) shows two distinct concentrations of income: the first is in the welfare income range and the second in mainstream and 'Big men' earnings. Victoria, which has a relatively low share of fringe dwellers, has a high share of mainstream earnings. In the Australian Capital Territory incomes are concentrated in high public service positions.⁵⁷ Remote and very remote data indicate that while most Aborigines and Torres Strait Islanders are welfare dependent, remuneration for the Indigenous elites reflects their appropriation of a high share of public funding through official positions.

Material poverty is not the only, and perhaps not even the principal, mark of deprivation. Non-numeracy, illiteracy and the lack of English cut

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people off from radio, television and print media. Even the lively traditional storytelling, music and dances cannot fill the empty hours of joblessness. In most remote settlements there are no newspapers, magazines or books. DVDs are confined to the crudest of action movies and pornography which whole families, including small children, watch in their single bedroom. Travel is confined to movement to similarly deprived 'homelands' and fringe settlements. Youngsters from remote settlements are often too shy, have too little English and too little money, to play the sports or enjoy the films, clubs and discos that other young Australians frequent. Computing with access to the Internet that has opened information about the world to schoolchildren in mainstream Australia is not a part of most remote community primary school curricula. Unkempt public spaces and violence lead to conditions that would embarrass many Third World countries.

Jobs not welfare

Joblessness is central to Aboriginal and Torres Islander welfare dependence and deprivation in the 'homelands'. The Coombs model failed in spite of all its good intentions, for it did not recognise that mainstream employment is not only essential for material well-being, but also for self-respect. A truly lost, uneducated and unemployed generation has been stranded in the 'homelands'. Artists, with meaningful lives, are the principal group delivered from the grinding ennui of the 'homelands'. Overcoming barriers to employment is formidable. Commonwealth 'mutual obligation' employment measures, Shared Responsibility Agreements and Regional Partnership Agreements have not been able to do so because the Northern Territory and the States essentially deny Aborigines and Torres Strait Islanders a decent education. ■

Chapter 8

Education

8. Education

Assuming a population of 90,000 in the ‘homelands’, around 45,000 Aborigines and Torres Strait Islanders now living in the ‘homelands’ are aged from four years (when they should be starting pre-school), to late teens (when a significant proportion should be finishing high school to start post-secondary training or tertiary education). Yet, for all these children and youngsters there are only around five primary schools working at mainstream standards and a handful of secondary schools, which are mainly devoted to remedial primary teaching. Another generation is being lost. Although data for education in the ‘homelands’ are very sparse,¹ the conclusion reached by Hughes and Warin in 2005 that remote communities’ educational standards have fallen since the missionary days of training Aborigines and Torres Strait Islanders to be bush workers and domestic servants is supported by a mountain of evidence.²

Low Indigenous enrolments, low attendance, low achievement and low retention rates have long been evident, but have been suppressed by Northern Territory, Queensland, Western Australian and South Australian Education Departments. These Departments have also not taken steps to find the reasons for such poor performance. Bob Collins’ Northern Territory inquiry in 1999 was an exception.³ Its limited findings were not followed up. The media have reported data and other information when they have been released. The West Australian Telethon Institute of Child Research⁴ and the Menzies Research Centre⁵ have made efforts to find the reasons for appalling ‘homeland’ educational outcomes. But only a few other papers provided data on low ‘homeland’ education performance,⁶ until Kirsten Storry painstakingly gathered the following information about attendance, achievement and retention rates.⁷

School places

The untold story of educational deprivation is the deficit of school places. Data for the number of school places and school-age children, the basic blocks of education planning, do not exist for Northern Territory or State ‘homelands’. Administrators often argue that as children do not go to school anyway, there is no point in creating places for them. Wadeye is said to have 300 primary places for 600 children and has no high school for 300 potential high schoolers.⁸

The Queensland state government framework, *Partnerships Queensland 2005–2010*, claims that 97.7 per cent of Aboriginal and Torres Strait Islander six-year-olds were enrolled in school in 2004 on the basis of unpublished ABS data. Low Indigenous educational achievement and retention rates

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in Queensland are admitted. The schools are evidently not to blame. Poor outcomes are all due to poor Aboriginal and Torres Strait Islander parenting, high rates of violence and illnesses that keep children out of school.⁹

School attendance

In the Northern Territory in 1998, Indigenous school attendance was thought to be 70 per cent overall but this estimate was known to be on the high side. Studies of remote schools in that year found that children attended three or fewer days a week. In 2001, at Our Lady of the Sacred Heart, the Catholic primary school in Wadeye, enrolment fell from two in three to one in two children during the school year. Of the 54 per cent of the compulsory school age population enrolled in school in 2000–1 to 2002–3, only 57 per cent regularly attended class.¹⁰ In other words, more than half the children of compulsory school age were not at school!

In Queensland the *Cape York Justice Report* found that in 2001 as many as half the Cape York students could be absent on any one day. Absenteeism varied with community events and was often ‘extremely high’ on Fridays following pay day. The Cape York Institute estimated that on average primary school children were absent for a year and half during their primary schooling. *Partnerships Queensland 2005–2010* has nothing to say about attendance.¹¹

In South Australia in the Anangu Pitjantjatjara lands attendance was said to rise dramatically from 64 per cent in 2002 to 77 per cent in 2004. In 2005 it again averaged less than four days per week.

In Western Australia primary school attendance for all Indigenous children was 80 per cent. There are no figures for ‘homeland’ schools in Western Australia but available information suggests that attendance figures are lower in the ‘homelands’. Attendance declined as children reached Years 8 to 10.

School achievement

Across Australia, more than 90 per cent of children achieve numeracy benchmarks for Years 3 and 5, and more than 80 per cent for Year 7. The achievement of English literacy benchmarks for Years 3, 5 and 7 is 90 per cent.

In the Northern Territory results for individual settlements were low in 2001—no child in the Thamarrurr region (Wadeye) achieved Year 3 or Year 5 reading benchmarks. In 2004 no child in Wugularr (Beswick) achieved the literacy benchmark for Year 3. In 2004 in remote communities only 48 per cent of Year 3, and 16 per cent of Year 5 students, achieved the national reading benchmark. In 2004, only 48 per cent of children achieved Year 3 numeracy benchmark and the proportion fell to 16 per

cent in Year 5.

In Queensland's Cape York in 2005 over 75 per cent of students in Years 3, 5 and 7 at Coen State School performed in the bottom 15 per cent of Queensland results. Children at the school were, on average, falling eight or nine months behind for every year they were at school. Similar results had been found at Kowanyama State School in 2000. The charts in *Partnerships Queensland 2005–2010* do not give 'homelands' separately, but indicate that Aboriginal and Torres Strait Islander children are heavily represented in the less than 30 per cent category of achievement for numeracy and literacy at Year 3, 5 and 7 levels. Typically 'an estimated 28 per cent of all Year 5 Aboriginal and Torres Strait Islander students scored in the lowest 10 per cent of all students for reading and only two per cent of students scored in the highest 10 per cent of all students.' Similar patterns are evident in the numeracy data.¹²

In the Anangu Pitjantjatjara lands there was said to be considerable recent improvement with 37 per cent of children achieving the numeracy benchmark in Year 3 and 44 per cent in Year 5. Literacy achievements were 30 per cent in Year 3, 36 per cent in Year 5 and 40 per cent in Year 7.

In Western Australia all Indigenous children lag behind reading and numeracy benchmarks in Year 3 and had even lower achievement in Year 5. Research in the late 1990s found that 'the estimations of 20 per cent performing at grade level is a massive exaggeration.' Only 6 per cent of students in the Pilbara, 10 per cent in the Kimberley region and 8 per cent in the south west were reading at year 4 to 7 levels. More recent data are not available for 'homeland' schools because data for classes with less than 10 children have not been released.

Retention rates

School retention rates are dubious indicators at best, but in the Northern Territory they have no validity. The Northern Territory's Secondary Education Review in 2004 devoted a chapter to secondary education for Indigenous students, but, in typical fashion, the Review provided no data on the numbers of secondary Indigenous children or their achievement levels.¹³ As secondary schooling for non-Indigenous children evolved after the Review, it became apparent that 'homeland' primary school standards were so appalling that youngsters could not manage high school courses in Darwin and Alice Springs. The Northern Territory Department of Education then decided on a policy of segregation for 'homeland' secondary students. Initially these were to cover up to Year 10, but when it emerged that most Year 10 graduates were unprepared for Year 11 in Darwin and Alice Springs, the farce of so-called 'homeland' secondary schools was extended

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to Years 11 and 12. The policy was justified by the claim that ‘homeland’ youngsters were not succeeding in mainstream high schools because they could not adjust to boarding with relatives and friends and going to school in a mainstream environment. In 2003, three Year 12 students in Kalkaringi, 500 kilometres south of Darwin, were the first Indigenous students across northern Australia said to have been schooled in their home communities for a university entrance score. The Northern Territory uses examples such as this to claim that retention of Indigenous students has risen from 23 per cent in 2001 to 60 per cent in 2005. This may be true, but those that fill out that they have completed Years 10, 11 or 12 on application forms for Charles Darwin University certificate ‘training’ courses cannot read or write in English or do basic arithmetic.

In Cape York in 2001 only 48 per cent of children proceeded to secondary school and only 48 per cent of these continued to Year 12. *Partnerships Queensland 2005–2010* admits that retention rates are lower for Indigenous than non-Indigenous students, but does not provide any ‘homeland’ figures.¹⁴

Between 2000 and 2006 the retention rate from Year 8 to Year 10 increased by 45 per cent in the Anangu Pitjantjatjara lands and the retention rate from Year 10 to Year 12 increased by 35 per cent. But in the four years from 2002 to 2005 only 20 students completed the South Australian Certificate of Education, the basic requirement for higher education.

There are no retention rates for ‘homeland’ students in Western Australia. Of all Indigenous children, 78 per cent continue to Year 10, 54 per cent to Year 11 and only 24 per cent to Year 12. These are not far below non-Indigenous retention rates; Western Australia’s retention rates are the lowest in Australia by a considerable margin.

Boarding schools

The sons and daughters of ‘Big Men’ frequently attend mainstream boarding schools so that in the absence of secondary education the ‘homeland’ elite is perpetuating itself. Fortunately, a major Cape York Institute initiative, and a few other scholarship schemes, are taking academically gifted Indigenous children from primary schools and placing them in mainstream secondary boarding schools. These students require one to two years intensive remedial teaching to catch up to their age group. In addition, some ‘homeland’ parents struggle to place their children with relatives in urban mainstream secondary schools.

Reasons for low educational outcomes

Poor school access and attendance undoubtedly lead to low educational

outcomes in the 'homelands'. Veronica Cleary has outlined why children, not seeing adults in a settlement working and earning mainstream incomes so that they can buy a house, a car and travel, do not see the benefits of education. It is extremely difficult for welfare mothers to get their children to school on time, 'fed, clean and ready to learn'.¹⁵ From the attempt to cajole parents into sending children to school at Halls Creek, where 50 per cent of the children were reported to be attending school 50 per cent of the time, a number of Shared Responsibility Agreements focused on public investments in return for school attendance. The disappointing results are not surprising.¹⁶ They do not tackle the reasons why children do not attend school.

Children are not ready for school

The importance of pre-schools for children from low socio-economic backgrounds, particularly if they are not brought up in the national language, is universally accepted. A vigorous debate about the best form of pre-schooling is taking place worldwide. With very few pre-schools having adequate equipment and teaching, mainly located where there are adequate primary schools, it seems absurd that more effort seems to be devoted to discussing alternative approaches to pre-schooling than to actually getting pre-schools in place. Various approaches, including very simple buildings with modest equipment, have proved successful. In a number of 'homeland' settlements women who want pre-schools for their children have tried to start them. But 'homeland' local governments, absurdly, build concrete and plastic 'playgrounds' for young children rather than provide assistance for such mothers. There is no evidence of planning for pre-schools in the Northern Territory, Queensland, Western Australia or South Australia.

Schools are not open

Because there are almost no pre-schools, children are not ready for primary school. For many children there are no primary school places in the 'homelands'. If there is a school in a smaller settlement, it is hardly ever open. In the Northern Territory during the first week of term local Indigenous teachers go to a 'homeland' headquarters to be 'trained'. For the last week of the term they go back to headquarters so that they may be assisted to fill out attendance and other 'outcome' records! During the rest of the term school may be suspended if the head teacher has to see a relative or be absent on other business, and schools can be closed for weeks at a time for funerals. Visiting non-Indigenous teachers fly in for one or two days a week to strengthen the Indigenous, often semi-literate and semi-numerate Indigenous teachers. They are frequently late or do not turn up at all when expected. Typically, when visitors arrive the children are

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rounded up for a few hours of school—including such subjects as guitar. School is thus rarely open for more than 20 per cent or 30 per cent of term time. In the larger settlements schools are open for longer periods, though interruptions and days and even weeks of suspensions are also much more frequent than in mainstream schools.

Schools are poorly equipped

Primary schools in remote communities are poorly equipped. Many schools lack washrooms and toilets. It is often impossible to find a pencil, rubber, paper or books. The everyday equipment of mainstream non-Indigenous primary schools—radio, television, DVDs and computers—are not in use in ‘homeland’ schools. This is evidently the Northern Territory’s Department of Education policy. In marked contrast, most non-Indigenous and mixed schools in the Top End have websites and lively school programmes. Unfortunately the absence of teaching materials is a minor problem.

Schools don’t teach

Mainstream standards of education for ‘homeland’ children are considered inappropriate by supporters of the Coombs model. Professor Altman, the Director of CAEPR at the Australian National University, considers that:

Too much emphasis is being placed in the current debate on providing opportunity for indigenous kids in very remote Australia for imagined futures as ‘lawyers, doctors and plumbers’ (as suggested by Amanda Vanstone) and too little for futures as artists, land managers and hunters living on the land they own ... rather than just seek mainstream education solutions to complex non-mainstream Indigenous circumstances, we should develop curricula relevant to local settings and new enterprises.¹⁷

Another CAEPR researcher, Frances Morphy, appears not to be disturbed by children running aimlessly around settlements during school hours. She writes that:

School attendance is a problem in the homelands, as it is in the hub communities, but if homelands kids are wagging school they are usually engaged in other important educational pursuits—honing their hunting, fishing and gathering skills, and gaining knowledge about the ecology, biology and botany of their environment.¹⁸

Many of the non-Indigenous staff that run ‘homeland’ administrations and services agree with these philosophies. In addition, many of the non-

Indigenous managers of Northern Territory and State Education Departments doubt the ability of Aborigines and Torres Strait Islanders to be educated. Consequently the emphasis, particularly in the Northern Territory, is on initially teaching mainly in (the many) local languages instead of introducing children to bilingualism as they start school. In local languages there are no texts and other written materials (excepting sometimes the Bible).

In the past missionaries who learnt a local language could use their knowledge to dominate tribes. It is still being claimed, absurdly, that English is too difficult for Aborigines and Torres Strait Islanders meaning that all transactions, including access to news, banking and medical advice should be available in local languages so that Indigenous people do not need to learn English.¹⁹

A second cause of the lack of content in teaching is the Northern Territory and State Education Departments' commitments to post-modern beliefs about the structure and content of education. These are damaging mainstream pupils, particularly those from low socio-economic, non-English speaking backgrounds where parents cannot supplement school learning at home. Thus even low-income parents have been fleeing to private schools, particularly at secondary levels so that their children may be educated. Private tutoring is flourishing. In the 'homelands' such escape is only possible for the children of 'Big Men'. 'Homeland' children are taught the 'whole word' reading method. They are not taught the phonetics and grammar that are essential to the learning of a second language.

Workbooks for primary school children are typically produced in a mixture of local language and English. One workbook may serve Years 1 to 6, that is, children aged from 6 to 13 years. Either the six-year-olds are struggling or the 13-year-olds are bored. These workbooks are a far cry from the texts used in mainstream schools. No child could pass mainstream standards on the basis of these workbooks. Basic arithmetic, such as times tables, spelling, the evolution of man, Australia's geography and history and those of the wider world are not taught. Most schools lack dictionaries, atlases, globes of the world, the excellent educational television programmes most children enjoy or Internet to substitute for them. There is no logic, no literature, no classical music and no film. The biggest deficits are in maths and the natural sciences.

'Homeland' high schools do not have the choice of academic or technical subjects that mainstream high schools offer. With a nation-wide shortage of mathematics and science teachers, where even mainstream country high schools have extreme staffing difficulties, high schools cannot be staffed in remote settlements. Being culturally correct is interpreted to mean that

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children can only count spears or possums—limiting the school world to the remote bush only reinforce separateness. Moreover, schools rarely introduce their children to mainstream society through school excursions.

Children are, however, constantly being exposed to some aspects of modern Australia. They listen to current music, watch ‘gangsta’ films and porn, see drunks and people smoking cigarettes and marijuana. They visit towns. They love radios, DVD players, other electronics and cars. In the absence of schooling, this is what they see of mainstream life. An extremely unfortunate consequence has been the loss of most of the 200 Indigenous languages that were once spoken.²⁰ Young people are left with the limited articulateness of ‘Aboriginal English’. This is a factor in their increasing reluctance to participate in traditional ceremonies. The dances performed by elderly women and a couple of men to mark the twentieth anniversary of the handover of Uluru ‘lacked a sense of celebration’ and no young people participated.²¹

The quality of teaching is obviously poor where Indigenous teachers are not literate, are not articulate in English and are barely numerate. Many novice non-Indigenous teachers, untrained in the phonetics or grammar necessary to teach English as a second language, take a placement in a homeland school in the hope that after two years it will lead to a good school in an urban area. Their maths skills are often poor. Some non-Indigenous teachers are refugees from the ‘stress’ of mainstream teaching, seeking a quiet life that does not include expectations that their pupils will pass educational norms, but has loadings for remoteness to bump up salaries. Such teachers are unable to discern and deal with school bullying that is an extension of clan rivalries, sorcery, payback and sexual violence that arise from the distortions of Indigenous culture in the ‘homelands’. They are often also the reasons why children are afraid to attend school.

Family and social dysfunction and the lack of job prospects are factors in poor school attendance and retention rates, but they are not as important as the abysmal lack of content of ‘homeland’ schooling. This has, of course, not only affected the ‘homelands’. Post-modern education has led to struggling students in low socio-economic schools throughout Australia. It is a huge problem in Indigenous fringe and ghetto schools. Staying away from school is often a rational choice and school attendance will not improve until schools are worth attending.

The response to poor education

A handful of dedicated teachers, with parent support, run effective primary schools that reach mainstream standards in the ‘homelands’. Many more

'homeland' parents are concerned at their children's lack of education. They are arguing that their children learn to speak their traditional language at home and are taught their traditions in the community, and they want their children to be educated in English to the same standards as other Australian children. Mines and some other enterprises are recognising that mainstream primary education is essential if Aborigines and Torres Strait Islanders are able to work in their industries. Service organisations and charities are trying to become involved in helping the 'homelands' access education but they face formidable opposition from Education Department bureaucrats.

Parent School Partnership Initiatives

The Northern Territory and State Education Departments are central to the failure of education in the 'homelands'. Until systematic testing is undertaken and the results are published school by school, there will be no progress. The Commonwealth Government ignored these imperatives when they attempted to interest the Northern Territory and the States in the lack of Indigenous educational achievements in an initial programme in 2002.²² More recently, the Aboriginal Education and Training, Participation and Achievement Standards Directorate of the Commonwealth Department of Education, Science and Training allocated substantial funding to Parent School Partnership Initiatives for the Northern Territory and the States. These Initiatives make no attempt to apply performance standards, to deal with the basic shortcoming of existing schools or their poor teaching. The underlying reasons for underachievement are clearly not thought to be the schools', but the children's and their parents' shortcomings.²³ Post-modern philosophy obviously rules in the Department of Education, Science and Training. The Initiatives firstly required a three page 'concept plan' application and if this succeeded, a seven page detailed application form had to be filled in for funding.²⁴ No factual information was sought about the school or its performance on either form. The forms failed to elicit baseline data that could be used for evaluation. There can be no assessment of individual programmes or of the programme as a whole.

In the Northern Territory 115 school councils, some with several schools, were to receive \$11,272,835 during 2005–8 through 623 individually funded Parent School Partnership Initiatives. For example, Acacia Hill School in Alice Springs received a total of \$135,000 in 11 separate grants (for which 11 separate forms had to be filled in twice) ranging from \$1,000 ('Information days will be conducted to provide information to parents about learning, living and disabilities ... to increase parental involvement in their children's education, improve literacy and improve performance against the NT Curriculum framework') to \$51,000 ('The project will

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provide a safe student living and parent visitation area appropriate for wheelchair confined students with disabilities. The project aims to increase numbers of regular attendees, improve literacy and improve performance against the NT Curriculum Framework'). The Nambara Schools Council covering schools in the Nhulunbuy region of East Arnhem Land received \$241,750, heavily weighted in favour of Yirrkala Community Education Centre with poor pickings for the six 'homeland learning centres' (primary schools). To date these do not appear to have received any of the funding. This scarcely matters. Although parents in these settlements are desperate for their children to be educated, most of these 'centres' do not have teachers who can read and write. They are hardly ever open and teaching.

Australia wide \$62.5 million was allocated for the Parent School Partnership Initiative. Another \$37.8 million was allocated for Homework Centres that duplicate school buildings.²⁵ Theoretically this is so Indigenous children have somewhere to do their homework. The waste is breathtaking. In mainstream Australia school buildings are used before and after school for school learning and recreational programmes. When education was starting in Hong Kong and Singapore in the 1950s, schools were used for two shifts of schoolchildren to utilise buildings properly and free resources for educating and paying teachers. In Australia disproportionate resources are being absorbed by Commonwealth, Northern Territory and State bureaucrats. Whether there have been, or will be any 'outcomes' from the additional funding is extremely dubious. Since quantitative performance data have deliberately not been collected, taxpayers will never know!

Catholic education

The Christian churches, notably the Catholic Church have long been involved with Indigenous communities and run a substantial proportion of the non-performing schools in the 'homelands'. They claim concern with Indigenous deprivation. Australia's Catholic Bishops in their annual social justice statement in 2006 challenged State and Federal governments to take action on 'Third World' levels of Indigenous social and economic disadvantage, complaining about the lack of political will.²⁶ Two months later Tobias Ngambe, principal of Wadeye's Thamarrurr Our Lady of the Sacred Heart School with his colleagues met Catholic Cardinal George Pell in Sydney to appeal for help for their school which has worse literacy and numeracy levels than many developing countries.²⁷ There has been no appreciable improvement since these appeals. Catholic Education has 1,000 Indigenous children enrolled in the Northern Territory alone and it is active in Queensland. It does not publish any reports on the number of school places, attendance, achievement levels or retention rates. It has not

examined why its schools are failing. Catholic education has not ‘twinning’ its ‘homeland’ schools with highly achieving, prosperous mainstream schools that could contribute to teacher, pupil and parent exchanges. Nineteenth century exceptionalist attitudes seem to be as entrenched as they are in the Northern Territory and State education systems.

Special school programmes

Because there has been no response from the Education Departments responsible for failing education, commercial organisations have been able to go into business to improve learning in the ‘homelands’. Some attempt to provide decent schooling. The Scaffolding Literacy (or accelerated literacy) Program developed to assist low-achieving students catch up to average levels has received Commonwealth and Northern Territory support.²⁸ The Yachad Accelerated Learning Project was developed for Ethiopian and Bedouin immigrant children in Hebrew schools in Israel. Yachad has nevertheless been found to be culturally appropriate for Aborigines and Torres Strait Islanders learning in English because of its very clever combination of post-modern outcomes rhetoric with high teacher/student ratios and practical classroom teaching that lead to results.²⁹ The Indigenous Education Leadership Institute has attracted \$1.23 million from Telstra for its Stronger, Smarter Realities programme.

Scaffolding, Yachad, Smarter Realities and similar programmes, with their emphasis on children ‘catching-up’ again imply that it is the Indigenous children’s innate characteristics and their parents’ lack of interest that is the cause of their falling behind. This is comforting to the Education Departments that have failed to provide basic schooling. Hence the emergence of an educational rhetoric argues that Indigenous education has to be specially culturally tailored to Indigenous needs and thus requires additional funding before mainstream numeracy, reading and writing in English can be achieved. The financial returns to these programmes are handsome. The promoters find it easy to attract donations and win contracts. But Aboriginal and Torres Strait Islander children have normal ranges of aptitude. They are not reaching mainstream averages because they are not receiving basic schooling. Autonomous primary schools working to mainstream standards would be as effective and far more economical. Taxpayers would then not be paying twice as they are now: once for non-performing primary schools and once for special consultants.

Reforming ‘homeland’ education

The Commonwealth Department of Education, Science and Training will clearly have to change its approach to Indigenous education to insist

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on annual records of achievement levels in all schools. Julie Novak in her paper, *School Autonomy*, concluded that the restrictive Education Department monopolies that are responsible for poor education must be ended by permitting publicly funded schools to develop independently.³⁰

Primary schools

All studies agree that schooling cannot be viewed in isolation from family and community mores. Children's health, the regularity of meals, support for attendance and schoolwork from home are important. But for children to start being educated there has to be a functioning school with classrooms, equipment, power and sanitary facilities. It has to be open for the whole of each term, it has to have a real curriculum, effective English speaking teachers and the same penalties for non-attendance as the rest of Australia. Each 'homeland' school should be 'twinned' or partnered with a successful mainstream school that has above average results. That school's core curriculum, texts and teaching materials should be used to assist the 'homeland' school. Performance competition among schools would thus be encouraged. Twinning should include exchanges of teachers and students. Mainstream children in major Australian cities and country towns would benefit from exposure to conditions in remote Australia as would 'homeland' children visiting their twinned schools for periods of schooling and holidays.

Australian taxpayers cannot be expected to turn a blind eye to the prospect of funding further generations of jobless men and women to live in conditions of family and social dysfunction. The Commonwealth funds 'homeland' schools through the Northern Territory and the States, and directly. With the cooperation of the Northern Territory and the States if possible, an autonomous school framework should be established immediately with a target of core functioning primary schools to be in progress by 2007 and fully in place in 2008. Autonomous schools will require inputs from mentors such as the Cape York Institute, service organisations and industry. Parents made illiterate by 30 years of neglect cannot be expected to manage a school without a great deal of assistance, but a start has to be made.

Fixing up schools in the large settlements so that there is a place for every child of primary school age, decent school facilities, a mainstream curriculum and teachers that teach is a first priority. Many of the medium settlements do not have houses for teachers. They will have to be built (by contractors employing Indigenous apprentices and local labour). Parents with school age children will have to move to larger settlements from outstations (or make arrangements for boarding), at least during term time. Funding will be needed to refurbish schools, provide teaching

aides and top-up salaries to skilled and dedicated teachers outside present Education Department rules. Such teachers will have to include not only basic literacy and numeracy with old fashioned tools such as times tables and spelling bees, but also factual general knowledge. They will have to engage children in activities such as starting garden plots, physical education and sport beyond football for boys, and otherwise engage with the community so that parents are involved with the school. Moreover, they would contribute to teaching adult literacy.

A range of teachers and teaching couples, including retirees, and some of the teachers already working in the Top End, would engage in such rewarding work if it was freed from the deadening bureaucracy of the Northern Territory and State Education Departments.

Singapore has a system of annual cash bonuses for teachers and schools so that most improve their learning benchmark averages. The best performing students are also rewarded. These awards are featured in the media every year to help stress the importance of good education to the community. Most children are at least bilingual, many trilingual, with compulsory mathematics and science. Singapore is always at the top of international academic achievement comparisons.

Secondary schools

Without a primary base there can be no secondary schooling and without secondary schooling there will be no employment. Remedial teaching for children who have been deprived of primary school education is essential. Most of the so-called secondary schools in the 'homelands' that are effective are teaching remedial primary school material. Some are not even doing that. The idea that any academically gifted boy from a 'homeland' secondary school could seamlessly enter a senior year in Sydney Boys' High School or that any academically gifted girl could do the same at Mac.Robertson Girls' High School is laughable.

Exceptionalist attitudes to Aboriginal and Torres Strait Islander children that presume that they are less worthy of secondary education than other Australian children persist. The National Indigenous Council recommended that children as young as 12 should be offered pre-apprentice training rather than mainstream subjects for otherwise they would lose interest in schooling because it was 'not relevant'.³¹ All secondary schools should certainly have well equipped workshops where boys and girls can become acquainted with trade skills, but not at the cost of their ability to progress to highly skilled jobs that require mainstream education at least to Year 10. Ending children's academic education at the age of 12 smacks of missionary days. Is learning foreign languages not 'relevant' for Aboriginal

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youngsters? Are they never to travel like other young Australians?

By the time youngsters are emerging from real primary schools, all secondary students in remote Australia should be attending mainstream integrated schools in regional centres. All youngsters—Indigenous and non-Indigenous—would benefit from economies of scale. All children in a district or region that do not go to mainstream boarding schools should attend one district secondary school. The number of subjects taught could be increased, technical TAFE courses could be expanded as they are being expanded in mainstream secondary schools, and sporting, music and other activities could be introduced. Such schools would need properly organised weekly and term boarding facilities with sporting and leisure activities for all remote students.

Ghetto high schools or colleges located in remote areas where ‘the youngsters will not be exposed to temptation’ have been designed by consultants responding to Education Departments that not only need to cover up their past failures, but are also determined to continue to deny Aborigines and Torres Strait Islanders an education. The Yulara College located in the Uluru resort town of Yulara collapsed.³² Substantial funding has been allocated for a secondary college in the Tiwi Islands despite the doubts raised locally about its likely effectiveness in delivering decent standards. Education does not only take place in the class room. Today’s youngsters must learn to negotiate exposure to alcohol, drugs and sex if they are to live decent lives. The worst possible environment is one that protects them from the real world during their adolescent years. Study after study shows that such shelter makes young people susceptible to the worst anti-social influences. ‘Homeland’ teenagers need exposure to the mainstream if they are ever to live normal Australian lives. At least some children from Cape York settlements and Doomadgee in Queensland are finishing high school in mainstream boarding schools and thoroughly enjoying the experience. They have University or TAFE options.³³

Nhulunbuy, Yirrkala and Laynhapuy secondary schools

The region that embraces Nhulunbuy, the Alcan Gove bauxite mine and alumina refinery town, Yirrkala, an old Mission station only 14 kilometres away and the Laynhapuy ‘homelands’ is an example of the present dysfunctional apartheid structure that the Northern Territory Education Department deems appropriate. There are three so-called secondary schools: Nhulunbuy High School, Yirrkala Community Education Centre, a 20 minute bus ride away, and the recently established Garthlala secondary school located near a small settlement on Caledon Bay about an hour’s drive from Nhulunbuy.

The predominately non-Indigenous Nhulunbuy High School is too small to attract the teachers that could provide a full range of academic and technical subjects even if it were economic to do so. Parents serious about their children's education send them to secondary boarding school or move. The children left do not allow large enough classes for much debate and discussion among students even in the subjects offered.

The Yirrkala Community Education Centre is correctly named. It is not a school. It uses the excuse that its students are Yolngu speakers to deny them a mainstream primary education in English. Year 10 students do not reach Year 6 standards of mainstream schools. Adding Years 11 and 12 is farcical. The students are prey to alcohol, drugs and sexual exploitation, contributing to the lack of civic mores in a settlement that has a floating population of over 1,000 people. Parents from the 'homelands' have moved there to obtain schooling for their children and placed children with relatives only to be bitterly disappointed because their children learn nothing, wag school and get into trouble.

The Garthalala secondary school's facilities have been developed, with substantial assistance from Rotary, in response to local clan politics supported by Northern Territory policies of establishing secondary schools in remote areas. Parents in other Laynhapuy settlements do not want to send their children to a school that is barely teaching maths and English to primary school levels.

Yirrkala and Garthalala do not enable youngsters to get apprenticeships and jobs as skilled workers in the Nhulunbuy mine, the large local employer. They are monuments to 'apartheid', graduating Aboriginal youngsters into unemployment and welfare dependence to perpetuate cycles of deprivation.

The Nhulunbuy, Yirrkala and Laynhapuy region only has room for one high school. Children from Yirrkala, Garthalala and other nearby settlements could be bussed to Nhulunbuy. Weekly boarding facilities could be provided for others at less cost than that of three separate schools. Non-Indigenous students from remote areas face the same boarding problems as Indigenous students. Not all children need to become boarders in principally academic schools, but all parents—Indigenous and non-Indigenous—who choose to live in remote areas must recognise that if they are not to cripple their children, they have to send them away to board during term time while in secondary school. The Northern Territory Department of Education cannot afford such a consolidation because it would expose its failure to provide a decent education for Aborigines. But Australia cannot continue to deprive Aboriginal youngsters of education.

Post-secondary education

At present, very few youngsters from remote settlements proceed to TAFE courses. The mining and pastoral industry apprenticeship schemes are the only formal post-secondary training schemes available. These have to overcome the lack of primary, let alone secondary schooling, by providing remedial teaching, notably in numeracy and English. TAFE enrolments for children from the 'homelands' are essential if Indigenous workers are to take their place in mining and other skilled occupations. Again this will mean boarding facilities. 'Homeland' children that reach university do so principally via mainstream boarding schools. The Cape York Institute's programme is the principal way for ordinary 'homeland' children to access professional education. There are too few other scholarships. The Northern Territory, Western Australia and South Australia should follow the Cape York Institute example to ensure that more 'homeland' children have such opportunities. This is essential if the 'homelands' are not forever to be non-Indigenously administered, managed and serviced. Not all 'homeland' doctors will want to return to remote Australia, but when significant numbers are trained, some will.

Training

So called 'training' in the 'homelands', particularly in the Northern Territory, at present represents a disgraceful waste of public funds. A flood of money is available for training. Charles Darwin University is the largest registered Training Organisation in the Northern Territory and 'training' makes a substantial contribution to its finances and staffing.³⁴ Its training courses fit into the Northern Territory's education philosophy because they do not require literacy or numeracy for entry into training or as a condition of earning a certificate. There is a large array of training courses. Northern Territory training courses include administration, retail, clerical work, concreting, motor mechanics, driving, building trades, teaching, medical assistance, horticulture, land care and even 'suicide' training. Bored youngsters volunteer for 'training' courses, enjoy a trip away from their settlement even if it means hanging about a regional centre for an extra week or so because trainers rarely turn up so that courses can start on time. Despite the pay they receive during training, and despite the 'certificates' they receive—levels I, II, III and even IV—they know that they have no comprehension of what they are supposed to have learnt. A recent participant in a 'suicide' training course ruefully confessed that he had no idea what it was about. Was he learning how to commit suicide or how to prevent it? Settlements with half a dozen certificated first aid graduates do not have a first aid kit that a mainstream family would take

on a camping trip or the knowledge to use it in case of a spill of hot water. Certificated graduates know that their certificates are worthless. They do not enable them to get a real job. They are Monopoly money, that is, currency for CDEP entry and promotions. Trainees feel cheated. The beneficiaries are the institutions, trainers and consultants who make a living out of the system. Radical surgery would save large sums of money without any effect on 'homeland' skills.

Current training has to be replaced by TAFE courses that start with literate and numerate candidates or that teach them those critical skills first. As secondary students reach Years 10, 11 and 12 they will be able to move to TAFEs with properly organised courses combined with work experience. These TAFEs would also need hostel accommodation to help with the transition from school to work.

Adult literacy

Adult literacy and numeracy are urgently needed in the 'homelands' for women and men too old to return to school. The Fountain for Youth Foundation is distributing Literacy Backpacks to promote reading by Aboriginal children and their families. The Foundation hopes to reach as many 1,300 children east of Katherine.³⁵ This is an admirable way of providing reading material for settlements without newspapers, magazines or books, but it is a mere drop in the literacy bucket.

A major voluntary literacy and numeracy campaign is needed to replace the trainers, youth workers and others who have been so ineffectual in the 'homelands'. Countries as disparate as Iran and Cuba successfully mounted adult literacy programmes. Adults need literacy and numeracy to manage shopping, digital banking and to maintain health. During their holidays students could camp in remote settlements for the one-on-one teaching required. In Iran senior high school students often proved to be the most effective teachers. Adult literacy and numeracy teaching could give meaning to the good intentions of the seniors who signed up to volunteer assistance for Aborigines and Torres Strait Islanders in an agreement between the National Seniors Association and the Commonwealth Government in November 2006.³⁶ Good intentions have to be transformed into effective voluntary programmes by experienced and imaginative retirees. Working directly on computers obviates the time needed to learn how to write. Acquiring the skills required for one-to-one teaching only takes a week or so. Many students and retired men and women would gladly give their time to help their fellow Australians. A time horizon of three to five years could see the 'homelands' functionally literate.

Education is key

Without schooling, Aborigines and Torres Strait Islanders in remote Australia will continue to be unable to get jobs, read instructions on a packet of medicine or access a bank account. The simplest development steps—running a shop, starting a sewing circle, maintaining motor vehicles—will remain unmanageable. Crooked operators will continue to issue ‘gold’ credit cards,³⁷ make personal loans,³⁸ and fund the purchases of four-wheel-drive vehicles costing \$40,000 for welfare recipients who are unable to buy food or maintain their vehicles after servicing their loans.³⁹ Local government will continue to fall to ‘Big Men’ and administrative and other skilled jobs will remain non-Indigenous. More generations, unable to read, write, count or speak English, will not be able to get jobs and live decent lives. Most Aborigines and Torres Strait Islanders could not pass the citizenship tests now being proposed for new Australians and will not be able to pass them in the future unless education is transformed. ■

Chapter 9

Health and Life Expectancy

A decorative line consisting of a horizontal segment on the left, a vertical segment extending downwards, and a long horizontal segment extending to the right, ending in a small square.

9. Health and life expectancy

The most damning indictment of the Coombs experiment is that in the ‘homelands’ ill health is so prevalent that the expectation of life is more than 20 years lower than in mainstream Australia.¹ In referring to Indigenous health overall, the Commonwealth Minister for Health, Tony Abbott, noted that:

Although health spending per Indigenous person is 18 per cent higher than health spending generally, on almost every indicator Indigenous people’s health outcomes are dramatically worse. Indigenous people have twice the rate of hospitalisation for injury or poisoning, Indigenous children are three times as likely to have ear and hearing problems, and Indigenous people have three times the general rate of diabetes. Fifty per cent of Indigenous people smoke tobacco (compared with 17 per cent for Australians generally). Indigenous people are one and a half times as likely to be physically inactive, and are twice as likely to have experienced victimisation, with 24 per cent reporting physical or threatened violence in a twelve month period.²

In the ‘homelands’ every indicator is worse than the Indigenous average.

The dimensions of ill health

The first four volumes (of five) of the *Aboriginal Child Health* study by the West Australian Telethon Institute for Child Health Research published between 2004 and 2006 provide recent in-depth information on Aboriginal child ill health in Western Australia. While every indicator shows that Aboriginal child health is worse than mainstream health, remote child health is in every instance worse than overall Aboriginal child health.³ Every Queensland Department of Health indicator of maternal, infant and child health is markedly worse for the Indigenous than for the non-Indigenous population. Remoteness is also a factor though Indigenous data are not published by remoteness.⁴

Maternal and child health

The deficit clock starts ticking before a child is born—often to young teenage mothers—with chronic, debilitating conditions. In Western Australia only six percent of mothers giving birth are Aboriginal, but 17 per cent of the infants that die are Aboriginal. Aboriginal mothers are young: 28 per cent are 19 or under compared to 6 per cent in the total population and 13 per cent are aged 17 or less, compared to 2 per cent in

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the total population. Smoking among Aboriginal mothers is double that in the rest of the population. Whereas 13 per cent of Aboriginal babies are born premature, 7 per cent overall are premature. Mothers have higher rates of complications in childbirth, so that the maternal death rate is elevated, more babies are born prematurely and full term babies have lower average birth weights: 20 per cent of Aboriginal babies have sub-optimal weight at birth compared to 13 per cent for the total population.⁵ These conditions contribute to elevated rates of infant deaths, but infant deaths are also caused by high rates of infectious diseases and the high incidence of Sudden Infant Death Syndrome that is often, however, reported as a cause of death instead of the true cause—adults or siblings rolling onto a child on crowded mattresses.

Many babies do not thrive because, without shops and kitchen storage, solids are not introduced properly into infant diets. Soft drinks may frequently be seen in babies' bottles. Meals are irregular. Poor nutrition persists through childhood so that children become highly susceptible to infections of the chest, skin and urinary tract, vector borne infectious and diarrhoeal diseases, chronic *otitis media* (pus discharging from the inner ear and noses) resulting in perforated eardrums, trachoma, abscesses, boils and scabies. In the Fregon Anangu school 'most students have intermittent hearing problems'.⁶ Abscesses, boils and scabies are signs of scurvy. Professor J D Matthews of the Menzies School of Health in Darwin estimates that 60 per cent of Indigenous children in bush schools have infected skin sores.⁷ Interestingly, *otitis media* is also prevalent on Canadian reservations.⁸ Minor chest infections—often undiagnosed so that they are treated with Panadol instead of antibiotics—turn into pneumonia. In some 'homelands' untreated 'strep throat' led to the highest incidence of rheumatic fever in the world and open heart surgery at 20 years of age. All these are preventable or containable diseases. Some of these diseases are seen rarely, if at all, in mainstream communities. Ill health affects school attendance and performance: children with *otitis media* find it difficult to hear at school and those with trachoma find it difficult to see.

Adult Health

The *Aboriginal and Torres Strait Islander Health Performance Framework 2006 Report* details current Aboriginal health trends, with some specific information about the 'homelands'.⁹ In *Partnerships Queensland*, in contrast, the only indicators in the curiously entitled 'Healthy, prosperous and safe adulthood' section are high Indigenous mortality rates for 2000–2002. *Partnerships Queensland*, however, concludes that in Queensland 'compared with non-Indigenous adults Aboriginal and Torres Strait

Islander adults are more likely to experience physical and mental ill-health and be the victims of accidents and assaults’.

Poor nutrition continues into adult life with incessant abscesses and boils indicating the absence of fresh food. When young men working on a Rotary construction project turned up to work with boils, the Rotarian drove 200 kilometres to the nearest non-Indigenous shop, bought oranges and affected an instant cure. In East Arnhem Land, malnutrition is exacerbated by kava. Caries are common in ‘milk teeth’ because of high soft drink and other sugar consumption. Dentistry is largely absent so that by adulthood, neglected tooth decay often requires hospital admission. The presence of strongyloidiasis (an intestinal disease caused by threadworm) is inexcusable. Diarrhoeal and bronchial infections continue to be spread by overcrowding. Infected secretions from eyes, nose, ears and coughs have a major role in transmitting infectious diseases—especially in overcrowded households with poor waste disposal that accumulate pools of potentially infected material. Overcrowding and inadequate waste disposal characterise the ‘homelands’. The *Framework 2006 Report* indicated that ‘there is no indication that the incidence of acute rheumatic fever is falling in the Northern Territory’. In December 2006, out of 1,209 cases of rheumatic heart disease in the Northern Territory, 1,110 or 92 per cent were Aborigines or Torres Strait Islanders. The commencement of effective registration of these patients, initiated in the Northern Territory, has not been supported by the States.¹⁰

Diabetes and cardiac diseases

The incidence of lifestyle induced high blood pressure with consequent circulatory disease, and of diabetes, is much higher than in mainstream Australia because poor nutrition is aggravated by lack of exercise, smoking tobacco, heavy drinking and drug use. Whereas diabetes affects 5 per cent of the Australian population,¹¹ in Aboriginal and Torres Strait Islander settlements it is often over 30 per cent and sometimes as high as 40 per cent.¹² Most mainstream diabetics are members of Diabetes Australia. They control their blood sugar by using personal glucometers (digital blood sugar measuring machines) daily to test their blood sugar, keep diaries of the results for their own information and as evidence of their diabetic control to show doctors who monitor the disease.

When diabetes is managed by patients under doctors’ supervision through diet, medication or insulin injections (if necessary), and through regular exercise, people live normal, healthy and productive lives into old age. Uncontrolled, even adult-onset diabetes soon requires multiple daily injections of insulin with the dangers of hypoglycaemia so that blood sugar

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control becomes essential. Diabetics from settlements without resident health care have to move to ones that do. For many this means separation from their immediate families and is often too difficult. But even in the settlements with resident health care, self care and diary keeping that is considered mandatory for non-Indigenous diabetics is almost entirely absent. High consumption of alcohol and smoking are lethal for diabetics. Uncontrolled diabetes leads to circulatory problems, blindness, diabetic nephropathy (kidney disease), gangrene and loss of limbs. Ultimately kidneys fail, necessitating renal dialysis and transplants, which is not only inconvenient for the patient but also very costly for the health system. But such is the depth of ignorance of patients and the even worse negligence of medical staff, that in remote settlements the demand is not for glucometers to prevent the consequences of not controlling diabetes but for kidney dialysis machines for chronically ill patients!

High blood pressure and incipient cardiac disease can similarly be kept under control by personal management and medication, delaying and even obviating the need for surgical interventions.

Sexually transmitted diseases

Sexually transmitted diseases that accompany violence against women and the abuse of children are a particular health problem. Although these diseases are supposed to be reported by health systems, for the 'homelands' only very partial information is available. The excuse used for this state of affairs is that Aboriginal and Torres Strait Islander men are embarrassed about admitting that they have sexually transmitted diseases. So are non-Indigenous men. In non-Indigenous Australia, however, this is not an excuse for failing to identify and report the incidence because of the damage untreated patients do to others. It should not be allowed to be an excuse in Indigenous Australia. Apart from the Telethon Institute child health study in Western Australia, only very partial information is available and mostly dates from the 1990s and early 2000s. A frequently quoted study of a settlement in central Australia of 1,034 people aged 12 to 40 years found 313 episodes of incident gonorrhoea, 240 of incident chlamydial infection and 17 of incident syphilis.¹³ Donovaniasis is a particularly severe sexually transmitted disease. In Australia it is not known outside the Top End. Incidence was most severe in the Torres Strait Islands. A 2001 study by the Office of Aboriginal and Torres Strait Islander Health (OATSIH) reported that 'patchy access to primary healthcare services in endemic areas was a prime obstacle to its eradication.' Studies establish the need for clinical campaigns to reduce if not eradicate sexually transmitted and other chronic diseases, but they do not provide the information that would enable patients, families and communities to work

with health providers to act. The need for data in this area was identified as a priority by the *Framework 2006 Report* without any recommendations for practical steps to follow.¹⁴ Information systems have to address privacy issues. Modern technology makes this possible. But technology is helpless in the face of unwillingness to make the health system work.

Health Information

The Australian Institute of Health and Welfare published a series of reports on Aboriginal and Torres Strait Islander health in the early 1990s.¹⁵ There has been a dearth of studies more recently. This is partly because the nature of the prevalent diseases in the 'homelands' is well known and the procedures for prevention and cure are well established and practised in mainstream Australia. Medical research is taking place elsewhere, where new knowledge is necessary for treatment. But analytical work is also lacking because of the dearth of accurate, electronically captured clinical data from remote Indigenous health services. Despite considerable federal funding for electronic clinical information management solutions for Indigenous health practices, and even more considerable federal funding for broadband data networks, data capture remains limited and largely paper based. It is not available for integrated, cross-sector health management. Where clinical data is collected, it is managed by non-Indigenous managed health services that do not report this information to the Indigenous communities that are their clients. Indigenous people therefore do not know the extent of health problems in their own communities.

Most mainstream medical researchers have been driven out of the 'homelands' by cabals that, in the name of protecting traditional Aboriginal culture and self-determination, have placed onerous 'ethical' limitations on research and value political correctness above research results. Telethon Institute and Darwin Menzies School of Health researchers have only been able to work on 'homeland' health issues by accepting limitations of political correctness in their analyses of causes of illness. The Darwin Menzies School of Health, in August 2006, reported that for Indigenous Australians in the Top End 'research showed death rates for many diseases are not rising as fast as in the past—and in some cases are falling'. Pat Anderson, former Northern Territory Public Prosecutor and Chairwoman of the Cooperative Research for Aboriginal Health, claimed that 'the report challenged the popular belief that Aboriginal health was getting worse'.¹⁶ What the research actually found was that although there had been some improvement in Indigenous morbidity between 1997 and 2001, 'in spite of these improvements, the ratio of Northern Territory Indigenous to total Australian mortality has increased.'¹⁷

The causes of illness

The principal determinants of health are social and economic environments. Nutrition, housing, sanitation and water supply, exercise, alcohol and drug abuse are key factors. Violence, particularly against women, is a major cause of traumas that often require hospital treatment. Child abuse makes sexually transmitted diseases endemic. Education is critical. The education of women in particular is important because they bear and nurture children, enforce habits of hygiene, provide meals and keep clothing and houses clean. Aboriginal mothers bear children when they should be still at school. This is the principal explanation for the high rates of birth complications and post-natal problems. Many are worn out by their late teens. The 'homelands' fail to reach acceptable standards in all community health determinants by large margins.

Public health measures are used to prevent and control contagious diseases through vaccinations and inoculations, by preventing the breeding of mosquitoes and other pests, by providing public health inspections to make sure sanitary arrangements are adequate and rubbish is collected, and by providing public health information. The reach of public health measures is weak in the 'homelands'. Child vaccination and inoculation is the exception to the neglect of the preventive and inspection services that are key to good mainstream health. The water supply and sanitary arrangements of many settlements and outstations would not be tolerated in any non-Indigenous community. Failure to dispose of rubbish is a perennial cause of the spread of disease. So is the presence of hordes of uncontrolled dogs.

Many anthropologists and other social scientists who have worked in the 'homelands' have not only ignored conditions about which they would vigorously complain to their local government, but excused and justified them. Thus Aborigines are said to be unable to deal with maggots at the bottom of a water pipe, plastic bags and empty cans blowing round the streets, and dogs carrying dirty nappies in their mouth because in nomadic times they did not have to clear broken twigs around their camp site before leaving as they would have degraded by the time the site was used again. Such attitudes, implying that Aborigines, unlike every other ethnic group, cannot live in the modern world, are deeply racist. Maintaining cultural traditions need not and must not mean slum living conditions. All Australians should live in decent, healthy communities with high public health standards.

Throughout the world, improving standards of living and public health measures have contributed more to the rising years of expectation of life

than clinical medicine. Failures of community organisation and of public health, however, mean that the 'homelands' have a greater need for the expensive, clinical healthcare than mainstream communities. The weakness of clinical health delivery to the 'homelands' is not disputed. Funding is not the problem. More resources would only help if they reached the patients and this is unlikely, if not impossible, with the present wasteful structure of healthcare delivery.

The organisation of health delivery

The Commonwealth Government, through OATSIH in the Department of Health and Ageing, funds health expenditures for Aborigines, includes those in the 'homelands', through 151 Aboriginal Medical Services and a total of 'at least 200 organisations'.¹⁸ The Northern Territory, Queensland, Western Australian and South Australian Health Departments participate in implementation and also run services of their own. Actual healthcare delivery is in the hands of Northern Territory and State run health services and communal health services called Aboriginal Community Control Health Organisations (ACCHOs). The National Aboriginal Community Controlled Health Organisation (NACCHO) is the national peak Aboriginal health body and represents Aboriginal Community Controlled Health Services throughout Australia. It has 128 constituent members, 51 of them in 'remote' or 'very remote' Australia. Each ACCHO is separately incorporated, with a locally elected or appointed Board of Management. Unlike mainstream medical practices that are incorporated under Australian Securities and Insurance Commission (ASIC) rules, they report to ORAC (Chapter 6), to local government organisations or to state registration authorities.

NACCHO announced in its *National Aboriginal Health Strategy* in 1989 that:

Aboriginal health is not just the physical well being of an individual but is the social, emotional and cultural well being of the whole community in which each individual is able to achieve their full potential thereby bringing about the total well being of their community. It is a whole-of-life view and includes the cyclical concept of life-death-life.

A follow-up *National Strategic Framework for Aboriginal and Torres Strait Islander Health* followed on the same lines in 2003. NACCHO is clearly satisfied that each of its members is delivering 'comprehensive, and culturally appropriate healthcare to the community which controls it'.¹⁹ The 'Big Men' that run NACCHO and are on the boards of its members are

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also well satisfied with the services they deliver, with the way ACCHOs and NACCHO operate and implicitly with the resulting levels of Aboriginal health and short expectation of life. 'Homeland' residents, in marked contrast, constantly complain of inadequate services. They travel long distances to vote with their feet by crowding the emergency departments of non-Indigenous hospitals in Nhulunbuy, Kalgoorlie, Alice Springs, Darwin, Broome and other towns for medical care that is elsewhere supplied by doctors, not by hospitals. As in education, a handful of ACCHOs are doing their job, but most of this handful are located outside the 'homelands'. Within the 'homelands' the shortcomings of the ACCHOs bear a significant responsibility for the state of Aboriginal health.

ACCHOs generally take the form of central clinics with doctors, registered nurses and 'Aboriginal health workers'. They sometimes also have smaller clinics with registered nurses in outlying settlements and visit even smaller settlements to which they are supposed to supply first aid kits and medication.

One example of the parlous state of health organisation and its delivery is the diabetes epidemic. The problem is universal in the 'homelands'. Darwin supplies dialysis for patients from the wealthy Northern Land Council 'homelands'. One of the dialysis centres in Alice Springs has patients as young as 21 years in its dialysis programme from the Central Land Council 'homelands'. More dialysis machines are planned for the central 'homelands'. Ophthalmologists visiting homeland settlements are identifying indications of the onset of diabetes. Some Aboriginal health workers have been trained to photograph patients' eyes so that ophthalmologists can diagnose the onset of diabetes at distance from photographs. Such photographs can be electronically transferred. But there is no systematic follow-up to introduce and monitor self-management. It is well known that lecturing patients about diet is not effective. They have to test their own blood sugar at least once a day and keep a record of the readings to show doctors if they are to manage their condition.

Yet diabetes is only one example of the utter incapacity of the ACCHOs to deal with Aboriginal health. The prevalence of trachoma, *otitis media*, diarrhoea, chest and other infections, and scurvy in children is inexcusable. So is the lack of management of high blood pressure and cardiac disease, the onset of which, like diabetes if diagnosed early, is in many cases able to be self-managed so that recourse to costly heart surgery can often be long delayed if not avoided.

Halls Creek

The Yura Yungi Aboriginal Medical Service, established in 1987, has a clinic in Halls Creek in the Kimberleys. In 2001, Halls Creek had a population of 4,000, of whom 70 per cent were Indigenous. In Halls Creek Shire, 85 per cent of the population is Indigenous. The Yura Yungi Service claims it visits Ringer's Soak, Chinaman's Garden, Old Flora Valley, Ngunjiwirri and Lumbu Village and the communities of Redhill, Nicholson Block and Mardiwah Loop²⁰ but has difficulty doing so because it finds it hard to fill its two medical posts. There are 60 small 'homeland' outstations altogether, but in the wet season people from outstations move to Halls Creek vicinity. An eight-bed but well staffed hospital with three doctors, and a Community Health Centre are also run by the West Australian Government in Halls Creek. Yura Yungi claims 5,000 patients on its books. The dentist comes once every three months from Kununurra, three hours drive away, as do medicines ordered by Yura Yungi, the hospital or the Health Centre or by individuals through a Halls Creek shop. There is no common patient record system. Women have to go to Derby or Kununurra hospitals to give birth.

Nhulunbuy, Yirrkala and Laynhapuy Homelands

Nhulunbuy, Yirrkala and the Laynhapuy 'homelands' have an even more complex medical set up. Nhulunbuy has a private medical practice and a 30-bed hospital run by the Northern Territory government ostensibly for the mine workers, but 80 per cent of its patients are Aboriginal. The Miwatj Health Aboriginal Corporation also operates from Nhulunbuy to service some 8,000 people in East Arnhem Land. Yirrkala, with a population of 1,000 has its own OATSIH funded health service that is said to service 2,000 people. It has a nurse but mostly relies on doctors from Nhulunbuy. Yirrkala is also the location of the Laynhapuy Homelands Association, which has some 800–1000 people in 20 widely scattered small settlements and outstations. A dentist is supposed to visit Yirrkala half a day a week. There is no dental service in the Laynhapuy 'homelands'. Most of the patient records of these health providers are kept on paper and are frequently mislaid or lost. The OATSIH funded clinical recording system, 'Ferret', is barely used. As these organisations also collect Medicare funding rebates, the level of public funding per patient is considerably above that in the mainstream. In the Laynhapuy 'homeland' public health and clinical services are skeletal.

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Taking into account the duplicative and inefficient institutional framework, however, it is probably amazing that any medical services are delivered. It is obvious why they cost so much.

The health clinics that operate in the larger settlements are overwhelmingly non-Indigenously staffed. The Aboriginal 'health workers' do not have medical skills. Their function is to pretend that there is Aboriginal involvement in the health system and to act as gatekeepers. Indigenous patients often have to see them first because they determine whether they can see a nurse, let alone a doctor. They are supposed to interpret for the many patients that do not speak English, but this does not work if male 'health workers' are supposed to interpret for women and vice versa. The ACCHOs as a rule insist on holding the patients' Medicare cards, arguing that Aborigines are not responsible enough to look after their cards themselves, which in effect means they control Aborigines' access to health services.

In smaller settlements and outstations without resident nurses there is in effect no healthcare. The so called clinic is often a derelict shack equipped with Panadol. 'Health workers' that are supposed to look after patients at such clinics are unable to take blood pressure or test for blood sugar. They have no equipment to do so. Small settlement 'health workers' often do not know how to apply simple first aid, for example for burns or scalding. In any case, there are no first aid kits. The treatment for endemic diarrhoea is to wait until it gets better. This is also the treatment for ulcers, other sores, chest and throat infections. When children and adults become evidently and seriously ill, their illness is diagnosed over the phone by a nurse at a central health clinic. Panadol is usually prescribed. Evacuations are possible, but are frequently late, and for babies, often too late because sending patients to hospitals often entails long distances. The overall result is that in the 'homelands' sick children and adults see doctors at a much later stage than mainstream patients. This too, is a major cause of the high rates of illness in the 'homelands'.

Critical absence of health data

The ACCHO system's inability to collect systematic health information critically contributes to their failure to deal with ill health in the 'homelands'. Patients do not know their and their children's health status. This is blamed on the Aborigines' unwillingness to see doctors, their inability to communicate in English and problems of distance. These are excuses. The ACCHO philosophy lacks an interest in communicating to their clients the essential factual building blocks of a health system. Instead of welcoming information systems as essential to their management of

health, ACCHO bureaucrats often see them as an attempt to monitor their performance and so resist their introduction and use.

Ron Harris, a retired information technology entrepreneur, travelling in the 'homelands' in 2004 was shocked to find that health providers were using unrealistically low figures for the incidence of trachoma and *otitis media* in children and other childhood and adult diseases. He reported that Professor Hugh Taylor, using simple screening tests for trachoma in children in three Ngaanyatjarra settlements in May 2004 found the incidence of trachoma to be one in three in one community, one in two in a second community and two in three in a third community. The health delivery services denied that these high levels existed. No action was taken to cure these children.²¹ Mr Harris recognised that the lack of health information for families, communities and 'homelands' was a leading factor in the failure to deal with health problems. He saw that existing health information systems, funded at considerable expense by OATSIH, could not work in parts of remote Australia for technical reasons. He therefore stimulated the development of an alternative information system that was suitable for use in remote settlements. As with other attempts to improve the ability of Indigenous communities to monitor and manage their own health, bureaucrats at all levels combined with ACCHO managers to ensure that his initiative was not pursued.

Ngaanyatjarra—Western Desert

Case after case of health service failure is evident. The Ngaanyatjarra 'homelands' in the Western Desert was no doubt selected for the first Regional Partnership Agreement because, while it was extremely remote and had poor living standards, it had a concerned community and reasonably competent administration. Its clinical health services are located in Warburton and Warakurna. In each of these clinics, two doctors work alternative six week shifts (commuting from their homes in Tasmania and Victoria), periodically visiting neighbouring community clinics which are typically several hours drive away. Ngaanyatjarra health conditions are, nevertheless, appalling. Babies are dying. Severe endemic childhood and adult diseases are present. The Ngaanyatjarra ACCHO has not introduced diabetic self-management. Uncontrolled diabetes has led to severe kidney impairment so that patients have to move away from the communities for renal dialysis. Because of past neglect, dialysis machines are needed in the 'homelands'. They will be needed in even greater numbers if effective self-management of the disease is not introduced immediately.

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Other complications of diabetes are common. In January 2006 two Ngaanyatjarra elders met with Federal Health Minister, Tony Abbott, one of his senior bureaucrats and technical advisors to consider how Ngaanyatjarra health information could be made available to the community, the healthcare service and to hospitals in Kalgoorlie and Alice Springs to which the Ngaanyatjarra have to travel for treatment. The objective was to improve Ngaanyatjarra health and monitor the results. The initial bureaucratic reaction was that this could not be done. At Tony Abbott's insistence, the funds were to be made available once the Ngaanyatjarra local government formally requested the programme. The Ngaanyatjarra elders agreed, but the bureaucrats won. More than a year has passed and there has been no action to improve Ngaanyatjarra health information management or health.

Torres Strait Region

In the Torres Strait Islands, one in three adults and almost a third of the children are diabetic. In addition to local problems, Sabai's Health Centre, with a resident non-Indigenous nurse and an Indigenous 'health worker' is not only expected to deal with local illness, but to provide medical services for visitors and immigrants from Papua New Guinea, many of whom come because there are no rural health services despite 30 years of large volumes of aid for health from Australia. The Torres Strait Islands are estimated to have some 50,000 arrivals annually from Papua New Guinea where HIV/AIDS is rife. The Torres Strait Regional Authority wants Australia to introduce health checks on visitors.²² In July 2006 Tony Abbott and Stephen Robertson, the Queensland Minister for Health, 'signed a four year health framework partnership agreement for the Torres Strait as part of a series of Commonwealth, Territory and State protocols that are meant to improve health and life expectancy.²³ Predictably there is to be funding to treat chronic disease and renal illness on Thursday Island 'so that diabetic patients no longer need to move to Cairns for regular treatment'. The Thursday Island ACCHO does not identify pre-diabetes or diabetes in children and adults and does not introduce or supervise self-management for diabetics.

If Tony Abbott insisted on the identification of Torres Strait Islanders with pre-diabetes and diabetes, ensured that the results were recorded and available, announced that he or his staff would ask to see, at

random, the glucometers and sugar level diaries of any diabetic in the region next time they visited, he would do much more for the health of Thursday Island (and other 'homelands') than by protocols that promise, yet again, good intentions and dialysis machines.

Health solutions

The Federal Minister for Health, Tony Abbott, is aware that the socio-economic environment is the key factor in Aboriginal health. He has therefore devoted a great deal of attention to the social conditions in 'homelands' settlements, regarding dysfunctional communities as unacceptable and supporting moves to improve social standards even if this requires the appointment of community managers in place of corrupt and ineffectual administrations. He refuses to describe dysfunctional settlements as 'communities'.²⁴ Instead of being criticised for seeking to reintroduce paternalism, he should be praised for unequivocally insisting that no Australians should be living in the conditions that prevail in settlements such as Wadeye, Maningrida, Mutitjulu and Palm Island. He sees wide ranging reform as essential to improving health. His frequent visits to 'homelands' and his protocols with Territory and State Ministers of Health indicate that he is also acutely aware of the need to improve clinical health delivery. He launched a major \$60 million campaign in December 2005 to identify trachoma and attack preventable diseases in remote communities.²⁵ The health system has not been able to utilise this initiative.

OATSIH is unique among government agencies in keeping itself informed about health conditions and publishing the results. Its *Framework 2006 Report* on the status of Aboriginal and Torres Strait Islander health is as informative as the absence of a database allows. Most of the data available are hospital records, but many hospital patients should never have been allowed to get so sick that they have to go to hospital. The report is optimistic, finding many examples of health improvement, mainly in major cities and regional Australia, although not in the 'homelands'. Even outside the 'homelands', the data quoted do not always support the optimistic conclusions. Inordinate resources are taken up in writing up 'Key Strategies' and similar documents that contain all the appropriate sentiments but lack any hard planning. For example, claiming that 'at least 1.6 million episodes of primary health care' improved 'primary health care for Aboriginal and Torres Strait Islander people' as an 'outcome' of health programmes is clearly nonsense. That 'at least 90,000 episodes of care provided ... demonstrated access to culturally appropriate social and emotional well being and mental health services' is

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worse.²⁶ A great deal of effort also goes into the endless negotiations about the funding that the Department of Health and Ageing, in addition to the normal transfers, contributes to the Territories and States for Aboriginal and Torres Strait Islander health. Keeping abreast of the intricacies of Medicare transactions to keep the sources of funds straight is another time consuming bureaucratic area.²⁷

The Commonwealth Department of Health and Ageing spent \$445 million on Aboriginal and Torres Strait Islander health for 2005–6 and appropriated \$485 million for 2006–7. These sums were on top of Medicare, the Pharmaceutical Benefits Scheme and other funding. A third of Aborigines in the mainstream do not access these special funds. Many of those living in fringes, ghettos and even in the ‘homelands’ prefer mainstream doctors or the crowded emergency departments of hospitals to ACCHOs. Assuming nevertheless that two-thirds of Aborigines and Torres Strait Islanders—all but those in mainstream jobs—access special Indigenous health facilities, the additional Commonwealth expenditure amounts to almost \$1,500 per person or \$10,500 per family annually. Most taxpayers would not begrudge these sums if they reached their targets. But Lara Wieland, Richard Heazlewood, Clive Hadfield and Peter Thorn, four doctors with more 60 years of experience in remote settlements despairingly summed up the failure of funding reaching patients in June 2006: ‘Most of the money that people think they see going into remote communities never reaches the ground where it is most needed’.²⁸ Despite years of high additional spending on Indigenous health, OATSIH found that expectation of life was still 17 years below that of non-Indigenous Australians. Because of the inclusion of mainstream Aborigines and Torres Strait Islanders, this gap was understated for regional and remote Australia. It is still widening. The current policies and strategies are clearly failing. Reform is essential.

Apart from the recognition of the role that socio-economic deprivation plays in ill health, there has been no analysis of the reasons for the failure of current health spending. There is no analysis of the differences between the health problems of fringe and ghetto dwellers on one hand and remote Aborigines and Torres Strait Islanders on the other. In fringe and ghetto areas, where mainstream health services are nearby, exceptionalism perpetuates high delivery costs and low health outcomes merely to support communal ACCHOs. Despite their tendency to hold Medicare cards, ACCHOs and other remote medical suppliers often do not access Medicare funding. Part of the reason is the bizarre arrangement, no doubt introduced by error and never fixed, by which doctors have a different reporting number for each location in which they practice. This lunatic

system is constantly complained about and costly in mainstream practices. It is used as an insuperable obstacle to claiming from Medicare by remote health services. Besides, the ACCHOs are so well funded that they do not need to bother with the Medicare paperwork.

One or two ACCHOs are effective. An Aboriginal medical service on the NSW North Coast operates three surgeries that cater to Indigenous and non-Indigenous patients. It does not receive OATSIH funding because OATSIH funds a neighbouring communal health service. It attracts patients from the OATSIH funded service because it offers a higher standard of care and is fully self-sufficient, like mainstream practices, without any special federal government funding! The few exceptional, efficient ACCHOs behave like normal, competitive private medical practices, suggesting that it is the ACCHO communal structure that is the cause of gross inefficiency.

Core centres must have medical services that will build information bases for their patients and communities, work with schools on nutrition and public health issues and deliver mainstream standards of clinical services with the monitoring of self-management of such diseases as diabetes.

Health reform

Health delivery cannot be improved without usable information systems that can help patients and communities become aware of their health problems and be a basis for monitoring clinical service delivery. Without such an information base, measuring the impact of the National Strategic Framework for Aboriginal and Torres Strait Islander Health (signed by all Australian Health Ministers as a framework for action by governments for the period 2003–2013), will remain a babble of words. Action is not, and will not be, required and the pace of improving ‘homeland’ health will continue to be infinitesimally slow.²⁹ The mandatory reporting of sexually transmitted diseases, particularly in children, is long overdue and essential if clinical action and education are to take place. An audit of the health of all children, including dental health, should be demanded of all health providers, settlement by settlement, by the end of 2007. The immediate identification of all pre-diabetes, diabetes and high blood pressure cases is urgently needed to introduce self-management and monitoring to save misery and millions of taxpayer dollars. It should be followed by a full audit of adult health in 2008.

Except in very small country towns that have problems in attracting medical staff and have necessarily monopolistic medical suppliers, whether they are Indigenous or non-Indigenous, Australia has a vigorously

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competitive private medical practice system that works extremely well. Doctors, moreover, have some choice in caring for patients. Those that refuse to look after themselves can be frozen out so that they have to seek another medical practice. In the 'homelands', Australian taxpayers are asked to pay for a multiplicity of inefficient health providers that waste the scarce medical practitioner and nursing skills. Communal medicine is not working. Every NACCHO and ACCHO publication and website makes it clear that their interest is in political correctness rather than in curing patients. The ACCHOs exist because they are highly subsidised by taxpayers rather than Medicare-funded as mainstream practices are in low socio-economic areas. Remoteness is an extra cost, but it is being used as a spurious excuse for a grab at taxpayer funding that does not lead to benefits for Indigenous patients. In light of the flight of ACCHO patients to hospital emergency departments, and relating the large amounts of public funding they consume to the state of health they deliver to the 'homelands', it is high time that ACCHO performance was evaluated, one by one, to see whether private medical practices seen in mainstream Australia would not deliver better health. ■

Chapter 10

Housing

10. Housing

HC Coombs, MM Brandl and WE Snowdon, writing in the late 1970s when Australia had recovered from World War II housing shortages in a nationwide spread of comfortable, spacious, refurbished and new dwellings, envisaged extremely modest housing standards for the Aborigines and Torres Strait islanders they were urging to live in the ‘homelands’:

Present financial and construction constraints mean that many Aboriginal families especially in isolated communities will be without dwellings for many years. While this remains true, resources should be devoted to providing more limited means of ensuring particularly:

- (a) water for laundry, personal bathing etc;
- (b) receptacles for reasonable care of clothing and other domestic needs;
- (c) dog and insect proof containers for food;
- (d) emergency shelter against extreme weather.¹

In detailing their model for the ‘homelands’, Coombs, Brandl and Snowdon saw public housing as an essential component of communal land and other communal property rights. They did not take into account the savings and do-it-yourself efforts that most Australians devote to their homes. Public housing became mandatory in the ‘homelands’ so that most Aborigines and Torres Strait Islanders in the Top End do not have housing assets. They have thus been deprived of the most important source of private wealth accumulation that most other Australians have enjoyed during the last 50 years.² And their housing is appalling.

Causes of the high costs and low supply of housing in the ‘homelands’

Houses were initially built in the ‘homelands’ with Northern Territory and State funding. Even in the 1970s and 1980s, these were somewhat ahead of the minimalist model envisaged by Coombs, Brandl and Snowdon. ‘Homelands’ housing received a boost with the introduction of Commonwealth Community Housing and Infrastructure Program (CHIP) under ATSIC control in 1992–3. CHIP moved to the Department of Families, Community Services and Indigenous Affairs (FaCSIA) in July 2004. The Northern Territory and the States, however, remained responsible for the actual building of dwellings. Housing responsibilities

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were thus split into four separate layers. Firstly, the Commonwealth supplies most of the funds. Secondly, the Northern Territory or the States distribute and administer them. Thirdly, ownership is vested in a complex structure of housing boards, corporations and trusts termed Indigenous Community Housing Organisations. Six hundred and twelve Indigenous Community Housing Organisations, with 60 in the Northern Territory alone, administer 21,000 houses. This is an average of less than 30 houses each. A recent inquiry by PricewaterhouseCoopers reported that more than 80 per cent of Indigenous Community Housing Organisations manage 50 dwellings or less. They concluded that these organisations ‘... do not always collect adequate rent to fund their operations, prevent nepotism and favouritism, or ensure proper accountability ... Recent investigations by FaCSIA have highlighted weaknesses in governance and accountability which makes these problems worse.’³ Board remuneration and administrative costs eat up a sizeable proportion of housing funds. Fourthly, ‘homeland’ local governments have responsibility for infrastructure, sometimes oversee the Indigenous community housing organisations, and have become responsible for most house maintenance.

As conceived and built by this gaggle of authorities, housing is costly for several reasons. Roads and airfields, power, water, sanitation and telecommunications have to be provided in settlements that lack economies of scale for infrastructure. The design of ‘homeland’ houses substantially contributes to high costs. Although all housing is public, the construction of houses is by private contractors. They tend to be geographic monopolists with ties to local and state housing authorities as their most important qualification for winning tenders. Northern Territory and State authorities have complex bureaucratic rules that determine ‘homeland’ zoning (that is elsewhere the prerogative of local governments) and equally complex housing construction protocols that reward long-term contractors. Although Northern Territory and State housing authorities are supposed to design ‘homeland’ houses, in effect house designs are determined by contractors. In the absence of the competitive environment of the private housing sector in the rest of Australia, profitability is presumably high. Egregious waste in the placement of buildings and in building construction is evident. In the Northern Territory there is at least one temporarily or permanently deserted settlement with a number of empty new houses.

Northern Territory and State governments have made no attempt to ensure that Indigenous workers, including apprentices, are used in building ‘homeland’ houses. ‘Homeland’ dwellers have not been encouraged to build their own houses. ‘Minority’ training and work participation arrangements have been developed worldwide, notably

in the United States, but not in the Top End. Contractors who make a handsome living out of Aboriginal housing have not initiated such efforts and are opposed to their mandatory imposition.

Hidden specifications for 'homeland' housing are often responsible for an apparent lack of climate sensitivity to the tropical north. This is allegedly a response to Indigenous cultural beliefs. Aborigines and Torres Strait Islanders claim, on the contrary, that their wishes are not taken into account in the design of their homes. For example, most people in the tropics build their houses off the ground to allow cooling air to circulate underneath. But it is said that Aborigines and Torres Strait Islanders are afraid that if their houses are off the ground, malign spirits will get under them, attack people and pull down the houses. Many 'homeland' dwellers regard such views as superstitious nonsense. Where such superstitions persist, usually together with sorcery and pay-back, they make 'homeland' lives miserable. They are a monumental condemnation of both the lack of education and the insistence that superstitions should be encouraged in the name of the preservation of traditional culture. Education and the open discussion of housing design would help overcome unconscionable fears.

The Northern Territory Administrator, Ted Egan, seems not to have moved far from Coombs, Brandl and Snowdon. Mr Egan thinks that Aborigines should have 'shelters that can easily accommodate 17 compatible people happily and harmoniously ... shield the elements ... provide windbreaks, waterproofing, construct shades of attractive designs, allowing people to do what they have done for thousands of generations—basically live outside, where the sun is a great steriliser.'⁴ Do Aboriginal children not need a desk in a quiet room with a computer so that they can do their homework? Are husbands and wives not entitled to privacy? Should daughters-in-law continue to be subservient to mothers-in-law?

The recent inquiry found that in remote communities 'evidence was provided of houses being built without power and water being connected, plumbing running "uphill"; run off from rubbish tips flowing into drinking water; and houses being built without consultation with the community causing them to be built on the wrong site'.⁵ Steffen Lehmann, an architect, commenting on the inappropriateness of the design of houses on Palm Island, noted that 'houses face toward the hills, away from the sun'. He considered that 'climate responsive houses would be more sustainable than current housing, and could be built without any additional costs. Well designed housing 'would offer light open areas facing the north with a generous veranda, shaded by wide roof eaves and overlooking a tropical garden, with shade trees planted on the western side'.⁶

In October 2005, the cost of a three bedroom house was estimated

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to be \$265,000 in Wadeye. The local Council was looking at cheaper options around \$200,000. At the time Colin James, an employed welder earning \$800 a fortnight, was living with his wife and five children in a room in a shed in which three other families had pitched tents because they did not have anywhere else to go.⁷ The cost of a family house in the Northern Territory in 2006 was said to be between \$400,000 and \$450,000.⁸ This was for breeze-block houses that have had no design input from their future occupants and that absorb tropical heat like a sponge. The construction is so complex that they cannot be built, even with supervisory assistance, by future occupiers. In 2006, a Commonwealth Government effort to supply flat-packed kit houses costing some \$150,000 each for still desperately housing short Wadeye was stalled by using alleged Northern Territory building construction codes to rule that the architects and engineers who had designed these houses 'down south' did not provide for appropriate cyclone proofing. Other excuses delayed the delivery of these houses by claiming that transport was not available or possible. A Rotary Club working in East Arnhem Land estimated that a cyclone proof prefabricated kit house incorporating the design wishes of remote dwellers could be transported to sites and erected by their potential owners with skilled assistance, for \$125,000 to \$150,000. The Commonwealth Government's housing cost estimate is also \$150,000.⁹ Owners who build their own houses are much more likely to maintain and improve them.

As every householder knows, high occupancy soon shows in the need for repairs. Constant maintenance is essential. It is also well established that public housing is poorly maintained worldwide. Men and women in the 'homelands' have no experience in maintenance and are not able to read the product instructions that help mainstream Australians to do-it-yourself. There are no hardware shops in the 'homelands'. Indigenous public housing maintenance had been so far behind that even the ABS NATSISS 2002 data conceded that more than 50 per cent of Indigenous occupied dwellings had structural problems in remote areas.¹⁰ PricewaterhouseCoopers found that one in four community organisation houses 'requires some type of repair or replacement due to lack of maintenance, faulty construction, age, use of asbestos, or no longer being occupied as they are uninhabitable.'¹¹

Overcrowding is a serious problem. NATSISS statistics suggested that mean household size of dwellings containing Indigenous households in community rental housing is 4.6 persons,¹² yet the Aboriginal household norm is usually taken to be seven people. Many 'homeland' dwellings of two to three bedrooms opening onto a veranda, with external kitchen and bathroom, house 12 to 16 men, women and children, and in extreme conditions even 20 to 25 people, with a family in each bedroom.

Grandmothers often have to look after a large number of children of varying ages because their daughters are ill or addicted. In the Thamarrurr Region there were 144 dwellings for 2,034 people or an average of 14 people per dwelling.¹³ Steffen Lehman saw a population of 2,500 (some estimates range up to 4,000) 'squeezed into 280 houses' on Palm Island in November 2005, a year after the Doomadgee riots.¹⁴ Aborigines and Torres Strait Islanders are blamed for 'trashing' their dwellings, but it would be interesting to see how long neat non-Indigenous suburban houses would survive if occupied by seven adults and seven children.

NATSISS data gave surprisingly high figures of 80 per cent to nearly 100 per cent for the adequacy of kitchen and bathroom equipment.¹⁵ COAG's *Overcoming Indigenous Disadvantage* stated that 'in 2002, 98.8 per cent of Indigenous households had a working toilet.'¹⁶ Because of widespread illiteracy, census forms have typically been filled out by the consultants who contract census work. Much lies in the eyes of the beholder. Perhaps the 30 members of the COAG Steering Committee responsible for *Overcoming Indigenous Disadvantage* did not have an opportunity to use an overflowing pit latrine shared by 20 people, ten of them children with endemic diarrhoea. If the views of the residents, supported by the many published photographs of 'homeland' dwellings are taken seriously, then the ABS data do not even begin to reflect the dereliction, particularly of sanitary facilities and kitchens, and of overcrowding, that is typical of much of 'homeland' housing. Housing in Wadeye has been compared to a Third World refugee camp.¹⁷

The Northern Territory, Western Australia and South Australia rely on NATSISS data. *Partnerships Queensland* is aware that 'data are not available' for 'community services', but reports that 'the available data presents compelling evidence of significant disadvantage faced by Aboriginal and Torres Strait Islander Queenslanders. Many Aboriginal and Torres Strait Islander Queenslanders are either homeless, live in overcrowded households or in houses in need of repair. A Queensland Department of Housing (2003) survey indicated that 35 per cent or less of Aboriginal and Torres Strait Islander communities had electricity, cooking facilities, refrigeration, shower facilities, washing machines and toilet facilities.¹⁸ Only 10 per cent of Aboriginal and Torres Strait islander dwellings were in need of a minor upgrade; 40 per cent were in need of a medium upgrade; 30 per cent were in need of a major upgrade and 20 per cent of dwellings needed to be demolished.¹⁹ In 2004, data were collected from 15 Aboriginal Shire communities covering 6,034 Indigenous Community Housing dwellings; of these communities only four had sewerage systems and only two had waste sites that met Environmental Protection Agency standards.²⁰

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When two sons of murdered South African Apartheid fighter Steve Biko visited Doomadgee in Queensland in 1998, they thought that living conditions in Doomadgee were 'barbaric' and that 'the poorest street dweller in Soweto has a better life than anybody in Doomadgee'. Little has changed since 1998.²¹ The Mayor of Hope Vale complained that 40 of the 205 houses in his Cape York settlement were 'not fit for animals to live in'.²²

Housing conditions are directly responsible for many of the most dysfunctional aspects of everyday 'homeland' life from birth to early death. Outrageously high infant mortality (Chapter 9) is the result of the undue prevalence of contagious diseases spread by crowding and of SIDS (sudden infant death syndrome) or cot death. The lack of hot water in showers and appalling communal toilets contribute to the spread of contagious diseases. Poor nutrition is often aggravated by primitive kitchens. The use of alcohol, kava and marijuana spreads to involve all the inhabitants of crowded houses. Not having a place, let alone a room, in which to study and keep possessions, deprives children and youngsters of learning and other interests that in mainstream Australia are an alternative to gang mayhem. The inter-personal tensions created by crowding lead to violent behaviour. Pornography, however stupid and undesirable, has much less impact in mainstream Australia where, among consenting adults, it can be seen in the privacy of bedrooms. Where a whole extended family sleeps in one room that is covered wall to wall with rotting foam mattresses, every one, including small children, sees magazines and DVDs of exploitative sexual acts and come to regard them as the norm.

Nutritional deficiencies, poor health and poverty could be markedly alleviated by the cultivation of vegetables and fruit on individually-owned house blocks. The Torres Strait Islands are ideally suited for year round vegetable cultivation. There is almost none. Lettuces cost \$5 and bunches of broccoli \$9.²³

House owners should be able to have gardens and keep chickens to reduce their reliance on packaged food. Public housing has a proven worldwide record of failing to support fruit and vegetable gardens. Yet private garden plots are used to supplement incomes in many countries. A reliable water supply would be an important factor in the choice of 'core' settlements. Ignoring gardening in the 'homelands' because it is not an Indigenous tradition is a major cause of 'homeland' poverty.

When not held back by artificial constraints, societies evolved from nomadic hunting and gathering to agriculture. Some of the 'homeland' dwellers' forebears worked in pastoral station gardens, but such experience has been lost. Homeowners will require help to learn gardening. The obvious sources are the nurseries that supply plants and knowledge to

suburban and country Australians, for they could become suppliers of locally tested plants and trees. But such mainstream involvement is evidently not culturally appropriate. The Australian Centre for International Agricultural Research engaged the Queensland Department of Primary Industries and Fisheries with the Samoan Ministry of Agriculture, Forests, Fisheries and Meteorology in a culturally appropriate partnership for Indigenous horticulture in a three year project costing \$399,560 for Cape York Peninsula horticultural improvement. The Centre was evidently unaware that high remittance incomes have created serious nutritional problems in Samoa with the substitution of packaged goods for home-grown fruit and vegetables. This was not the issue. The focus of the partnership was on helping Samoans improve their taro crops—that are arguably among the most productive in the world. In Queensland the focus was on farms in Mapoon and Napranum to improve local nutrition, and on Lockhart River. There was much travel by Department staff and consultants to help ‘the targeted communities to routinely assess financial and technical requirements, as well as the market prospects for particular horticultural commodities, to boost success and profitability of their enterprises’.²⁴

Shocking housing does not result from a dearth of taxpayer funding. CHIP has contributed more than \$2 billion to the Northern Territory and the States for Aboriginal and Torres Strait Islander housing during the past decade. The Northern Territory contributed just 5 per cent, New South Wales 13 per cent, Western Australia 15 per cent, South Australia 38 per cent and Queensland matched Commonwealth contributions. The bureaucratic mazes that govern housing mean that vital decisions are so often held up that funds allocated are not spent. In 2004–5 some \$141 million of the Commonwealth housing budget was unspent. There are further delays at Northern Territory and State levels. Much of the housing is for fringe and ghetto areas that have flourishing commercial housing markets. Armidale in New South Wales had 10 Aboriginal housing corporations.

The Northern Territory, Queensland, Western Australia and South Australia governments were not able to explain to Mal Brough how the \$2 billion CHIP funding was spent.²⁵ PricewaterhouseCoopers produced a reconstruction of \$1.9 billion funding flows for 1998–9 to 2005–6 by recipient legal entities that indicates the conceptual and organisational dysfunction underlying CHIP. It does not show how much of this funding failed to build houses.²⁶

Indigenous housing is typical of public, and particularly communally owned, housing worldwide. In Singapore, public housing problems forced a reluctant Lee Kwan Yew to agree to sell public housing from the 1960s

leading to high home ownership of quality residences. Hong Kong followed, and so did the United Kingdom. Where housing has not been privatised, it either continues to be derelict, or, as in Venezuela for example, huge public housing blocks have to be knocked down.

Privatising housing

Northern Territory and State planning and allocation of housing for the 'homelands' is haphazard, inefficient and wasteful. There are huge backlogs of repairs to existing houses and even larger house deficits. In June 2006 Clare Martin, the Northern Territory's Chief Minister and Minister for Aboriginal Affairs, announcing an injection of \$100 million over an unspecified period into Indigenous housing, estimated the Territory's share of the housing deficit to be 4,000 dwellings. Given the Northern Territory's estimates of \$450,000 per house this new funding would build some 220 houses. Curiously, Ms Martin, in asking for more Commonwealth funding for housing, considered that the Northern Territory housing deficit would cost \$1 billion, not the \$1.8 billion the 4,000 house deficit implies at current Northern Territory house prices.²⁷

If Aborigines and Torres Strait Islanders are to enjoy the same housing standards as other Australians, housing must be privatised. Noel Pearson has pointed out why private home ownership is essential to ending welfare dependence.²⁸

The PricewaterhouseCoopers inquiry failed to distinguish between socio-economic and geographic groups of Aborigines and Torres Strait Islanders and so did not analyse the components of Indigenous housing. The third or so of mainstream job holding Indigenous households are already in the private housing market, choosing whether to invest in housing or other assets as other Australians choose. For fringe and ghetto dwellers, given high labour demand the issues are education, training and employment and hence entry into the commercial housing market. With employment, most Australians can access private housing. Welfare recipients are not a permanent group in mainstream Australia. Many who are unemployed or receive welfare at one time, later return to employment and become home owners. Public housing is principally necessary for permanently welfare dependent families that form an especially low income group with illness, disability and addiction keeping them out of job markets.

Fringe and ghetto dwelling Aborigines must not be treated differently to other country and city Australians. With CDEP abolished so that the same employment rules apply to all, the same housing conditions should also prevail. Public housing, because of the dependence to which it leads, should

only be a last resort. The interest of banks in encouraging savings by low incomes earners is a welcome contribution to privatising housing because saving for a deposit on a house is generally the first step to a mortgage and house improvement. There is no reason why most of the 250,000 Indigenous people between the mainstream and the 'homeland' populations should not have the same levels of home owning as other Australians. This is the group that is increasing with high birth rates and migration from the 'homelands'. The 2006 Census is likely to reveal higher numbers.

Privatising housing in the 'homelands'

Arrangements have to be made for local governments in the 'homelands' to acquire head 'urban' leases (Chapter 11) so that the 99-year lease legislation can make privatisation immediately possible in the Northern Territory. The start should obviously be made in 'core' communities where education and health services should be focused. The larger settlements, particularly, are crying out for immediate housing improvements. Even if, like other remote Australian towns, these settlements with education and good health lose population in the long run, they will at least have decent homes and a hope of civil society in the immediate future.

The Commonwealth should also take the lead by only funding house repairs for occupiers who opt for 99-year lease house and garden plots. Once buildings are repaired, they can be sold. Houses and house prices have to be kept modest to enable occupiers to buy them and to prevent over-investment in 'homeland' housing. Public housing sales in Singapore, Hong Kong and the United Kingdom provide successful models to follow. Present rents could form the basis of commercially funded mortgage schemes. The financial advantages to current renters would be that they would eventually own their dwelling and not have to pay rent in perpetuity. Owners would have to undertake guarantees to maintain their houses and agree to the deduction of mortgage payments from welfare incomes (as many tenants now do for rents) or from earnings. Welfare recipient home owners could opt out of paying rates by agreeing to contribute their labour to such communal tasks as the removal and burning of rubbish, and road and public lands maintenance. Initially covenants on sale would be necessary to avoid the exploitation of home owners by unscrupulous 'developers'. Overinvestment in 'homeland' housing, particularly in settlements unlikely to find a viable economic future, is not in the interest of the potential owners.

New houses should mainly be built by owners. Some buildings will have to be condemned and replaced as provisions are made for the building and sale of new houses. The function of the government concerned should

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be to devise head lease arrangements for local governments, establish procedures for transforming rents into mortgages that can engage the banking sector, structure contracting services to assist owners to build their homes and encourage the marketing of self-help kit houses so that a competitive supply can develop. Such dwellings should be simple and allow occupiers to extend and improve as they wish. Repair contractors, those assisting potential owners to build their own home and others constructing buildings in the 'homelands', should be bound to employ Indigenous apprentices and local workers.

As the housing market matures it would operate with free transfers of ownership as leased blocks do in Canberra. If a settlement became economically viable (with mainstream mining, tourist or horticultural employment and the consequent development of private enterprises), owners would benefit from increases in the capital value of their dwellings as other Australians do. Those who wish to move to jobs would find it easier to do so.

The case for private housing

Derelict 'homeland' housing has been created by the substitution of Indigenous Community Housing Organisations, Commonwealth funding, Northern Territory and State bureaucracies and local governments for private property rights. Mal Brough's move to intensify pressure on the Northern Territory to enable Aborigines and Torres Strait Islanders to acquire 99-year lease house and garden blocks, and his urging of the States to follow has been an important step toward housing privatisation.²⁹ The new strategic framework recommended by PricewaterhouseCoopers, in contrast, perpetuates the wastefulness of public housing, fails to identify market opportunities, introduces a new bureaucracy and would be likely to perpetuate wasteful public spending on Indigenous housing without leading to housing improvements.³⁰

Housing is central to health and social stability. Third World housing in the 'homelands' was long hidden by the permit system. With the introduction of 99-year leases there is no excuse for inaction in the Northern Territory. If the States do not follow, they will face the anger of Aborigines and Torres Strait Islanders denied house ownership. With the privatisation of housing, the extensive bureaucratic structures that currently support community housing can be moved to more productive employment. Without these dead weights, the \$300 million a year allocated by the Commonwealth to Indigenous housing could support private ownership and quickly put an end to dysfunctional housing in the 'homelands'. ■

Chapter 11

Local Government

11. Local government

Governance in the ‘homelands’ is extremely complex. Land councils, ‘homeland’ associations and local government municipal, shire or regional authorities are the principal players, but there are also resource centres, communal housing, health, education and other boards in addition to communal commercial organisations. A group of ‘Big Men’ often runs businesses on the side that are not clearly distinguished from their public responsibilities but are incorporated as private companies under ASIC so that their books are not publicly available. The result is a proverbial ‘noodle bowl’ of overlapping, conflicting and complementary responsibilities that are a recipe for high costs and poor results.

Causes of high costs of local government

John Cleary, for three years the Administrator of the Tiwi Islands local government, found the duplication between land councils and local governments to be a major cause of local government problems.¹ His views are echoed throughout the ‘homelands’. Land councils are not empowered by legislation to carry out local government functions or to be in business, but through their control over land and their access to royalty incomes they do as they please and fund any businesses they choose. There is thus constant tension over land use. As all communal businesses rely on their geographic monopoly situations to offset the small scale of their markets, and as ‘Big Men’s’ private businesses tend to cream off monopoly profits, there are constant conflicts.

The limited economies of scale in the ‘homelands’ are exacerbated by the plethora of organisations that have been stimulated by the regulatory system. Literally thousands of associations and organisations have been created to take advantage of the availability of public moneys. A group is elected to board membership, milks the public funds and the group is then abandoned. There is little acknowledgement of the distinction between communal and private interest. Conflicts of interest are common. ‘Homeland’ local governments are part of this environment. Established under a complex of legislative and regulatory Northern Territory and State jurisdictions and regimes with a variety of objectives, they compete with other forms of communal representation. John Cleary concluded: ‘The result is complete confusion about the role of each of these areas of government with expensive overlap, conflict and resulting inefficiency.’² It is sometimes argued that local government inefficiency in particular and the wastefulness of Indigenous funding in general are not the result of the large numbers of Indigenous

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organisations but of the federal system. But this does not take into account how well the Australian economy in general performs. Blaming federalism tends to reflect special pleading for a new all encompassing commission that would replace Commonwealth, Territory and State governments by a more powerful bureaucracy untethered to parliaments.

The remote areas of the Northern Territory have 20 predominately (more than 90 per cent) Aboriginal populated community government councils, 26 Aboriginal association councils and several resource centres. These 46 local governments cover populations ranging from 146 (Ikuntji) to 2,537 (Thamarrurr) in a total Indigenous population of some 36,000 people.³ The minimum number of people considered for a mainstream local government is 50,000.⁴ The Northern Territory Grants Commission reported that 45 local government bodies failed to lodge their annual financial statements by the date specified in 2002–03. The Commission visited 25 local governments a year on a three year rotation, but complained ‘that at a number of councils visited during the year, no councillors were present’. All councils, nevertheless, received 2004–5 budget allocations from the Commission.⁵

The lack of numeracy, literacy and English often makes a fantasy of financial probity and democratic procedures. A few ‘Big Men’ dominate discussions and non-Indigenous administrators and managers determine what is to be done. The large numbers of board members created by the system are, nevertheless, remunerated and in addition receive ‘appearance money’ and travel allowances. Attendance at community meetings at which participants are not paid is so poor that such meetings often have to be cancelled. A consensus, or even a binding majority that would enable policies and plans to go forward and be implemented, is usually impossible. To the extent that decisions are made and plans are carried out, they are the work of non-Indigenous staff.

‘Homeland’ local government authorities, despite their small size, have to take on much greater responsibilities than local governments elsewhere in Australia, partly because of their remoteness but partly also because of aversion to private land ownership and private enterprise. In addition to local roads, public land maintenance and rubbish collections, remote local governments are also generally responsible for water, sanitation, power and together with Northern Territory and State governments, for public housing and the medical facilities not supplied by ACCHOs. Such activities put relatively large financial flows through very small organisations that have inadequate reporting requirements. In most settlements Indigenous inhabitants lack the most elementary skills so that CDEP payments do not lead to basic maintenance. Non-Indigenous tradesmen have to be employed. Despite their high remuneration they are often difficult to hire.

Local governments frequently run shops, petrol stations, taverns and other small settlement facilities. Inevitably most of them are run badly because they are too small, elementary business skills are lacking and they have no competition. Such responsibilities carried out by local governments such as zoning, however, remain with the Northern Territory and the States. Bureaucrats have to fly out from Darwin for minor changes of land use.

The proliferation of indigenous governance units is the result of Aboriginal and Torres Strait Islander exceptionalism that considers that clans, and sometimes even families, should have separate political representation. Curiously, CAEPR at the Australian National University does not consider economic viability to be relevant to the design of local government.⁶ If mainstream Australia municipalities or shires were broken up into small groups of less than 1,000 according to separate ethnic origins and cultural practices—with football aficionados grouped by soccer, rugby league, rugby union and AFL as well as ethnic origin—mainstream local government would also be a disaster. John Cleary, with the experience of having been a Minister for Local Government in a Tasmania as well as the Administrator in the Tiwi Islands, argues clearly and forcibly that the only option for decent local government in remote Australia is the same regional shire authority structure that operates in the rest of Australia.

Local government reforms

The need for the reform of local government in the Northern Territory has dragged on for years. In 2002 the Territory launched 'Building stronger regions, stronger futures'. In that year John Ah Kit, then Minister of Local Government, recognised that a large percentage of the Territory's 63 local government bodies were dysfunctional. Three years later the Prime Minister of Australia and the Chief Minister of the Northern Territory signed an agreement committing to 'strengthening governance and developing community capacity to ensure that communities are functional and effective'. In March 2006, Elliott McAdam, now the Northern Territory's Minister for Local Government, reported that his Department classified 50 per cent of the Northern Territory's local government councils as either 'high risk' or 'dysfunctional'. During the past six months his Department had been required to make 17 major interventions into the affairs of councils due to financial, administrative and/or governance irregularities.⁷ The Northern Territory bureaucrats got to work. In October 2006, the Minister, still Mr McAdam, was able to announce yet another blueprint for the future based on municipal councils and regional shires, but it is not to be introduced, to allow for adequate consultation, until 2008!⁸ In other words, reform has been pushed well into the future.

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The Northern Territory Government is unwilling to admit that principles of sound local government suggest that its population only has room for perhaps four local government regional shires. Directly and indirectly, several thousand Territory bureaucrats' jobs and those of many local government administrators and managers would become redundant. Hundreds of boards would disappear with their perquisites. Millions of public dollars would be saved. There would be a chance of improving local government and hence service delivery throughout the Northern Territory.

To enable local government to work, land councils have to be restricted to their business of land management. They would have to give local governments head leases over settlement lands so that settlement zoning could proceed for public amenities such as schools and parks and 99-year leases could support private housing and businesses. The Northern Territory's resumption of land for leasing in the Tiwis has been seen as a land grab by the Territory Government depriving local people of their only current asset.⁹

Democratic processes would have to be introduced. Democratic consultation would be through the electoral system and through community meetings at which all the people, not just the 'Big Men' were present so that all Aborigines and Torres Strait Islanders became aware of local government issues.

The principal responsibilities of regional shire authorities would be the same as for other Australian local governments. They would be responsible for community planning, zoning, local roads, airports, recreational parks and other public place and rubbish management, dog and other pest control, water, sewerage and where necessary because of remoteness, power.

Child care and youth services, libraries and public meeting places would develop as they do in mainstream Australia. These functions would be carried out in the selected core centres and their associated settlements. Both tiers could add such civic activities as sports and social clubs, women's and family centres, night patrols (that hopefully would soon become redundant) and other civic activities staffed by volunteers.

Many of the current local government activities that lead to monopolies and hence exclude private entrepreneurs could be privatised in the larger core settlements. In settlements where economies of scale are lacking, communal shops, mail distribution, internet access, airports and freight services would have to continue to be provided, hopefully establishing higher standards until competitive private enterprises could take over.

Shops are failing throughout the 'homelands' because they lack economies of scale. Communal ownership adds substantially to the failure rate but economies of scale are too small to enable private entrepreneurs

to run shops in most settlements. Even the larger settlements do not have the economies for the competition that ensures efficiency and reasonable prices in mainstream Australia. The few shops that do function rely heavily on external trading experience. The focus should be on establishing functioning shops in the larger core settlements with the help of retirees willing to devote their time to such endeavours. Fresh fruit and vegetables must be grown locally if they are to be available.

Housing, art production, tourist enterprises and other commercial activities should move to the private sector.

Local government funding is a fraught issue in the absence of private housing and private enterprises that contribute rates in mainstream Australia. CDEP job and capital grants will have to be replaced and added to local government funding. As already indicated, low income recipients could contribute voluntary work in the place of rates to maintain remote settlements.

Making local government work

Local government is not always efficient in mainstream Australia. Administrators have to be appointed from time to time if transparency and accountability are lacking. But in the main local governments work well. Mainstream standards will not be achieved until there is a literate and numerate population that can communicate in English. Local staff will then be able to take over from the non-Indigenous administrators, service workers and contractors that today dominate remote local government. Training of Indigenous staff during the transitional period would have to be dramatically different from the current systems that have demonstrably failed to train Indigenous people to take over the administration and servicing for remote communities. New trainees will have to start with remedial basic education before they can absorb real training in local government functions. They will soon hopefully be followed by Indigenous high school and post-secondary school graduates.

Day to day mentoring will be required in the settlements to make reformed local governments work. These could include experienced retired businessmen and public officials who would be prepared to devote some years of their retirement to such tasks, as do retired Australians who volunteer for work in developing countries. The volunteers would have to be strictly managed to ensure that they work as mentors and do not take over substantive roles.

John Cleary outlines the administrative steps necessary for a successful transition to mainstream local government. They include the preparation of a clear administrative structure, a strategic plan for the implementation

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of the reforms, the identification and training of Indigenous leaders and employees in preparation for their appointment and the appointment of key supervisory staff to supervise the transition phase and develop administrative procedures for each new regional shire authority. Financial issues will have to be resolved to enable a clean set of accounts to be prepared for each regional shire authority. ■

Chapter 12

Hyperbole or Reality?

12. Hyperbole or reality?

When the Centre for Independent Studies paper *A New Deal for Aborigines and Torres Strait Islanders in Remote Communities* summarised the economic and social consequences of the Coombs experiment with Indigenous lives in March 2005,¹ it—or media reports of it—were described by Galarrwuy Yunupingu (who had been Australian of the Year in 1988 and had only recently retired as Chairman of the Northern Land Council) as ‘sloppy and ideological thinking’ that threatened to ‘breach the Racial Discrimination Act and be a recipe for litigation and international outcry’. He did not, however, dispute the facts quoted.² Professor Gavin Mooney of Curtin University described the paper as ‘blatant racism’. He thought that ‘the finer details of the paper do not merit a run through’ so he too did not dispute the factual content.³ Peter Garrett, the Labor member for Kingsford Smith, attacked *A New Deal* in the House of Representatives on 16 March 2005 in an ardent defence of the Coombs model. He differed with *A New Deal* on one important point: he claimed the paper failed to support ‘the assertion that health statistics are worse in remote areas than in urban areas’. The Western Australian Telethon Institute’s reports on child health were only partially available when *A New Deal* was written. They have been used with other more recently available data to document the health gap between ‘remote’ and ‘very remote’, and other Indigenous, health in this study (Chapter 9). It seemed that Mr Garrett’s main objective, however, was to support the Coombs model, with its communal rather than individual property rights, claiming that it had succeeded: ‘At the current time, we have some 20 outstations where people are happier, people are healthier, people have control over their lives, people are moving forward and people are not mired in misery.’⁴

A New Deal had suggested that Canberra style 99-year leases should be introduced to enable Aborigines and Torres Strait Islanders, like other Australians, to utilise land they owned, particularly for private housing. When this suggestion was repeated in ‘The economics of Indigenous deprivation in September 2005’⁵ and began to be discussed in the Commonwealth Parliament, it attracted the ire of Professor Mick Dodson, Chairman of the Australian National University’s Centre for Aboriginal Studies, who objected to the introduction of 99-year leases for private housing. He was upset when *The Australian* contrasted his Canberra residence with those of his relatives in the bush.⁶

Centre for Aboriginal Economic Policy Research (CAEPR)

CAEPR at the Australian National University, funded since 1990 as the principal research locus of work on Indigenous economic issues, has been the foremost defender of the Coombs model, continuing to develop the rationale for its existence. Despite its name, apart from demographic studies, CAEPR has paid very little attention to the majority of Aborigines and Torres Strait Islanders living outside the 'homelands'. It is strongly committed to the school of thought that identifies Aboriginality with 'homeland' dwellers whom it sees as carrying the responsibility for the preservation of an Indigenous hunter-gatherer culture in Australia.

Dr Boyd Hunter, CAEPR's senior economist, accused *A New Deal* of hyperbole at the Conference of Economists in Melbourne in September 2005.⁷ His paper claimed that *A New Deal* failed to note the improvements in social indicators in the 'homelands' between 1994 and 2002. That is correct. *A New Deal* was not concerned with history, but with the appalling levels of Indigenous living standards as revealed by current data. It is certainly worth looking at the trend between 1994 and 2002. Dr Hunter's principal evidence of improvement was in employment and hence in labour force participation, but more than 40 per cent of those aged 15 years and over were still not in the labour force in 2002 even if CDEP is counted as employment. The principal improvement Dr Hunter noted was in non-school education, largely resulting from the introduction of the 'training' certificates that were discussed in Chapter 8. Dr Hunter also found a decline in housing crowding and in arrests of Aborigines from 1994 to 2002.⁸ All these were welcome, but did not contradict the evidence of current indicators presented in *A New Deal*.

CAEPR organised a conference of some 200 people from universities, the government sector, non profit organizations and private corporations and citizens on 11–12 August 2005 titled 'Assessing the evidence on Indigenous socioeconomic outcomes: a focus on the 2002 NATSISS'. It was to examine the evidence (already somewhat out of date) about Indigenous living standards. The papers presented at that conference have contributed to the body of information presented in this study. The organiser of the conference and its editor, Dr Hunter, warned that 'the sheer volume of [Indigenous] data allows some researchers to search for statistics that suit their ideological predisposition. Hughes [referring to a paper summarising *A New Deal* and 'The economics of Aboriginal deprivation'] provides an example of the art of selective citation of other people's analysis to support arguments that are otherwise based on assertions and hyperbole'. He added: 'Needless to say, this sort of approach violates fundamental

principles that most social scientists hold dear.' Hunter is aware that the pot is calling the kettle black, for he concludes that 'It should be made clear that advocates on all sides of the debate have used this strategy to look for either a statistic or an expert whose conclusions are consistent with their own.'⁹ The systematic examination and analysis of the hundreds of statistics in the present study is a far cry from 'looking for a statistic'. CAEPR's Director, Professor Altman, moreover, agrees that deprivation in the 'homelands' is deplorable. He thought that a study prepared by his colleague, Dr John Taylor, Deputy Director of CAEPR, for a COAG trial for Wadeye and surrounding outstations, 'uncovered a regional population that is relatively sick, poorly housed, illiterate, innumerate, on low income, unemployed, and with sub-standard physical infrastructure.'¹⁰ The defence of socio-economic conditions in the 'homelands' does not stand up.

Unable to indicate success for the Coombs experiment in terms of 'homeland' living standards, CAEPR is seeking to strengthen its philosophical base. Professor Jon Altman joined forces with Oxfam (a so called NGO—non-government organisation—that is heavily dependent on taxpayer funding) to defend communal land ownership. Oxfam is active in developing countries, including the South Pacific, where communal land ownership is a major obstacle to development. Jon Altman, Craig Linkhorn and Jennifer Clarke argue that overriding 'cultural' benefits of communal ownership cannot be delivered by private property rights capitalism.¹¹ Altman, Linkhorn and Clarke use communitarian arguments in support of the psychological benefits of communal ownership to oppose the use of 99-year leases for housing, citing small recent examples of effective communal housing in New Zealand to counter the large body of evidence that suggests that nowhere in the world has economic, social and political progress been possible without private property rights, notably in land.¹²

Following the growing exposure of socio-economic outcomes in the 'homelands', Professor Altman has begun to restate elements of the Coombs philosophy seeking 'a path beyond the free market or welfare dependency for our Indigenous people'. He argues for a 'hybrid economy' in which Aborigines and Torres Strait Islanders will still be hunters and gatherers so that they will not need mainstream education, but will in addition to their 'traditional' tasks undertake 'caring for country rangering projects'. Professor Altman envisages new 'Indigenous livelihoods and the recognition of new forms of property' so that the policies that created the remote settlements can be maintained. His vision also 'includes state, market and customary (or non-market or Indigenous) sectors, not just the free market (often propped up by the state with subsidies to particular industry groups).'¹³ The

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CDEP scheme would be continued and expanded as would other forms of subsidy such as government protection against risk for potential private entrepreneurs.¹⁴ A 'hybrid economy' would also require substantial increases in public funding for services such as health whose problems are considered to be inadequate funding rather than inherent structural defects. Altman argues, against the evidence of population trends in the 'homelands', that 'some townships, like Wadeye, are becoming too large and problematic and that decentralisation provides better livelihood options.'¹⁵

CAEPR's commitment to the Coombs vision and policies is evident in projections for the Thamarrurr Region (Wadeye). The CAEPR vision for the Thamarrurr region does not have anything to say about 'today's young Wadeye rebels who torch houses, destroy belongings and occasionally kill each other in gang wars ... [and who] do not model themselves on any Aboriginal cultural figures. Rather their loyalties are to heavy metal musicians, Pantera, the shock rock band, Iced Earth, Metallica and Testament, among others. Pantera's *Cowboys from Hell* album provides the name for one of 10 town gangs. Others are the Evil Warriors (from Metallica), Mad Warriors, Fear Factory, Big T (from the band Testament) the German Punks and the White Lions.'¹⁶

The CAEPR visions would extend current 'homeland' policies, albeit with greatly increased funding to bring communities up to Northern Territory averages. In a CAEPR paper, Taylor and Stanley estimated that current 'substantial deficits in economic activity, infrastructure and human capital' amounted to an annual foregone value of \$43.8 million. To offset these, their projections for Thamarrurr's future included an increasing numbers of outstations, improvements in education and training, health and nutrition, housing, and personal and property security plus preferential treatment for local Indigenous workers 'even though they may be less qualified and efficient than potential non-Indigenous employees'. Indigenous employment would thus increase but, because of the lack of demand for unskilled workers, not sufficiently to absorb the rise in the Indigenous population that was projected to grow from 2,034 in 2003 to 3,833 in 2023—an increase of 93 per cent. The number of non-Indigenous administrative and other skilled staff was estimated to increase from 100 to 212—an increase of 112 per cent. Thus in the course of another 20 years, the Thamarrurr Region would not become less, but more dependent on non-Indigenous administrators and skilled service staff.¹⁷

Cape York Institute for Policy and Leadership

The modestly funded Cape York Institute for Policy and Leadership is much younger than CAEPR, but in its short existence it has become the

leader of the movement to free Aborigines and Torres Strait Islanders from more than 200 years of discrimination. Its development of Australian thinking about the costs of welfare and welfare reform has made an eminent contribution to Australian social science. It has also examined the key issue of the conditions under which remote communities could become viable, with a consequent emphasis on labour mobility in reducing welfare dependency. Much of its activity is taken up with practical assistance to the Cape York settlements. Its programme of finding mainstream boarding schools and subsequent tertiary places for Cape York children is ensuring future professional career streams for Aborigines and Torres Strait Islanders. Unlike CAEPR it does not envisage an increased role for non-Indigenous administrators in Indigenous affairs.

If they could find intellectual and practical leadership of the same independence and quality, the Northern Territory, Western Australia and New South Wales with their relatively large Indigenous populations would be well advised to clone the Cape York Institute.

Exceptionalism in law

The legal profession's adherence to Coombs policies has been a heavy cost for Aborigines and Torres Strait Islanders. Legal advisors have too often failed to advise land councils and other Indigenous bodies to negotiate for education, training and employment in land leasing arrangements. They have contributed to the quest for short-term cash returns and allowed their clients to be satisfied with empty 'cultural' promises.

The Law Reform Commission of Western Australia in February 2006 released a major report recommending Aboriginal courts in which elders and customary law would replace the Western Australian legal system. The report was strongly supported by the dominantly non-Indigenous Aboriginal legal service of Western Australia which introduces customary law into cases before the courts wherever possible as extenuating circumstances. Sparring and beatings appear to be these lawyers' preferred forms of justice. Traditional marriage was a particular area where 'evidence about customs and usages transmitted across generations through an oral tradition can be very difficult to accommodate in our court system because it often runs afoul of the hearsay rule.' Tough luck for 12 year old girls given to older men in polygamous marriages!

The report entirely lacks an analysis of the reasons for violence and law-breaking by Aborigines, or even the nature of violence, often including elders, against women and children. Its 93 recommendations do not address the causes of deprivation.¹⁸ The authors of the Report expected that it would quickly be adopted by the Carpenter Labor government.¹⁹

The Australian summarised this extraordinarily superficial and naïve effort to support the rhetoric of ‘reconciliation’ by warning that ‘an attempt to keep Aboriginal offenders out of jail by creating a supplementary legal system inevitably creates the risk of the powerful protecting their interests at the expense of the weak.’²⁰

The customary system is heavily weighted toward the rule of elders and to denying the rights of women to live normal Australian lives. Lawyers who support exceptionalist policies by maintaining customary laws in policing and in the courts (except when they consider such policies ‘right wing’, as in asking Aboriginal parents to ensure that their children attend school regularly) also support continuation of Coombs-style communitarian and separatist policies. They influence the Human Rights and Equal Opportunity Commission, the Law Council of Australia, the Australian Law Reform Commission as well as State Law Reform Commissions²¹ and they also staff (non-Indigenous) Aboriginal legal aid services.²² They formidably oppose reform.

Beneficiaries of separatism

Much of the opposition to reform stems from self-interest. The passive welfare service industry ‘has jobs, careers, fiefdoms, budgets, leadership ambitions, mortgages, promotions, status, grand plans, strategies (and with outsourcing of service provision to private sector organisations) profits at stake—and it resists at very turn any attempt for the intervention to come to an end and for Indigenous responsibility to be restored.’²³ And so do the staff of native land title, local government, housing, health and education organisations, the Indigenous Cooperation Centres and all the other bureaucrats, consultants and contractors who make a living out of the current system. Professor John Hirst, the historian, arguing for reform, summed up that ‘present practices have created a system of apartheid, with whites in charge of black lives.’²⁴

Many anthropologists, economists and other social scientists have been visiting ‘homelands’ since their inception in the 1970s, some have been accepted as clan members in traditional ceremonies. They were not apparently disturbed by the crimes committed against women and children or the visible signs of ill health such as *otitis media* that led Ron Harris to try to improve health information and services. They evidently did not consider that Aborigines and Torres Strait Islanders were entitled to the living standards they enjoyed in Canberra and other capital cities. ■

Chapter 13

A Progress Report Card

13. A progress report card

The Howard Government began to see Aboriginal deprivation as a major national problem in the late 1990s, but found it extremely difficult, despite the evidence of the dismal effects of the Coombs experiment, to introduce a reform agenda. The Commonwealth has limited power in dealing with underlying policing, legal, education and local government issues central to Indigenous deprivation. Communal rather than private property rights had not only become strongly entrenched in Indigenous land rights but were widely thought to benefit Aborigines and Torres Strait Islanders. Similarly, exceptionalist policies toward Aborigines and Torres Strait Islanders were deemed to be integral to respect for and promotion of Indigenous traditions, disregarding the culture of illiteracy that led to the loss of Indigenous languages. 'Practical reconciliation' to end Aboriginal and Torres Strait Islander deprivation and ensure that they have the opportunities and choices of mainstream Australians has consequently taken time to evolve and has been difficult to implement.

Amanda Vanstone, as Minister for Immigration, Multiculturalism and Indigenous Affairs, broke through the fierce resistance to reform when she abolished ATSIC in March 2005. In January 2006 the removal of Indigenous Affairs from the overburdened Department of Immigration to a new Department of Families, Community Services and Indigenous Affairs began a new phase in the struggle for reform. It also had the added effect of giving Mal Brough, the new Minister, the title of Minister Assisting the Prime Minister for Indigenous Affairs to indicate the importance that the Prime Minister, John Howard gave to his task. The Office of Indigenous Policy Coordination (OIPC) moved from the Department of Immigration to cover all aspects of Aboriginal and Torres Strait Islander policies and coordinate inputs from other Commonwealth Departments. A vigorous new voice came into a Cabinet determined to pursue the 'practical reconciliation' agenda. Tony Abbott, the Minister for Health, and Phillip Ruddock, the Attorney-General, have also been strong supporters of ending Indigenous deprivation.

The bureaucratic environment in which reforms had to operate, however, remained largely unchanged, and so did the associated and interlinked bureaucratic and Indigenous organisation power structures. When regional ATSIC offices became 30 Indigenous Coordination Centres (ICCs) to coordinate Commonwealth, State and Territory policies and funding for remote communities, they retained most of the staff hired in ATSIC days. Many were not either qualified or motivated to administer welfare reforms.

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Six of the offices are in New South Wales, one is in Victoria and one in Tasmania and the others have to administer fringe as well as 'homeland' settlements with their very different needs. The ICCs continue to play a key role in the 'homelands', notably in the preparation and execution of Shared Responsibility Agreements where they are often seen as members of cabals of bureaucrats that represent the wishes of the Northern Territory and States (more than distant Canberra) rather than the interests of 'homeland' residents. The ICCs are process rather than results driven. They often make life a misery for Indigenous and non-Indigenous administrators seeking to improve conditions in the 'homelands' by endless bureaucratic demands. They work well, however, with those resisting change.

Commonwealth bureaucratic arrangements

The Office of Indigenous Policy Coordination has to address two distinct areas of economic deprivation: the regional settlements on the fringes of towns and major city ghettos where the majority, some 250,000, of all Indigenous people, live; and the remote 'homelands' where perhaps 90,000 live. The OIPC has taken a long time to come to terms with the fact that these two groups represent very different problems. Although the deprivation of both groups has common causes—inappropriate and inadequate education, welfare dependence and the absence of private property rights, notably in housing—their situations are fundamentally different. With the exception of a few declining country town locations, fringe and ghetto dwellers are located in areas of ample employment, mainstream infrastructure, functioning local government, police and law, and literate, English speaking populations that could be engaged in helping to end Indigenous deprivation. In the 'homelands' jobs are only exceptionally available within commuting distance. Differentiating between these two groups that face such very different environments is essential to effective reform.

The Office of Aboriginal and Torres Strait Islander Health in the Department of Health and Ageing is a second major Commonwealth office with Indigenous responsibilities. Other Departments looking after Indigenous Affairs include: the Department of Employment and Work Relations, responsible for the CDEP programme; the Department of the Environment and Water (formerly Environment and Heritage), responsible for ranger and other environmental programmes; the Department of Education and Training, that has hitherto taken little interest in the lack of content of 'homeland' education; and the Department of Finance and Administration, responsible for accountability.

A National Indigenous Council was established in November 2004 to 'provide expert advice to government on improving outcomes for Indigenous

Australians'.¹ As any advisory group does, it represents a range of views and serves as a sounding board for the Minister. Mal Brough and other Ministers and their staff have travelled widely to seek the voices of the Indigenous constituency. Unfortunately the many frustrated Aborigines and Torres Strait Islanders who desperately want conditions to improve for their children have poor communication skills meaning that their voices are often drowned out by 'Big Men' enjoying the benefits of the *status quo*.

Mal Brough has sought to exert pressure across the board to improve the lives of Aborigines and Torres Strait Islanders; Tony Abbott has been very active in the health area. But judging by the papers and reports produced by the various Indigenous offices, the bulk of bureaucratic effort is directed towards statements of intent that have no positive impact on Indigenous lives. Commonwealth Government reporting has departed from the association of expenditures with specific quantitative results in favour of loosely, but wordily described 'outcomes' that have no practical meaning. No sense of responsibility or accountability can be derived from these papers.

How much does the Commonwealth spend?

Commonwealth funding for Aboriginal and Torres Strait Islanders has been rising steadily from \$2.4 billion in 2001–2 to \$3.3 billion in 2006–7.² This funding is additional to other funding, such as Medicare that flows to all Australians. Some funding flows through the Northern Territory and the States, some flows directly from Commonwealth Departments through the ICCs and some Commonwealth funding flows directly to Aboriginal and Torres Strait Islander organisations. The amounts going to the 'homelands', whether directly or indirectly, are not known by region or in total. Nor is it known how much actually reaches Aborigines and Torres Strait Islanders. Any familiarity with Indigenous affairs suggests that a considerable proportion is consumed by the system, that is, by public servants and administrators. The claim by Tracker Tilmouth (former Chairman of the Central Land Council) that 70 per cent of the \$100 million allocated to Shared Responsibility Agreements was spent on bureaucrats and administration³ is probably an exasperated exaggeration, but the vast number of words devoted to programming, agreements and reports attests that a great deal of funding disappears in the statement and restatement of intentions rather than actually getting to Aborigines and Torres Strait Islanders in the form of services. In addition, millions of dollars are being spent on rhetorical programmes such as 'Using Sport to Improve Young Indigenous People's Education and Life Prospects' and the 'Family and Community Networks Initiative and Indigenous Community Leadership'.

Reporting, auditing and evaluating

Since ‘budgets’ are *ex ante* information about intentions, details of actual expenditures have to be sought in the Annual Reports of the Departments responsible for Indigenous funding. The Department of Health is the most informative, although its figures appear to be budget rather than expenditure based. Other Departments do not report either budget or expenditure data. Their voluminous reports are entirely qualitative so that it is impossible to derive any sense of where funding is going or what it has achieved. All coherent reporting has been abandoned in favour of qualitative ‘outcomes’ frameworks which take up hundreds of pages of text (and thus public service time) but are totally uninformative.⁴

As an example, Table 13.1 presents the ‘outcome’ report on 109 grants disbursed in 2004–5 under the Indigenous Women’s Programme ‘to recognise, develop and promote Aboriginal and Torres Strait Islander women’s perspectives in all policy and programme development in relevant forums’. This example has been chosen because it is in a critical area—women are getting bashed and raped every day—and because it is unusually informative and quantitative compared to the rest of the torrents of words that purport to cover the ‘outcomes’ of Indigenous policy for 2004–5. Yet it turns out to be information free. It is unlikely that one less woman was bashed and raped or that one more girl stayed at school to year 12 and went on to post-secondary education, a job and a decent life because of these unknown expenditures.

Table 13.1 Performance information—Aboriginal and Torres Strait Islander women:

Measures	Results
Quantity	
2,000 participants	20,000 (estimated)
10 events and activities	320 (estimated)
5 publications	5 (estimated)
70 structured skills development participants	150 (estimated)
The ability of the events, activities and publications to empower and/or inform Aboriginal and Torres islander women	Events, activities and publications funded through this programme are developed locally in response to the issues and objectives identified by Indigenous women

Source: Australian Government, Department of Immigration and Multicultural and Indigenous Affairs, *2004–05 Annual Report*, Canberra October 2005 Part 2, Outcome 3, Indigenous Outcome, p 305.

It is a well established principle that audits and evaluations of government expenditures, which are a government's accounting to its citizens of what their taxes have achieved, must be conducted at arms length. The social project and programme efficiency and effectiveness literature is voluminous. Scandinavian countries have developed expertise in evaluating expenditures on social sectors. The World Bank audits all its loans at arms length and evaluates a selection of them. In Canberra these methodologies only appear to be known on Northbourne Avenue at AusAID.

Audits are a necessary check on public expenditure efficiency, examining whether project or programme funds were spent as intended. The Auditor General's Department conducts such audits from time to time, but they are programmed in the evaluation agendas compiled by the Department of Finance.

Evaluations are intended to show the effectiveness of the spending of public funds. Commonwealth expenditures should thus be related to sectors such as security, employment, housing and health that they are supposed to affect. Evaluations are evidently the responsibility of the Department of Finance, although there is no evidence of any evaluation methodology in place in that Department.

Evaluation must include baseline surveys of the project area and a 'comparator', that is, a similar area where intervention is not taking place. Only thus can it be seen whether changes are the result of the initiative or of other policies and the passage of time. That is, settlements without Shared Responsibility Agreements should be surveyed as well as those with Shared Responsibility Agreements if a useful comparison is to be made. Baseline surveys have to be quantitative, and quantitative targets must clearly be specified and monitored for both project and 'comparator' areas. Without baselines and monitoring there can be no evaluation.

Department of Finance audits and evaluations

The Department of Finance and Administration, Office of Evaluation and Audit (Indigenous Programs) published an *Evaluation and Audit Work Program, July 2005–June 2007* for Indigenous expenditure. There is no systematic audit plan to account for overall annual Indigenous expenditure running at more than \$3.3 billion a year by 2005–6. There is no understanding of the difference between audits and evaluations. The approach is entirely qualitative without any priorities either by the amounts of expenditure (which are generally not mentioned) or by the priority of targets for intervention. These are not specified. A typical item is: 'an audit will examine the efficiency and effectiveness of the National Strategic Framework for Aboriginal and Torres Strait Islander Social and

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Emotional Wellbeing' (agreed in March 2004). The audit is to commence in 2006–7.⁵ Another audit is to 'examine the efficiency and effectiveness of Tuition Assistance including the operation of organisations funded under the scheme and the implementation of the results of the Review of the Aboriginal Tutorial Assistance Scheme Bulk Funding Arrangements to Higher Education and Boarding schools.' Expenditures of \$178.9 million are involved in assisting more than 60,000 students.⁶ Is this an audit, an evaluation, or both? How can it be undertaken without the independent collection of relevant data? Or will the consultants and suppliers being evaluated supply the data on whether the children they taught reached Year 3, 5 and 7 literacy and numeracy benchmarks?

The 'outcomes' approach appears to have driven out concepts of efficiency and effectiveness throughout the Commonwealth bureaucracy. Avoiding efficiency and effectiveness measurements means no accountability is possible. Judgements cannot be made about whether taxpayers' funds have been used, or have not been used, to improve Indigenous living standards.

COAG initiatives evaluation

The ten COAG 'initiatives' were to be evaluated two years and again after five years, but no preparation was made for an evaluation. In March 2007 two had evidently been abandoned, leaving eight initiatives running.

A limited factual data baseline study was prepared for Wadeye, only becoming available in July 2005.⁷ Similar studies were apparently not prepared for the other three initiatives in the 'homelands' (or for the other six initiatives outside the 'homelands'). The Cape York Institute was not asked to prepare a baseline survey for the four Cape York settlements in which it was active. Two years passed without any apparent review. News of improved living standards has not come from Cape York, Wadeye, Anangu Pitjantjatjara or the East Kimberley 'homelands'. A qualitative examination of the COAG trial has concluded that 'instead of improving intergovernment and community interaction and streamlining funding, bureaucracy has increased and key areas have been allowed to 'fall between the cracks'.⁸

There cannot be meaningful evaluation in 2007 (or later) when five years are deemed to have passed, without baselines, 'comparators', quantitative targets and monitoring in place. Evaluations expressed in the same generalities in which the COAG initiatives were framed will engage the costly services of consultants and bureaucrats to no purpose except to produce yet another torrent of words. The OIPC should save the taxpayers' money by admitting that no evaluation is possible.

The Northern Territory, Western Australia, Queensland and South Australia

The Commonwealth has attempted to engage the cooperation of the Northern Territory and the States by signing collaborative agreements on government responsibilities toward Aborigines and Torres Strait Islanders.⁹ These pertain to the COAG ‘whole government’ initiatives, Shared and Regional Responsibility Agreements, application of the ‘mutual responsibility’ framework to get people into jobs and off welfare, the education and housing to which the Commonwealth makes substantial financial contributions, as well as policing to which it contributes directly and indirectly. Separate health agreements have been signed. The constant stream of words has eaten up substantial bureaucratic resources but appears to have had little impact on how the Northern Territory and States deliver programmes to the ‘homelands’.

The Northern Territory, Queensland, Western Australia and South Australia with ‘homeland’, fringe and ghetto Indigenous populations, and New South Wales with the largest fringe and ghetto population, appear to be satisfied with present Aboriginal and Torres Strait Islander living standards.

Northern Territory

The Northern Territory Government has made little response to national media exposure of violence in Indigenous settlements. Clare Martin, the Chief Minister, claims she has given Indigenous affairs appropriate attention by keeping it in her own hands. She has also been reproached for not taking action on Indigenous child abuse. Evidence of shocking health has elicited no response. Ms Martin appears to be keen to continue expanding public housing at the cost of \$450,000 a house. Gang warfare does not seem to pose the Government problems, providing it takes place in Maningrida, Wadeye or other Aboriginal settlements. The Northern Territory Government is specially funded by the Commonwealth to meet its Aboriginal responsibilities, but has been accused of spending such funding on its non-Indigenous inhabitants.¹⁰ The Northern Territory Government is the sole kava licensor and organises the distribution system that creates incentives for kava sales in settlements. The Government’s designated weekly kava consumption amounts are in excess of health limits. The Government is so relaxed about the state of non-performing local governments that it is happy to wait until 2008 to consider any consolidation.

All this pales against the Northern Territory Department of Education’s failure over the last 30 years to provide basic education for Aborigines. ‘Homeland’ primary school standards—buildings, equipment, teaching content, presence of teachers, number of places for school age children,

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attendance and achievement in standard tests—all fail Indigenous children. Almost all the children emerge from ‘homeland’ schools without basic numeracy or literacy in English. The hiding of so-called secondary schools in remote locations to cover up the absence of primary schooling is shocking. The Northern Territory is by far the worst performing State or Territory on every indicator of Indigenous schooling performance, even on its own data that hides low achievement.¹¹ Vocational education and training continue the farce by conducting arrays of training courses for men and women who cannot count, read or write and issuing them with ‘certificates’ I, II, III and IV that everyone knows only make them employable in CDEP ‘jobs’. The Department of Education’s principal occupation seems to be to thwart attempts to break out of its systems of compulsory dysfunction.

Queensland

Queensland looked at Indigenous problems in 2001 when the Government commissioned a study of the influence of alcohol consumption on violence in the Cape York ‘homelands’. The Cape York *Justice Report* by Justice Fitzgerald had little to say about the causes of violence in the Cape York ‘homelands’. His solution was alcohol ‘management’.¹² By institutionalising the supply of alcohol in Indigenous communities so that settlements rely on alcohol sales for a substantial proportion of their incomes, the Queensland Government has, however, created and maintains an incentive system for alcoholism.¹³

A Parliamentary inquiry followed the Palm Island riots in 2004, leading to many recommendations but no action. With continuing media references to the Doomadgee case, the Minister for Aboriginal Affairs, John Mickel, was said to have commissioned his Department of Aboriginal and Torres Strait Islander Policy to prepare a report on redressing Indigenous problems. This was to be the first progress report in a five year-plan. It was not released before the 2006 State elections. Immediately after the election, the Department of Aboriginal and Torres Strait Islander Policy was abolished, its function being merged into the Department of Communities (Families, Youth and Community Care). A spokesman for the Minister, Warren Pitt, said the report was being finalised, and in any case, ‘there is nothing substantially new in the report’.¹⁴ This proved to be the case when *Partnerships Queensland: Future Directions Framework for Aboriginal and Torres Strait Islander Policy in Queensland 2005–2001*; *Baseline Report, 2006* was released on 6 February 2007.¹⁵

Partnerships Queensland is a detailed account of Aboriginal and Torres Strait Islander deprivation in Queensland. Although very little new information from unpublished Queensland data has been added on

education, health and housing, it is clear that the majority of Queensland Aborigines and Torres Strait Islanders do not have mainstream jobs or incomes. Charts indicate that remoteness exacerbates every disadvantage. The *Baseline Report 2006* is deeply disturbing because its many thousands of words of worthy intentions and rhetoric do not indicate that any policy changes are being contemplated that would give meaning to the 'partnership' (following Cape York Partnerships) espoused in the title. The *Report's* more than 200 pages are full with the feeling of satisfaction with 'steady as she goes'. The Queensland Government has subsequently announced it would make Shared Responsibility Agreements available to Cape York settlements. Without profound policy changes, such funding will be wasted.

Western Australia

Western Australia made no response to the Telethon Institute's findings about child health. Its public education had gone so far in the post-modern direction that the Government itself became alarmed at the beginning of 2007 and is seeking to restore some basic learning. It is likely to be a long time before such reforms reach 'homeland' schools. In the meantime Western Australia is responsible for some of the most deprived 'homeland' settlements in Australia.

South Australia

South Australia has only a small share of the 'homelands' and of the total Indigenous population. Indigenous issues have not had a high political profile. The Aboriginal Affairs and Reconciliation Office was folded into the Department of Premier and Cabinet in 2006. It has not sought to examine the reasons for the dysfunction of the Anangu Pitjantjatjara Lands.

Ideological bias

Much of the Territory and State Governments' lack of response to Indigenous deprivation appears to be the result of bureaucratic insensibility. Some is philosophically driven. Added to exceptionalist attitudes to Aborigines and Torres Strait Islanders, the post-modern philosophies of the Territory and State Departments of Education have been responsible for the 30 years of educational deprivation of Indigenous children that is at the centre of Indigenous disadvantage. They are responsible for Aborigines' and Torres Strait Islanders' inability to count, read and write and hence maintain their own languages, and to speak English. Their main objectives appear to be to provide 'culturally appropriate' education by removing as much basic and general knowledge content as possible from school curricula.

In all six Labor Governments, the forces that support the socialist elements of the Coombs model dominate. The same groups are

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philosophically averse to enabling Aborigines and Torres Strait Islanders to benefit from the market economy by owning their own homes and businesses. Such attitudes no longer represent all Labor views. They are being questioned as the results of the Coombs experiment come to light.

The agreements between the Commonwealth, and the Northern Territory and the States regarding Indigenous affairs outline what needs to be done. If words were deeds Australian Aborigines and Torres Strait Islanders would all be working in decent jobs, enjoying the houses that Steffen Lehmann envisaged (Chapter 10) and living to 80 years just like everyone else.

COAG

The COAG process supposedly enables a joint Commonwealth, Northern Territory and State Government response to the Third World conditions in remote settlements. It was therefore thought that it could be used to improve Indigenous living standards and the COAG 'whole of government' Initiatives followed. COAG bureaucrats proved that they were masters of paper agendas, but it soon became evident that these had no practical content and that no action would follow. A special COAG Summit on Violence, held reluctantly, led to copious pious communiqués but again no action. The consideration of Indigenous issues at regular COAG meeting does not lead to any results. The unwillingness of the Northern Territory and the States to reform Indigenous policies makes COAG a bureaucratic morass of inertia.

COAG's Steering Committee for the Review of Commonwealth/State Service Provision has responsibility for reporting on Indigenous conditions. The influence of its bureaucracy was evident in its second report, *Overcoming Indigenous Disadvantage: Key indicators 2005* that was intended to 'document outcomes for Indigenous people within a framework that has both a vision of what life should be for Indigenous people and a strategic focus on areas that need to be targeted if that long-term vision is to be realised.'¹⁶ Instead of contributing to this vision, *Overcoming Indigenous Disadvantage* buried information about conditions in the 'homelands' in averages for all Aborigines and Torres Strait Islanders that included the third of Indigenous people who work and live in the mainstream, meaning that deprivation in the 'homelands' was under-reported.

Significant areas of improvement' were said to include 'improvements in labour force participation, unemployment, employment and home ownership' between 1994 and 2002, 'improvements in post-secondary education participation and attainment ... and apparent retention rates to year 12' and a 'trend upwards ... in achievement against the year 3 writing benchmark.'¹⁷ There were no such improvements in these indicators in

the 'homelands'. It is not even clear whether there were improvements in fringe and ghetto settlements because of the extent to which they are influenced by the rapid progress of Aborigines and Torres Strait Islanders with mainstream jobs and living standards. Obfuscating analytical issues obstructs policy reform. It supports assumptions that Third World conditions are not the consequence of past and present government policies but result from the ethnic preferences of Aborigines and Torres Strait Islanders

Misleading COAG information did not stop with *Overcoming Indigenous Disadvantage*. The recently published *Report on Government Services, 2007* continues to publish Indigenous reading, writing, numeracy and school retention data that are not representative for 'homeland' children. Vocational education and training data for Indigenous students also appear to be highly misleading.¹⁸ These reports are produced at considerable expense. It is not surprising that they do not report accurately, pointing to problems as well as successes, because they prove the fundamental rule that audits and evaluations are not worth the paper they are written on if they are not produced at arms length.

Making practical reconciliation work

The Commonwealth Government's 'practical reconciliation' policies acknowledge that appalling Indigenous living standards are not the result of ethnicity, but of past government policies which they are attempting to reform. The Commonwealth Government's reform agenda has for the first time in Australia's history turned its back on policies that discriminate against Aborigines and Torres Strait Islanders. The Commonwealth Government deserves an A for effort, but because of the opposition of vested interests to its reforms, only a pass for effectiveness. The Northern Territory and the States, however, are failing dismally in their responsibilities toward Indigenous citizens. With the exception of New South Wales' efforts to rein in land councils, they have neglected Aborigines and Torres Strait Islanders and often hindered Commonwealth efforts.

If there is to be any improvement for Aborigines and Torres Strait Islanders all Australian governments will have to turn away from 'outcomes' rhetoric to factual frameworks for policy and intervention. How many women were bashed in 2006? How many children have sexually transmitted diseases? How many children are attending schools that teach the three 'Rs' properly in English? What is the achievement of every Indigenous child at Year 3, 5, 7, 9 and 12? How do these compare with mainstream children? How many children have trachoma? How many have *otitis media*? How many diabetics are there in each 'homeland'? How many of them kept

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sugar level diaries in 2006? What is the incidence of donovaniasis? Of strongyloidiasis? How many people to a house? What are the year on year changes in these indicators? If these indicators are not improving, which government offices are responsible? Where are funds allocated? Where are they spent? How effective is the spending? ■

Chapter 14

Communities Helping Themselves



14. Communities helping themselves

Brave and hardworking men and women are trying to dig themselves out of welfare dependence throughout the 'homelands'. Despite their very limited numeracy, literacy and English they are trying to negotiate Shared Responsibility Agreements through a miasma of baffling bureaucratic procedures focused on the appropriateness of processes rather than on targets improve living standards. The following list, by no means all encompassing and in some cases still very partial and tenuous, indicates that there are 'homeland' communities seeking change. They have to overcome the huge disadvantages of illiteracy, non-numeracy, inability to communicate in English, the consequences of welfare dependence and the seductiveness of secure payments for no work. Communal property rights mean no effective property rights. Many settlements are located in areas without economic opportunities. Communities often have to struggle with Indigenous power brokers. Here, in alphabetical order, are five examples of communities helping themselves.

Baniyala

Baniyala is a very small community of 120 or so people on the shores of beautiful Blue Mud Bay on the Gulf of Carpentaria, three hours drive south of Nhulunbuy on the East Arnhem Land coast. It is a quiet, orderly settlement but it does not have a functioning school or health centre. Its community managed shop is very limited. About 60 school age children roam the community. The few people who can communicate in English are middle aged survivors of mission schooling. Housing and health are appalling with children visibly affected by infections, 21 year old veterans of open heart surgery, many diabetics and circulatory disease patients without a glucometer or a digital blood pressure measuring machine in the community, endemic diarrhoea and visible boils and sores due to the lack of fresh food. The community is trying to start a fruit and vegetable garden, but it is a struggle. The community's strength lies in its outstanding artist, Djambawa Marawili, whose work is exhibited worldwide, and who is the leader seeking to increase the community's earnings through increased participation in art, getting the children into a school that teaches them the basics in English and improving the appalling standards of health. There are commercial crabbing possibilities.

Baniyala has been mined for years for traditional music, dances, film material and art, but none of the many cultural curators thought it might want its children to be healthy and educated or that its adults might not enjoy living six or more to a room in a derelict house. Baniyala men have

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built an Art Centre to increase the community's earning capacity and a Women's Centre to improve community health with the help of Rotary and foundation funding. Banyala is now engaged in obtaining funding so that its men can build a teacher's house with Rotary assistance to get its children properly taught in a primary school. Every step of the way is a struggle when fax and internet services are intermittent, when filling out the requisite funding forms is a major undertaking and getting assistance means a costly flight or three hour drive (if there is a working vehicle and if there is petrol).

Groote Eylandt

The Anindilyakwa Land Council has been helped by the management of GEMCO ((Groote Eylandt Mining Corporation) owned by BHP-Billiton and the Anglo American Corporation) to move from being 'a byword for Aboriginal dysfunction'¹ to some 850 people with hope.

After years of regarding the payment of royalties as sufficient recompense for the local population, GEMCO's management instituted an Aborigines Employment Strategy as part of its programme to rehabilitate mined lands and also to employ locals in the mine. The strategy was largely to teach basic numeracy and literacy in English to enable Anindilyakwa men to be employed on the land rehabilitation project. Some mining jobs have followed so that 42 out of GEMCO's 250 workers are now local. The target is 30 per cent.

The mine management persuaded the Anindilyakwa people to institute island wide alcohol management. This has transformed the principal settlement of Angurugu as drunkenness and violence were reduced. Absenteeism at GEMCO fell. Other improvements have followed. Not only have CDEP jobs been used better, but a year's target of moving 15 CDEP workers to real jobs was met in the first three months of 2006. Groote Eylandt and Bickerton Island enterprises was established to run service companies and to develop Dugong Beach as a commercial resort central to the island's tourism potential with significant mainstream employment prospects.

In 2005 Anindilyakwa leaders were taken by GEMCO on a study tour of Canada and the United States where they met Inuit company executives and Navajo doctors and lawyers. In renegotiating mining leases the Anindilyakwa Land Council opted to move from a 100 per cent distribution of royalties to the population to a 25 per cent distribution with the rest being held back for social and education programmes. How this will work out has, of course, to be seen.

The Commonwealth Government, impressed by these moves, moved to introduce 99-year leases for a private housing programme.

Not all the problems have been solved. Most people are still on welfare and CDEP payments. Petrol sniffing persists though Opal is to

be rolled out across the island. Critically, despite all these efforts, there is still no working primary school. Fifteen teenagers are being educated in boarding schools in Darwin and Queensland, but Anindilyakwa children are not being taught to read, write and do arithmetic. The Anindilyakwa Land Council has royalty money to bring to the table and wants Commonwealth assistance for school standards so that 'every Anindilyakwa child can grow up to lead a fulfilled prosperous life on equal terms with the global economy'.

Kurrawang

Kurrawang, 20 kilometres from Kalgoorlie, grew out of a Christian mission. It has a population of about 120. Jobs in Kalgoorlie are the source of the community's decent living standards. 'The homes of this community of about 100 are neat and proper, with prim gardens, and built around a well maintained central square'. There is training for skills such as welding, mechanics and crèche child care. Rents of \$65 and \$70 are paid regularly. The community has strict selection criteria for newcomers. It does not allow alcohol or drugs. The executive of the Goldfields Land and Sea Council, Brian Wyatt, considers that the Christian ethic that guides Kurrawang would not be for every Aborigine any more than it would be for every white person, but the community shows 'the benefit of a strong moral compass and a determined bid for economic independence' which arises from both western tradition and traditional customs and beliefs. The Christian Aboriginal Parent-Directed School takes pre-primary and kindergarten students and goes to Year 7. It prepares children for high school in Coolgardie.

Mapoon

Mapoon is on the western edge of the Cape York Peninsula, 960 kilometres west of Cairns and 86 kilometres from Weipa. Mapoon was founded as a Presbyterian Mission in 1891. Its inhabitants were forcibly removed in 1963 but trickled back to build a community that numbered 197 by the 2001 Census. The principal economic activity is a joint venture crab and other seafood fishery that supplies Weipa and a wholesale business in Cairns. Mapoon introduced alcohol restrictions in 2004. It has an active church and a working school with enough places for the community's children and reasonable attendance rates. CDEP payments have been used to develop a farm that has a variety of fruit trees and is used to teach horticulture. CDEP payments are also used to maintain roads, public places and houses. Mapoon has a reasonable shop and a bus service to Weipa for other shopping, medical and other visits, but communal land and ownership is a limiting factor in its economic endeavours. Mapoon has accommodation for visitors.

Woorabinda

Woorabinda is two hours drive west of Rockhampton. It had an inauspicious beginning when an Aboriginal camp was replaced in 1927 by a settlement of people from some 17 language groups. In 1942 when the Bedford Lutheran Mission was shut down on Cape York, its people were moved to Woorabinda where many of them died of neglect and illnesses brought on by the inland cold weather they were unaccustomed to. The Woorabinda Aboriginal Council was elected in 1985 when the settlement was well on the way to becoming yet another violent, dysfunctional Aboriginal slum. It slowly began to turn itself around under the leadership of Council Chairman, Terry Munns. It had about 1,000 inhabitants in 2001. An alcohol management plan was introduced in 2003. Woorabinda now has more than 1,600 inhabitants, a primary school and a high school, churches, hospital, community hall, day care, a hostel for the elderly and a six lane swimming pool. Football is lively and used to fight violence: if you are involved, you do not play.

The primary school is trying. The enrolment of 165 children seems low for the population. Attendance is a problem but truants are chased up when there are enough police to do so. The language spoken is mostly Aboriginal English, so that English is a second language. Given Queensland's post-modern primary school teaching, the fact that only 35 per cent of the children are considered in need of 'additional support' seems a favourable outcome. Average performance is below Queensland averages, but some pupils at least perform better than the Queensland average. The school has 15 teachers—or one for each 11 students—plus Aboriginal teaching aides in each classroom so that staff-student ratios are not the problem. Importantly, the school is training its non-Indigenous staff in 'functional grammar'. The high school is too small to have an appropriate range of academic and technical subjects.

Woorabinda has started pastoral businesses on which it employs CDEP station hands and boundary riders. Woorabinda uses CDEP payments to maintain roads and public places, CDEP workers helped to build a water-borne sewerage system and there are 10 apprentices in training. The church run Nugga Nugga Design Studio markets screen printed items, T-Shirts and Aboriginal paintings.

Helping communities

The communities most likely to find their feet are those that can find jobs nearby or have possibilities of economic development. Kurrawang is remarkable because of its contrast to the high unemployment of Kalgoorlie

Aboriginal settlements. Mapoon shows that having private joint venture partners helps. Long term, 99-year leases and private land ownership will be essential to allow private housing and private enterprises to develop to make pastoral and other rural investment possible. Baniyala and Woorabinda are tackling their problems without any evident economic advantages.

Communities need sensitive, professional assistance to establish accounting systems so they can see where their public funding is coming from and what their expenditures are, and to help shops and gardens meet nutritional needs. CDEP funding will have to be replaced by local government funding for real jobs in public utilities and services.

A variety of organisations and some individuals are helping communities to help themselves. By far the most systematic and effective is the Cape York Institute for Policy and Leadership. The Cape York Institute 'was conceived in response to the pressing need for new policy directions'. The Institute's work is based on an innovative reform agenda which is the product of more than a decade of dialogue between the Institute and Cape York Indigenous leaders.³ The Institute combines rigorous academic research with 'think tank' policy perspective functions and with practical programmes that directly assist Cape York remote settlements. These include welfare reform, health reform, governance, economic viability, accounting services and family income management. The Institute's activities are remedying the educational deficits of the past 30 years starting with pre-school and primary school, and extending to professional tertiary education. Its leadership programme on Cape York has been instrumental in turning many Indigenous Cape York leaders' thinking toward a decent future. The Institute does not seek additional incomes from commissioned research, but relies on partnerships with, and secondees from, government and business to give its work depth and a wide reach. As other leaders of Noel Pearson's capacity emerge, the Institute should become a model to follow.

Australian Rotary clubs have extended their support for disadvantaged people to a wide range of programmes to assist Aborigines and Torres Strait Islanders. Lions Clubs are active in eye health. The service club approach, like the Cape York Institute's, is to support communities that want to help themselves. Service clubs are mostly composed of business people so that while they are sensitive to Indigenous cultural interests, their involvement in the 'homelands' is contributing new practical perspectives. Financial institutions have made some effort to assist with banking education. Contributions from business, foundations and individuals are growing though it is still difficult for most remote settlements to access such assistance. ■

Chapter 15

Way Ahead for the 'Homelands'

15. Way ahead for the 'homelands'

The evidence of Aboriginal and Torres Strait Islander deprivation in the 'homelands' is overwhelming. So is the logic that shows that the absence of education and hence the ability to work, combined with the location of most of the 'homelands', the CDEP scheme and public housing, have driven 'homeland' Aborigines and Torres Strait Islanders to welfare dependence that has destroyed their ability to manage their lives. Substance abuse and violence have followed. Deprivation does not stop there. The same philosophies and policies that have destroyed lives in the 'homelands' are the cause of welfare dependence in fringe and ghetto settlements that has reduced the movement of Aborigines and Torres Strait Islanders to mainstream jobs and incomes.

Aborigines and Torres Strait Islanders have been discriminated against by being treated differently for more than 200 years. It is not true that various policies have been tried and have failed. Policies have always been discriminatory, treating Aborigines and Torres Strait Islanders differently from other Australians. Sadly, the most damaging discrimination in Australia's history has been the exceptionalism of the last 30 years that was intended to make up for past mistreatment. It has widened the gap between Indigenous and mainstream Australians in critical respects. It persuaded them, moreover, that they wanted apartheid in property rights, education and welfare rather than employment. The natural enemies of apartheid on the left, who played such an important role in dismantling it in South Africa, have been the principal defenders of exceptionalism in Australia.

The 'reverse racism' that has isolated Aborigines and Torres Strait Islanders in remote settlements without an economic base also attempted to turn them back to hunting and gathering in a pre-historical intellectual environment. Indigenous traditions have not been able to evolve, resulting in frustration and fear associated with sorcery, the perversion of traditions into high levels of violence, particularly against women and children. 'Homeland' dwellers have been denied equality of opportunity, the ranges of humanitarian and scientific learning that enable other Australians to find satisfying jobs, careers and family contentment in a tolerant, materially comfortable and healthy society. Local languages have been lost. Young people do not speak either traditional languages or the English other Australians speak, but are confined to the street slang of 'Aboriginal English'. Nutrition has plummeted. Only art, despite its many difficulties, has evolved and flourished technologically and aesthetically because at the margins at least it operates in a market environment.

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Good intentions are evident in the large funding flows to Aborigines and Torres Strait Islanders. This funding has unfortunately built significant Indigenous elites and much more numerous non-Indigenous political, bureaucratic, administrative, academic, contracting and consulting interests which absorb so much of the funding that little reaches the majority of Indigenous recipients. While there is widespread frustration in the 'homelands', particularly with the lack of education (and hence job opportunities) and ill health, the majority of the residents are non-numerate and illiterate and cannot express themselves in English. A few courageous leaders are demanding an end to welfare dependence, but their voices are drowned out by articulate elites and the non-Indigenous beneficiaries of the present system. If 'homeland' Aborigines and Torres Strait Islanders managed their own affairs, thousands of non-Indigenous bureaucrats, administrators, contractors and consultants would have to find other work.

Aboriginal and Torres Strait Islander Third World living standards are not taking place in some other land whose raped women or children with running sores appear for a few minutes on a television programme so that we can appease our conscience with a donation to a charity. These Third World conditions are here in Australia now. At the present rate of progress in education and health, another generation of Aborigines and Torres Strait Islanders is being lost. We can bemoan the lack of political will that results in refugee camps abroad as we turn off the television, but we cannot continue to ignore that it is the political responsibility of Australians to end discrimination against Aborigines and Torres Strait Islanders now.

'Practical reconciliation' has seen breakthroughs in property rights and has drawn attention to a range of critical problems, but it has not yet been able to make a meaningful difference to actual 'homeland' living standards despite considerable Commonwealth Government effort through Shared Responsibility Agreements. The experience of the last two years underlines the fact that programmes that are aimed at 1,200 settlements will fail. A two pronged approach is proposed. Firstly, a limited number of core centres should ensure mainstream standards of education and health in the larger 'homeland' settlements and in communities trying to help themselves. Secondly, policy reforms should simultaneously be vigorously pursued across the board to end all discrimination against Aborigines and Torres Strait Islanders.

Core Centres

A primary objective would be the establishment of mainstream primary education and basic health for the majority of 'homeland' residents during 2007–8. Primary schools, public health and clinical health services would be provided in three tiers.

The first tier of core centres would be the large, presently dysfunctional settlements where 'homeland' populations are already concentrated. To get all children to attend school regularly would in most cases require the appointment of administrators to put an end to dysfunctional local governments that tolerate violence, substance abuse, low school attendance, street gangs and rubbish strewn streets alive with packs of dogs.

Efficient primary schools with a place for every child, decent equipment and teachers, zero tolerance of absenteeism, supporting measures to ensure that children are ready for school and a supportive environment for their homework, would be the first priority. Such schools will only be able to operate in policed and cleaned up communities. All children would be medically audited, with public and clinical health programmes to follow.

Children past primary age would be enrolled in remedial numeracy and literacy classes as a condition of receiving direct or indirect (through parents) welfare payments. 'Mutual obligation' for adults would take the form of compulsory attendance at adult literacy classes and a contribution to civic maintenance. Private housing on 99-year leases and other building and construction would be used to enable local boys and girls to learn construction skills. CDEP funding would be replaced by local government funding for real jobs.

Employment mobility would be an important consideration with structured arrangements for fruit picking as the first step. There would be support for movement to other, more permanent mainstream jobs. Shops and other facilities would benefit from economies of scale.

A second tier of core centres could be developed out of consolidating medium-sized settlements and outstations, at least during term time, to enable all children to go to school and to be medically treated. The Regional Partnership Agreement for the Western Desert Ngaanyatjarra settlements is already in place and could serve as a model by replacing unrealistic paper plans with practical, achievable targets for the Ngaanyatjarra people. Rudimentary primary school and health facilities would have to be upgraded to mainstream standards. Remedial education to Year 7 reading, writing and arithmetic would be organised for all youngsters past primary school age. So would adult literacy and numeracy.

Young men and women should be given the opportunity to earn money in structured fruit picking programmes. With basic numeracy and literacy, some would no doubt opt for mining jobs. These, too, would all need support structures.

Private housing on 99-year leases would give people a secure base in their 'country' and enable youngsters to learn construction skills. All

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maintenance and building would be by local workers with contractors and volunteer retirees acting as trainers and supervisors.

A third tier of core centres might include medium sized settlements that are gaining in population because they have set out to help themselves. They would be the easiest to organise. They would have properly functioning primary schools, remedial education for youngsters who have missed out in the past and adult education. Public health and access to clinical health facilities would be upgraded. These communities are already free of violence and substance abuse so that policing is not an issue.

A core centre programme would require a new approach to Shared Responsibility Agreements and Regional Partnerships. Basic information and short term quantitative targets for education and health would be essential, to be followed by monitoring so that targets are met. On time financial accountability would be essential. Meaningless bureaucratic procedures that currently take up an inordinate proportion of administrative resources would be abandoned.

Helping communities help themselves

Core centres can only become viable through the engagement of their residents. This will be difficult because residents are understandably suspicious and resentful of bureaucrats and administrators who have for years failed to deliver education, health or other basic services. The energy and goodwill of mainstream Australians through voluntary participation in service organisations such as Rotary will be needed to overcome the legacy of the past.

The 'twinning' of core centre primary schools with mainstream schools could be a principal instrument in mobilising assistance for reforming 'homeland' settlements. Exchange visits of students, teachers and parents could mobilise the skills in mainstream communities that are needed for reform in the 'homelands' as well as establishing standards. Mainstream retirees could become engaged through this channel to help with adult literacy, computing, accounting, construction and the many other skills that are taken for granted in mainstream Australia. Such programmes would have to be voluntary and self-funding to keep out rent seekers.

Policy Reforms

One or two policy changes will not transform remote settlements. Indigenous disadvantage has been created by a range of Commonwealth, Territory and State exceptionalist policies. The Commonwealth Government's 'practical

reconciliation' endeavours have begun the task of dismantling discrimination against Aborigines and Torres Strait Islanders, but it is being delayed and thwarted by the Northern Territory and State Governments. Policies will have to be reformed across the board if Aborigines and Torres Strait Islanders are to have decent lives.

Land, private property rights and permits

Communal ownership has tied up vast swathes of communally-held 'native title' land without any benefit to most of the euphemistically called 'owners'. Despite lip service to Indigenous relationships with the land, millions of square kilometres have been let go to weeds, erosion and feral animals.

'Native title' land has to be managed in its owners' and the national interest. Cultural and ecological sites should be set aside as national parks with appropriate access rules. The 99-year lease legislation should see a burgeoning of private land use in the Northern Territory for housing and private enterprise by the allocation of head leases to local governments. Other land leased for productive mining, pastoral and other enterprises would bring employment at mainstream incomes to Aborigines and Torres Strait Islanders in remote Australia. The same access rules must apply as to other privately-owned land. The pernicious permit system must be ended.

Land council reforms are essential to releasing the value of their land to the majority of Indigenous owners.

Employment

Moving unemployed men and women into jobs under mainstream Australian 'mutual obligation' rules is not possible in isolated settlements where the lack of education has in effect made Aborigines and Torres Strait Islanders unemployable. 'Mutual obligation' should be used for compulsory attendance at literacy classes and other activities that can prepare 'homeland' dwellers for employment.

The mining and pastoral industries have started to train Aborigines and Torres Strait Islanders, but much greater efforts are needed to fill rural and mining labour shortages. Support for mobility is essential if women and men are to access mainstream jobs and incomes.

CDEP 'sit down money', by appreciably supplementing welfare incomes in remote settlements without corresponding working obligations, is exacerbating welfare dependence. Teachers, health, administrative and other service workers should be paid real wages and salaries for performing real jobs. The CDEP scheme should be abandoned in the 'homelands' as it has been elsewhere.

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Education

The Education Departments of the Northern Territory, Western Australia, South Australia and Queensland have created a generation of illiterate, non-numerate Australians with minimal English. They must provide capital and recurrent financing so that communities can set up autonomous primary schools that will meet mainstream education standards in a core set of communities. Such schools must be freed to set curricula and hire competent teachers. It will then be worth insisting that children attend school.

Transitional secondary schooling is required for those who have missed out on primary education, but secondary schools for Aborigines and Torres Strait Islanders must then be integrated with mainstream regional secondary schools worthy of the name, with a wide range of academic and technical subjects and with suitable hostel accommodation for weekly or term boarding for all remote students. The selection of the best students for mainstream boarding schools will continue to be essential for some time to come to create a cadre of professionals.

Apprentice and other post-secondary trades training has to be integrated into the mainstream TAFE system with industries, notably mining, playing a leading role. The present 'training' systems that award so called 'certificates' to candidates who cannot read and write, do not understand English and hence cannot carry out the work for which they are hired, must be scrapped.

A volunteer adult literacy campaign is essential for the generation that has been denied education so that these men and women are able to access their bank accounts, read instructions on medication and packaged goods, and inform themselves about issues of concern.

Housing

Public housing should be abandoned for privately owned house and garden plots. The Commonwealth should only fund repairs and new houses in communities that adopt head leases for 99-year private leases with core communities being given priority. Present rentals can be the basis of mortgage payments.

All maintenance and construction should train local people for employment and in do-it-yourself skills.

Health

Poor health in remote settlements reflects inadequate nutrition, crowded housing, the abysmal failure of education and the joblessness and welfare dependence that lead to dysfunctional family and community behaviour

Health could, nevertheless, be immediately improved by reforming health services and concentrating them in core communities. A health

audit, starting with all children, should be followed by the health status of all 'homeland' dwellers, with the results made available to families so that they can take responsibility for their health. Local governments must be informed of the dimensions of the health problems of their populations. A health information system must link patients to health providers and provide the basis for health planning. Non-performing health providers must be weeded out.

Policing and the law

The lack of fully trained Aboriginal and Torres Strait Islander police and poor overall police training contributes to conflicts between 'homeland' populations and Northern Territory and State police forces. These forces should be seeking Indigenous recruits and providing bridging education followed by full training instead of the semi-literate and semi-trained 'community' police that often exacerbate conflict.

Exceptionalist policies have pushed Aborigines and Torres Strait Islanders toward dysfunctional behaviour unknown before white contact. So called 'customary law' must not be admissible as evidence in court proceedings, including sentencing or parole determinations if women are to have equal rights with men and if Aborigines and Torres Strait Islanders are to have the full protection of the law. Only one set of laws, those legislated by the Territories, States and the Commonwealth can rule in Australia.

Local government

The abolition of ATSIC must be followed up by reining in the powers of Land Trusts and Land Councils that have channelled incomes from royalties and other rents into a few pockets.

Mainstream local governments should replace the grossly inefficient complex of corporations, boards, local councils and other organisations that create conflicts and corruption in the current dominantly non-Indigenously staffed remote settlements. If local governments prove to be dysfunctional, administrators must be appointed under normal local government rules to replace them.

The functions of local governments must be properly delineated, with the emphasis on zoning, infrastructure and funding must be provided for the necessary services to replace CDEP funding.

Commercial law

Aborigines and Torres Strait Islanders deserve the same commercial law as other Australians. ORAC and Territory and State registrations should be wound up. All corporations should come under mainstream ASIC rules with mandatory annual reporting.

Alcohol and kava management

A number of communities have instituted successful alcohol management that genuinely reduces alcohol consumption.

The Northern Territory and Queensland, however, provide incentives to alcohol and kava consumption by making Indigenous communities dependent on alcohol and kava sales. These regimes are absurdly counterproductive. They illustrate the extremes of damage done by exceptionalist policies. Not changing them will continue to place these governments at the centre of substance abuse.

Helping communities to help themselves

Even when Governments are committed to reform, legislative changes take time. Remote settlements need help from dedicated units such as the Cape York Institute, service organisations, corporations, foundations and other social interest groups to make the transition to decent living standards happen in our lifetime.

Conclusion

In their mainstream jobs and comfortable houses, most Australians feel compassion for Aborigines and Torres Strait Islanders, but little sense of urgency for ending Indigenous deprivation. Media reports from time to time penetrate permit restrictions, but Indigenous deprivation for the most part remains hidden from the public. This has made it too easy to plead ignorance about past and present policies, to argue that 'nothing works' and turn to other issues. Indigenous deprivation is seen as too hard to fix. Such attitudes must be overcome so that Aboriginal and Torres Strait Islander deprivation is placed at the forefront of the political agenda.

The clock is ticking on Australia's reputation as a humane and decent country. Aborigines and Torres Strait Islanders must be free to choose where to work and live, the jobs they want and the futures they want for their children. They must become fully represented in the professions and in top management and be able to participate in every sphere of Australian life. Many will no doubt choose to retain links with their ancestral lands, but this does not mean that they have to live on welfare in Third World conditions. Many Aborigines and Torres Strait Islanders, like other Australians, will want to have a second home in the bush or by the sea in their 'country' as they settle down to enjoy the same old age as other Australians. With modern telecommunications, some will no doubt opt for computer based work in the outback. Aboriginal art has evolved and flowered with exposure to the mainstream. When freed from

the constraints of poverty other aspects of Indigenous culture will also flourish as a key component of Australian culture.

When Aboriginal and Torres Strait Islander children sit side by side with other Australian children in school, TAFE and university classes, when they take their places as doctors and scientists, when it is no longer remarked that Members of Parliament and Cabinet Ministers are Indigenous, and above all, when there is no social or economic indicator that shows a lower standard for Aborigines and Torres Strait Islanders than for other Australians, only then will Australia be able to hold up its head because a 'fair go' will have become a reality. ■

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LANDS OF SHAME

Aboriginal and Torres Strait Islander 'Homelands' in Transition

Some 90,000 of Australia's 500,000 Aborigines and Torres Strait Islanders live appallingly deprived lives in 'homelands' throughout remote Australia. Their health and housing are so abysmal that their expectation of life is 20 years shorter than that of other Australians. Deprived of education, they cannot access jobs even in settlements near mines and tourist resorts, leading to welfare dependency and consequent family and social dysfunction.

The 'homelands' were created with the best of intentions. However, they have not only failed to provide a living for Aborigines and Torres Strait Islanders, but they have stultified the development of traditional culture so that alcoholism and violence demean and destroy many lives.

Lands of Shame analyses why the 'homelands' experiment has led to Third World living conditions in the midst of Australia's prosperity. It reviews the evidence on demographic trends, law and order, land rights, joblessness and welfare, education, health, housing and governance, and assesses Commonwealth, State and Territory policies. With an eye to a better future, *Lands of Shame* also discusses policies that would give Aborigines and Torres Strait Islanders in remote Australia the same opportunities and choices that other Australians expect.



Emeritus Professor Helen Hughes has worked in the economics of development for many years including a period of senior management at the World Bank followed by membership of the United Nations Committee for Development Planning. She returned to Australia to a Chair in Economics at Australian National University where she was also the Executive Director of the National Centre of Development Studies. She was the Distinguished Fellow of the Economics Society of Australia in 2004.

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