Starting points for discussion
RESOURCE PACKAGE CONTENTS

The accompanying website, www.amnesty.org.au/wheredoyoustand, includes the following PDFs and worksheets:

01 Introduction for teachers

02 Indigenous rights: Starting points for discussion

   Worksheets:
   2.1 Aboriginal and Torres Strait Islander Peoples’ rights and you
   2.2 Where do you stand? Discussing the issues through cartoons
   2.3 Investigating media coverage of Indigenous issues
   2.4 Indigenous rights in the media
   2.5 Telling the story of Indigenous rights in Australia
   2.6 Patterns in Indigenous and non-Indigenous relation
   2.7 Exploring the timeline of Indigenous and non-Indigenous history

03 The intervention and human rights

   Worksheets:
   3.1 The Amperlatwaty walk-off
   3.2 The intervention and human rights

04 Land and Indigenous Peoples’ rights

   Worksheets:
   4.1 Debates about land in Australian history
   4.2 Land and Indigenous rights

05 The Northern Territory Intervention: the media debate

   This section includes Worksheet 5.1 Analysing and responding to different points of view and 16 worksheets each relating to specific articles

06 Cartoons

07 Taking action

Aboriginal and Torres Strait Islander people are respectfully advised that this resource contains images of Aboriginal and Torres Strait Islander people who may be deceased.

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All they seemed to want was for us to be gone.” Thus wrote James Cook on the 29th April 1770 as he travelled up the east coast of the continent that he had recently named New South Wales.

But as the great navigator Cook was well aware the likelihood of this aspiration of the Eora peoples ever being achieved was as likely as the moon falling from the sky. Cook understood that once the reports from Joseph Banks on the abundance of natural wealth that was so apparent on the east coast of this great South Land were disseminated within the centres of political and commercial power back in Great Britain, there would be the inevitable rush by those with the power and resources to plan its future exploitation.

As the Native peoples watched the progress of his barque Endeavour make its way up the eastern seaboard, they would have no doubt wondered at the strangeness of the vessel and its people. But it’s very unlikely that they gave much consideration to the political and commercial opportunities such an encounter might have presented for them as the Traditional Owners of these vast estates.

This then was the beginning of the basis of an unequal relationship that has existed between our peoples to this very day...

As a nation, we [have chosen] not to face our past with courage. Rather, we invested heavily, expensively, shockingly in so-called solutions that further entrenched the assimilation paradigm of the previous 170 odd years... Programmes were designed and delivered for our people as though we were still mendicants in our own land. Departments with benign titles were created to replace the old “welfare, native protector agencies,” but still the anchor of subjugation prevented us from moving out into the deep channels where the fish are plentiful, and where we could determine our own fate and destinies based on access to an equitable share of the resources being enjoyed by the settler society...

If, in twenty-two decades of European intervention, we have managed to destroy or damage almost every forest, almost every river and almost the entire landscape of the island continent of Australia, perhaps it is time to ask ourselves how the Aboriginal peoples managed to maintain the balance between sustaining our societies, feeding our people and living within our lands, sea and waters without destroying another species of bird, fish or animal for millennia.

And yet it’s not too late, there is still time to learn...

If we face our history with courage, and if we pledge the integrity of our improving relationship firmly within our Constitution, then a real dialogue between us can proceed secure in the knowledge of our shared commitment to the nation and its future... It is vital that our dialogue calls upon all of us to come with wise heads, listening hearts, and the courage to confront the fear of our history.

Patrick Dodson (a Yawuru Man)  
Chairman, Lingiari Foundation
Indigenous Peoples’ rights in Australia today

Introduction

Recent years have seen a number of examples of Australia moving forward in recognising Aboriginal and Torres Strait Islander Peoples’ rights. Examples include the national apology to the Stolen Generations, the Federal Government’s support for the UN Declaration on the Rights of Indigenous Peoples and plans to hold a referendum on recognising Indigenous Peoples in Australia’s Constitution.

Back in 2000, more than 300,000 people joined the walk across the Sydney Harbour Bridge in support of reconciliation, showing a large constituency in Australia wanting a new relationship between Indigenous and non-Indigenous people.

Despite this, continuing racism, both in individuals and in society, shows much still needs to be done to make the vision of Indigenous Peoples’ rights a reality in Australia. The following case studies provide some examples.

St Kilda footballer Nicky Winmar responding to a racist taunt from the crowd in 1993. His action led to dramatic changes in community attitudes and AFL policy. © Wayne Ludbey/ Fairfaxphotos
Aboriginal and Torres Strait Islander Peoples’ rights and you

1. Select one (or more) that applies to you.
The culture that I belong to came to Australia:

☐ 40,000 or more years ago
☐ within the last 200 – 250 years
☐ recently

2. Tick one or more of the following statements and/or add your own.
As I was growing up, the messages I received from family/friends/the media about Aboriginal and Torres Strait Islander people were:

☐ “We have survived. We come from the world’s oldest living culture. We must continue to keep ourselves and our culture strong.”

☐ “Our land was stolen, our families were split up by the government and our lives were controlled on the missions and reserves… Now, so many non-Aboriginal people make money from the stolen land they’ve bought or inherited and then blame us because so many of us are at the bottom of society.”

☐ “Australian history since 1788 is mainly a story of progress.”

☐ “Aboriginal people did not really own the land that was taken from them.”

☐ “Australian history since 1788 is mainly a story of shame.”

☐ “Australian history includes things to be proud of as well as things to be ashamed of. We need to really understand both or we won’t see things clearly.”

Other (write in your own):

________________________________________________________________________________________________________
________________________________________________________________________________________________________
________________________________________________________________________________________________________

3. Select some of the above statements to discuss as a group.
a. How has racism affected the way you see history and the present?
b. There is clear evidence that Aboriginal people have been in Australia for at least 40,000 years. Picture a clock face with its 12 hours. How many minutes and how many seconds are there in 12 hours?

If 40,000 years is represented by 12 hours, how much time represents the period between 1788 and now? Discuss how you see Aboriginal and Torres Strait Islander Peoples’ rights to land in light of this.

What other factors as well as time are important in deciding who legitimately owns land?

4. Rate your own knowledge of:

<table>
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The achievements of Aboriginal and Torres Strait Islander leaders past and present, including people like Vincent Lingiari, Pearl Gibbs, Eddie Mabo, David Unaipon, William Cooper, Yagan, Charles Perkins, Isobel Coe, Jack Patten, Margaret Tucker, Mum Shirl, Cathy Freeman, Gary Foley, Pat Dodson, Jackie Huggins, Michael Long and Les Malezer.

☐ ☐ ☐ The different Aboriginal and Torres Strait Islander cultures in Australia.

☐ ☐ ☐ How Aboriginal people defended themselves and their land during colonisation.

☐ ☐ ☐ The movements for land rights and self-determination in the last 30–40 years.
High  Medium  Low
☐ ☐ ☐ What Aboriginal and Torres Strait Islander Peoples are now doing to defend their rights and improve their livelihoods.
☐ ☐ ☐ The causes of racism against Aboriginal and Torres Strait Islander Peoples.
☐ ☐ ☐ The actions of non-Indigenous people who have supported Indigenous rights.
☐ ☐ ☐ (If you are not Aboriginal or Torres Strait Islander): what people like you have in common with Aboriginal and Torres Strait Islander People and in what ways you are different.

WHERE DO YOU STAND?

5. Choose one or more of the following issues to discuss or create your own questions:
   a. What are the key obstacles to achieving Aboriginal and Torres Strait Islander Peoples’ rights in Australia and how can they be overcome? Looking at Australian history and what is happening today, what positive outcomes are there to build on in achieving Indigenous rights? What do non-Indigenous people need to do (give up/stop doing) to remove the barriers to respect for Indigenous rights?
   b. Who are some key role models for Aboriginal or Torres Strait Islander young people? What do you admire about them?
   c. Discuss the following statement:
      Supporting Aboriginal and Torres Strait Islander rights is different to supporting multiculturalism. Multiculturalism is largely about everyone having equal rights as citizens and about people from different cultures being able to contribute equally to Australian society. As well as having rights as citizens, Aboriginal and Torres Strait Islander Peoples have particular rights (for example, to land, culture and self-determination) because they are Australia’s First Peoples.

6. When you think of Aboriginal and Torres Strait Islander Peoples’ rights what makes you:

Angry ____________________________________________________________________________________________________
Uncertain or confused______________________________________________________________________________________
Supportive __________________________________________________________________________________________________
Hopeful __________________________________________________________________________________________________

Write a statement on where you currently stand on Aboriginal and Torres Strait Islander Peoples’ rights.
Keep this statement so that you can refer to it as you find out more about the issues.
________________________________________________________________________________________________________
________________________________________________________________________________________________________
________________________________________________________________________________________________________
________________________________________________________________________________________________________
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________________________________________________________________________________________________________
Case studies and contexts

CHARGED FOR RECEIVING A STOLEN CHOCOLATE FROG

In 2009, a 12-year-old boy in Western Australia faced court over a chocolate frog stolen by his friend. The Aboriginal boy had no prior convictions and was not accused of theft, but of receiving stolen goods. He pleaded not guilty.

After missing a court hearing due to a misunderstanding, he was apprehended at school at 8.00 am and taken to a holding cell for a number of hours.

After a public outcry, the charges were withdrawn. The Western Australian Police Commissioner commented, “Although technically the charge is OK, it probably is not necessary.” Costs were awarded to the boy.

John Fogarty, a retired Family Court judge, commented: ‘If this was a non-indigenous child, the most he would probably get in Victoria and most other jurisdictions, would be the mildest of warnings by the local sergeant.”

WA Aboriginal Legal Service chief lawyer Peter Collins observed,

It’s hard not to imagine that if this had happened to a non-Aboriginal kid from an affluent Perth suburb with professional parents, that we wouldn’t be in this situation… Aboriginal kids are far less likely to get cautions from the police. They are far more likely to be arrested, and as everyone knows, the detention rates of Aboriginal kids are astronomically high in this state and are the highest in the country per head of population …

COMBATING RACISM THROUGH SPORT

Aboriginal and Torres Strait Islander people have a high profile in Australian sport. Increasingly, the sporting field is an arena where racial tensions are being exposed, and where action is being taken to overcome them.

What recent events can you think of where racism has been an issue in sport? Below are some examples from the past.

Following a complaint against racial abuse lodged by Aboriginal footballer Michael Long in the mid 1990s, the Australian Football League introduced its ground-breaking Rule 30, prohibiting conduct which “threatens, disparages, vilifies or insults another person on the basis of that person’s race, religion, colour, descent or national or ethnic origin.” Other sporting codes followed suit. In August 2010 the National Rugby League announced its own tough measures to combat racism.

Sporting codes are active in addressing racism and its effects in other ways: for example the National Rugby League supports Close the Gap, a campaign to improve the life expectancy of Aboriginal and Torres Strait Islander people. Netball Australia provides opportunities for Indigenous people to become involved in netball, running coaching clinics and a national carnival named after Aboriginal leader Charles Perkins.

During the Sydney Olympics in 2000, the whole nation united to support Aboriginal athlete Cathy Freeman as she raced successfully for gold in the 400 metres final. Doing a victory lap, she carried both the Aboriginal flag and the Australian flag, an action which was described at the time as a “defining moment” in Australian history. Six years earlier, she had been rebuked for carrying both flags by the head of the Australian team, Arthur Tunstall. Tunstall insisted that she should only carry the Australian flag, however Freeman responded by promptly winning her next race, and celebrating in exactly the same way. She commented “I just wanted to show people I am proud of who I am and where I come from.”

LIFE EXPECTANCY AND LIVING CONDITIONS

In 2010 the UN released a report showing how Indigenous Peoples worldwide suffer discrimination, marginalisation, extreme poverty and conflict. It observed that an Indigenous child born in Australia today can expect to die up to 20 years earlier than a non-Indigenous child, and that, “although some progress has been made in Australia in recent years, particularly in education, the gap between Indigenous and non-Indigenous Peoples’ quality of life by virtually all standards is still very significant.” The report continues:

Indigenous households are half as likely to own their own homes, (34 per cent of Indigenous households owned their homes, compared to 69 per cent of the non-Indigenous population), and they are more likely to live in overcrowded conditions (in 2006, a quarter of the Indigenous population of Australia was reported to be living in overcrowded conditions). The situation is particularly serious in rural and remote communities where people frequently do not have access to affordable adequate food, water and housing and have poor access to basic services and infrastructure.
LAND RIGHTS: MAKING SELF-DETERMINATION POSSIBLE

In 2009 the largest sand mine in the Southern Hemisphere was approved in New South Wales (NSW). Some 30 million tonnes of sand will be extracted from two Aboriginal-owned sites on the Stockton Bight. The project will be the main source of sand for the Sydney and Newcastle construction industries for the next 20 years.

The royalties flowing from the project will go to the Worimi Local Aboriginal Land Council, which will be able to spend up to $125 million over 50 years on housing, health and employment programs for their community.

Aboriginal Peoples in NSW have campaigned for rights to land since they were first dispossessed. In 1983 the NSW Government responded to this campaign by passing the NSW Aboriginal Land Rights Act.

The Act was introduced despite a fear campaign that falsely alleged that farms and privately-owned land would be targeted. The statement made by Frank Walker, then the NSW Minister for Aboriginal Affairs, conveys something of the significance of the government’s decision. He said that the legislation took the first step in NSW … towards redressing the injustice and neglect of real Aboriginal needs since Captain Phillip stepped upon the shores of Port Jackson in 1788.

The government has made a clear, unequivocal decision that land rights for Aborigines is the most fundamental initiative to be taken for the regeneration of Aboriginal culture and dignity, and at the same time laying the basis for a self reliant and more secure economic future for our continent’s Aboriginal custodians.

Land rights means the recognition of the prior ownership of this State of New South Wales by Aborigines. This is the first time any Australian government has made a clear-cut statement of Aboriginal prior ownership. It rejects the approach of our forebears who denied Aboriginal ownership and failed to follow the example of the United States of America, New Zealand and Canada by entering into treaties with the original inhabitants.

Don’t abandon Aboriginal homelands. Aboriginal families are strongest when they can stay connected to their homelands – but right now the government is stripping funds for essential services from traditional Aboriginal homelands. To find out more and get involved, visit http://www.amnesty.org.au/indigenousrights/homelands/
LEGALISING DISCRIMINATION: THE NT INTERVENTION

The Northern Territory intervention has been one of the most prominent human rights issues in Australia in recent years. It continues a long history in Australia of governments imposing policy on Aboriginal and Torres Strait Islander Peoples.

While the intervention offers more doctors, nurses, police, health professionals and anti-violence programs, the government has also acquired Indigenous-owned land, undermined rights to land by abolishing the permit system and quarantined Aboriginal Peoples’ income regardless of whether they manage it well or not.

All measures were applied on the basis of race.

To make it possible to implement the intervention, the government suspended one of the core protections for human rights in Australia, the Racial Discrimination Act. Former Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, has described the ability of the government to lawfully racially-discriminate as evidence of an under-developed human rights culture in Australia.\(^\text{10}\)

Aboriginal people who live in communities affected by the intervention deserve the same safety, services and respect as does any Australian – but this will not be achieved in a sustained manner under policies like the intervention, which is stigmatising and disempowering an already marginalised people. Amnesty International supports calls by Aboriginal elders in communities affected by the intervention for a completely new approach.

That Indigenous peoples experience human rights violations on a continent of such privilege is not merely disheartening, it is morally outrageous. The moral imperative to eradicate such poverty is no less an imperative on government than to eliminate torture …

The Government’s apology to the Stolen Generations and other Indigenous Australians, along with its support for the Declaration on the Rights of Indigenous Peoples, is a welcome shift from the past. This Government is making a serious financial and political investment but to achieve the returns it wants it must replace its blunt and blanket policy approaches.

To fulfil its enormous potential on the regional and global stage, the … Government must make ‘bringing human rights home’ its central goal.\(^\text{11}\)

Irene Khan, Secretary General, Amnesty International, 18 November 2009.

### Activities

<table>
<thead>
<tr>
<th>Discussing Indigenous rights</th>
<th>Where do you stand?</th>
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<tr>
<td>2. What are the first things that come to mind when you think of: • rights for Indigenous Peoples • what recognising these rights means for non-Indigenous people • the role of Indigenous people and non-Indigenous people in achieving these rights.</td>
<td>• angry • uncertain • confused • supportive • hopeful.</td>
</tr>
<tr>
<td>3. Looking at Australian history: • What positive things are there to build on in achieving Indigenous rights? • What would non-Indigenous people need to leave behind to create a future where Indigenous rights are respected?</td>
<td>Write a statement on where you currently stand on Indigenous rights. Keep this statement so that you can refer to it and see if your position changes as you find out more about the issues.</td>
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WORKSHEET 2.2

Where do you stand?
Discussing the issues through cartoons

Activities

1. Look at the cartoons on this page and share your first reactions. In what ways do Indigenous and non-Indigenous people tend to see the same issues differently?

For further discussion, you can refer to Section 06: Cartoons of this resource or visit www.amnesty.org.au/wheredoyoustand.

2. Which of the characters in the cartoon on the following page represents where you stand on Indigenous Peoples’ rights? You can choose more than one character or describe or draw a different character that does not already appear in the cartoon.

Discuss the intentions and motivations of the different characters in the picture.

What choices about Indigenous Peoples’ rights do we have as individuals and as a country?

Talk about your responses in small groups and as a whole group.
“Why weren’t we told?”
A challenge to the Australian media

Kirstie Parker, editor of the Indigenous newspaper *The Koori Mail*, discusses Indigenous people and the media in a lecture given on 12 November 2009 entitled ‘Travel tips for media on the Close the Gap bus’. Here are some extracts:

This media beast is very powerful. Despite the fact that only about one in four Australians thinks the media does a good job of informing the public about important issues, we all absorb a lot of what comes into our homes and offices via the TV, radio, newspapers and magazines and online...

If Australians were unlucky and took all of their cues over the most recent period from a particular narrow range of media sources, they could be forgiven for thinking that Indigenous communities are relentlessly miserable, dangerous hellholes presided over by incompetent or corrupt organisations. That every one of our kids roams the streets day and night, out of control and with snot constantly streaming from their noses. That every woman has eyes swollen-shut and teeth missing from beatings from her husband or countryman. And that every house or car has been paid for by (presumably white-only) taxpayers, and then trashed...

The relationship between Indigenous and non-Indigenous Australians, including the media, is by no irreparable but there’s quite a bit to fix...

‘Why weren’t we told?’ has become a common refrain from non-Indigenous Australians when confronted with aspects of our shared history. The slow-boil awareness of the Stolen Generations story, topped off by last year’s National Apology, is a classic example. And, increasingly now, the legal battle for stolen wages now being waged in NSW, Qld and elsewhere. Also the theft and other practices that led to the depositing of thousands of Aboriginal and Torres Strait Islander people’s remains in the cupboards, and drawers and shelves of the world’s museums.

‘Why weren’t we told?’ of these things is a good question, and one that must be answered in part by the Australian media.12

Read the transcript, view video or download audio at www.reconciliation.org.au/home/get-involved/events/closing-the-gap/ms-kirstie-parker
WORKSHEET 2.3

Investigating media coverage of Indigenous issues

Activities

For most of us, the media is our main source of information on Indigenous issues. As a class, discuss the following points.

1. What kinds of images of Indigenous people come to us through the media? If the media communicates particular messages about Indigenous people, does it also convey messages about non-Indigenous people as a group?

2. How do we know whether these images are accurate or not?

3. How would you rate your own knowledge of Indigenous issues? What would you most like to find out more about?

4. Which of the following do you hear about in the media?
   - Achievements of Indigenous community leaders.
   - Achievements of Indigenous people in sport.
   - Closing the gap.
   - Deaths in custody.
   - The Federal Government’s Indigenous housing program.
   - The Federal Government’s Indigenous employment program.
   - The apology to the Stolen Generation.
   - Indigenous governance awards.
   - The intervention.
   - NAIDOC week.
   - The Declaration on the Rights of Indigenous Peoples.
   - Indigenous cultural tourism.
   - Life in Indigenous communities in remote parts of Australia.
   - The experience of Indigenous communities in Australian towns and cities.
   - Racism against Indigenous Peoples in sport.
   - Work by sporting bodies and other organisations to overcome racism.

5. Search recent newspapers and online news sites for current coverage of Indigenous issues. What issues are being covered? How do the articles communicate the difference between the day-to-day experience of Indigenous and non-Indigenous people in Australia?

6. Consider the following questions about how Indigenous people are reported in the media.
   - What do we hear Indigenous people saying?
   - What do we hear non-Indigenous people saying?
   - What stereotypes are present in media images of Indigenous people?
   - Whose voices are heard and whose are often left out?
   - When Indigenous issues are debated, what is the debate about?
WORKSHEET 2.4

Indigenous rights in the media

Indigenous rights in the media
Below is a range of activities that students could engage in to study Indigenous rights using articles in the media.

Inquiry into sources of evidence
• Frame inquiry questions to take to texts about Indigenous rights.
• Annotate media texts highlighting evidence of biased perspectives.
• Conduct a ‘headline hunt’, comparing alternative stances on an issue.
• Investigate whether all forms of media cover Indigenous rights in the same way. Compare coverage by different media organisations and formats such as TV, print and the Internet. Include Indigenous-run media such as the Koori Mail, National Indigenous Times, Living Black and Message Stick. You can look also at songs and films.
• Analyse political cartoons for the messages they communicate and what they reflect about opinions on contentious events.
• Compare media articles with the content and intent of international declarations such as the Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples.

Oral presentation and debate
• In groups, construct questions students would use if interviewing key stakeholders on the intervention and human rights.
• Prepare and perform a panel discussion, assuming roles as representatives of organisations with differing views about the Indigenous rights.
• Present an argument about whether there is a tension between anti-discrimination legislation and freedom of speech, as is often suggested.

Written, visual and multimedia responses
• Choose an Indigenous rights issue and describe where you stand. Support your position with arguments drawn from the media.
• Design a website to profile an Indigenous rights issue, analyse different points of view and state your own position. As a first step, create a plan for how to organise the information on the site and what to include.
• Present a data show explaining the impact of particular government actions on Indigenous communities.
• Compare the treatment of the Indigenous rights in two texts with opposing views and create a storyboard explaining the issues for an teenage audience.
• Present a 7.30 Report segment giving opposing views about the positive or negative impacts of the intervention and arguing for or against the continuation of existing measures.
• Research health issues among Indigenous communities in Australia and design a poster, audio or video promotion aimed at building awareness about:
  i) the difference between Indigenous and non-Indigenous health
  ii) what Indigenous health services are doing to improve health in their own communities.
• In groups, draft a preamble to the Australian Constitution that recognises Australia’s Indigenous Peoples as First Peoples with a continuing culture and rights to equitable treatment along with all other Australians. Study models from other countries that have done this or look at the example of the preamble to the constitution of Victoria. See Reconciliation Australia’s fact sheet on Indigenous Australians and the Constitution at www.reconciliation.org.au.
Telling a story about Australian history
Choose about 8–10 images from Australian history that stand out to you. You can use images from this resource, or sources such as ‘Online stories’ at the National Museum of Australia’s ‘First Australians’ website: http://www.nma.gov.au/exhibitions/now_showing/first_australians, and “Picture Australia”, an online database of images: http://www.pictureaustralia.org/
Cut them out and arrange them in a sequence to tell a story about Australian history, what has happened in the relationship between Indigenous and non-Indigenous people and issues of Indigenous rights.
To fill in any gaps in the story you would like to tell, find additional images online and add them in or use drawings or written text.

1. What has happened over time in the relationship between Indigenous people and non-Indigenous people in Australia? Discuss what this means for human rights.
2. Share your timelines in small groups. How do different people see the issues differently? What are some common themes? Discuss this as a whole group.

Where do you fit in?
3. Where do you fit in? Discuss where you connect with the sequence, either through:
   - family connections
   - people you know
   - your own attitude to the issues shown in the sequence you have chosen
   - your own experiences.
Draw or write onto the sequence to show where you fit or how you relate to these issues.
Looking at the present through looking at history

The apology to the Stolen Generations

On 12 February 2008, former Australian Prime Minister, Kevin Rudd, made a formal apology to Aboriginal and Torres Strait Islander Peoples for a number of past government practices, in particular the removal of children from their families. The apology was a historic step in acknowledging Australia's past and envisioning Australia's future.

The words of the apology provide a standpoint from which we can assess the current actions of Australian governments. Rudd called for "new solutions to enduring problems where old approaches have failed." He spoke of "laws and policies ... that have inflicted profound grief, suffering and loss" and of "righting the wrongs of the past and so moving forward with confidence to the future."13

The apology showed that the Australian Government was prepared to face aspects of the past where Aboriginal and Torres Strait Islander Peoples’ rights had been ignored and denied in the pursuit of government goals. These goals had consistently placed Aboriginal and Torres Strait Islander Peoples’ perspectives, hopes and experiences lower down the list of priorities than the goals of the government and of non-Indigenous Australians. The racism that made this possible has been part of the fabric of Australian history and culture. Non-Indigenous Australia has often been united by racist attitudes towards Aboriginal and Torres Strait Islander Peoples or immigrants: the slogan “Australia for the white man”, which appeared on every edition of The Bulletin magazine from 1908 to 1961, is one example.

The policy of removing children was implemented by people who believed, or convinced themselves, that they were right. They ignored or dismissed calls for change, advice to the contrary or whatever qualms of conscience they may have had. Their actions had devastating consequences in people’s lives. This highlights the need to look at present practices carefully. Will future generations look back on current government actions, such as the NT Intervention, in the same way that we look back on the Stolen Generations, native welfare, protection, assimilation and colonisation?

The overwhelming public support for the apology shows that there is a desire to move forward and change the relationship between Aboriginal and Torres Strait Islander Peoples, the Australian Government and the non-Indigenous community. What needs to happen to ensure that we really do move forward in this direction?

The full text of the apology can be found at www.abc.net.au/news/events/apology/text.htm


Prominent Aboriginal Australian Lowitja O’Donoghue and then Prime Minister Kevin Rudd talk after Rudd delivered an official apology to Aboriginal and Torres Strait Islander Peoples, 13 February 2008. © AP Photo/Gary Ramage
Activities

Discussing the apology

1. Do you think Australia has ‘moved forward’, improving the relationship between governments and Aboriginal and Torres Strait Islander Peoples since the apology? How would you tell if there was an improvement or not?

2. Examine key passages from the apology or look at the full transcript to:
   a. identify the key reasons given for the apology.
   b. identify key words and phrases that indicate regret.
   c. note significant statements that suggest a way forward in national Indigenous and non-Indigenous relations.

3. Does the ‘way forward’ match what you think a way forward should look like?

4. Discuss whether or not it is appropriate for a government to apologise for past actions in which it has not been directly involved. Consider international examples such as:
   a. the former German President, Johannes Rau, who addressed the Israeli Knesset (Parliament) saying, “I am asking for forgiveness for what Germans have done, for myself and my generation, for the sake of our children and grandchildren”
   b. apologies made by the US Senate and House of Representatives for the “fundamental injustice, cruelty, brutality, and inhumanity of slavery”
   c. an apology by the US Senate for “the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States”.

5. The apology spoke of “a future where we embrace the possibility of new solutions to enduring problems where old approaches have failed”.
   a. What could this future look like in practice?
   b. What are the enduring problems?
   c. How have old approaches failed?
   d. What might be some new solutions?
   e. What place do Aboriginal and Torres Strait Islander Peoples have in deciding what these solutions are?

The apology and Indigenous rights in Australia today: the example of the NT Intervention

6. What kinds of attitudes made the policies of child removal possible? Consider the role played by:
   a. politicians
   b. bureaucrats
   c. police and welfare officials
   d. the non-Indigenous community.

7. Do these attitudes belong only to the past? Is it possible that they continue today? If they continue today, how would you know them if you saw them?

8. What do you already know about the Intervention? How are current government actions similar or different to the way forward that the apology describes?

9. In the apology, Rudd spoke of “a future where ... the injustices of the past must never, never happen again.” Many Aboriginal critics of the NT Intervention see its policies as repeating the injustices of the past.
   a. What aspects of the Intervention might they be referring to?
   b. Use the materials in other sections of this resource to find examples of these concerns.
   c. Do you think these concerns are valid? Explain your views.
The relationship between Indigenous and non-Indigenous people: some patterns from Australian history

Human rights are about how we live together and our responsibilities to each other. They have been described as the conditions that all people need in order to be able to thrive.14

Human rights issues are at the centre of the relationship between Indigenous and non-Indigenous people in Australia. Below are some patterns that have shaped this relationship in the past and some examples that illustrate these patterns. Which of these patterns are conducive to achieving human rights? Can some of them actually generate situations where the rights of Aboriginal and Torres Strait Islander Peoples are ignored or abused?

PATERNALISM: ‘WHITE PEOPLE KNOW WHAT’S BEST’

Paternalism involves a ‘father-child’ approach to the relationship between governments and the community, where governments act on their view of what is best for the people they govern. The belief that non-Indigenous people should make the decisions that affect the lives of Aboriginal and Torres Strait Islander Peoples has been evident in the experience of the Stolen Generations, the policy of assimilation, the role of Native Welfare officials and the ‘protection’ system.

NON-INDIGENOUS SUPPORT FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES’ RIGHTS

In 1967, Liberal MP Bill Wentworth, who had strong relationships with Aboriginal people in Central Australia, called for an amendment to the Constitution which would prevent the Commonwealth and states from making or maintaining racially-discriminatory laws. His actions helped pave the way for the Racial Discrimination Act 1975 (RDA) and the 1967 Referendum.

In the 1950s, union leader Brian Manning played a key role in forming the Northern Territory Council for Aboriginal Rights in 1961 and actively supported the Gurindji strikers who walked off Wave Hill in 1966. Their strike laid the foundation for the modern land rights movement.

In the late 1990s, Camilla Cowley, a pastoralist from Queensland, made national headlines when she spoke out in support of native title on pastoral leases. Initially angry and dismayed when she received a document notifying her that the Goongarri people had lodged a native title claim on the pastoral lease where she lived, she attended a public meeting. There she met an Aboriginal woman, Ethyl Munn, and the two began a deep friendship that led to a change of heart on Cowley’s part. She and the traditional owners negotiated an agreement which gives the traditional owners access to the pastoral lease in perpetuity.

DISPOSSESSION

In its Mabo judgment of 3 June 1992, the High Court of Australia stated: “the acts and events by which... dispossession... was carried into... effect constitute the darkest aspect of the history of this nation. The nation as a whole must remain diminished unless and until there is an acknowledgment of, and retreat from, those past injustices.”15

Non-Indigenous people often think of dispossession as something that happened 100–200 years ago, however the process that began in 1788 continues every time Aboriginal or Torres Strait Islander Peoples’ land is taken without consent and every time that their rights to land are undermined.
EXPLORATION

The song “From Little Things Big Things Grow” tells the story of the Gurindji people who worked on a large British-owned cattle station and were paid extremely low wages, or none at all. When they went on strike in the 1960s, they succeeded in laying the foundations for the modern land rights movement; however, they are still waiting to be paid for the work that they did. The scandal of stolen wages is common across Australia.

STRINGS ATTACHED

Under current government policies, some services such as housing and education have been offered to Aboriginal communities on the condition that they give up rights to property and freedom from discrimination. Larissa Behrendt, Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology, Sydney, comments:

No government would dare offer basic assistance to other sectors of the community on the condition that they give up basic human rights ... I think it is deplorable that the government has made too many Indigenous people who have been long deprived of basic funding for health, housing, education and policing in their communities receive these resources at the expense of their basic rights.

SELF-DETERMINATION

Aboriginal leader Professor Mick Dodson describes self-determination:

Self-determination happens every time Indigenous people assert their rights and are in control of how they want to live.

On a large scale, it can be made possible when governments transfer resources and control of land and sea back into Aboriginal or Torres Strait Islander Peoples’ hands. This provides an economic base that enables Aboriginal and Torres Strait Islander Peoples to determine their own future. For example, the Jawoyn Association in Katherine in the Northern Territory has used the income from a tourism business and royalties from mining on their lands for economic development and social, cultural, training and employment projects.
Patterns in Indigenous and non-Indigenous relations

Activities

Patterns in the relationship between Indigenous and non-Indigenous people

1. Can you think of patterns in the relationship between Indigenous and non-Indigenous people in Australia that are not listed above? Create an expanded list, then discuss:
   - the implications for each of these patterns for achieving human rights
   - other examples from history that you can add to illustrate these patterns.

2. To reflect on the relationship between Indigenous and non-Indigenous people in Australia today, brainstorm some current issues in the media. Use an internet search engine to add to your list.

3. Create a chart listing:
   - the Indigenous rights issues in the media
   - how Indigenous people are involved
   - how non-Indigenous people are involved
   - what is happening in the relationship between both groups.

4. Use this list to make a wall chart of events in Australian history (see the activities following the timeline section).

The impact of paternalism

5. What does it feel like to be treated in a paternalistic way? Can you think of examples from your own experience?

6. In a paternalistic relationship, one group sees its role as helping the other – but how does paternalism involve control as well as help? What is the impact of this control?

7. How might a paternalistic approach conceal problems that have been caused by non-Indigenous people and governments?

8. How is paternalism justified by people who want to act in this manner? How might Aboriginal or Torres Strait Islander people who want to take a lead in solving their own problems react?

Dispossession

9. How did dispossession of Indigenous Peoples take place in the area where you live? Is this story told in textbooks and local histories?

10. See if you can find references to Aboriginal or Torres Strait Islander people in your local area in the searchable online database of Australian newspapers at http://newspapers.nla.gov.au. You may need to search for words used by Europeans at the time such as ‘native’, ‘blackfellow’, ‘the blacks’ and ‘black’, as well as ‘aborigine’ and ‘aboriginal’ to find the relevant search results. You can search to show the results in date order.

   Note that the database includes the Aboriginal newspaper Australian Abo Call which was published during 1938 after protests marking the 150th anniversary of the colonisation of NSW. It used the banner “The Australian Abo Call: the voice of the Aborigines, representing 80,000 Australian Aborigines. We ask for education, opportunity and full citizen rights”.

11. Is it possible to use the information in articles by non-Indigenous people to understand Indigenous Peoples’ perspectives?

12. How widespread was violent conflict on the colonial frontier and in the period since? Once land was taken, how have non-Indigenous people reacted when Indigenous Peoples have asserted their rights to land?

Options for restitution and restorative justice

13. When rights have been denied in the past and present, what are the options for responding to this today?

14. Research the concept of ‘restorative justice’ and discuss whether the following approaches might be relevant:
   a. Compensation: a substantial long-term capital fund designed to compensate Indigenous Peoples for past dispossession and provides economic security.
   b. Symbolic recognition, for example, through memorials, public holidays, changes to the flag, changes to the preamble of the constitution, the development of an agreed document on Australia’s history.
   c. Transfer of land to Indigenous Peoples, dedicated seats for Indigenous Peoples in parliament, as has happened in New Zealand and the US state of Maine.21
   d. Law reform, such as recognition of traditional customary law within the Australian legal system.
   e. A treaty or series of treaties with Indigenous Peoples around Australia, drawing on the models of treaties in New Zealand, Canada and the US.

   Can you think of other options for restorative justice? What do these options demand of non-Indigenous people?
The stories of human rights defenders

15. Research the stories below.

- Non-Indigenous people who have supported Indigenous Peoples’ rights. Some are listed above or others you could research include Jessie Street, Don McLeod, Judith Wright, Frank Brennan, Fred Chaney, HC ‘Nugget’ Coombs, Lorna Lippmann and William Deane. You can begin by looking at the profiles at the Indigenous rights website of the National Museum of Australia at http://indigenousrights.net.au/people.asp.


What did these people do to change the relationship between Indigenous and non-Indigenous people in Australia and promote human rights?

Create an artwork

16. Create an artwork such as a drawing, painting, cartoon or sculpture that portrays the relationship between Indigenous and non-Indigenous people in Australia in the past and present.

Write a few paragraphs about your artwork, the place of human rights in relation to the issues that your artwork describes and where you stand on these issues.

Create a cartoon strip of the relationship between Indigenous and non-Indigenous people

17. Choose a human rights issue that you have discussed above. Work in small groups to draw a series of scenes. The scenes should:

- tell a story (eg. provide background, describe an issue or challenge and what happened next/ how people to responded)
- show how Indigenous and non-Indigenous people relate to each other, exploring one or more of the patterns you have discussed above.

Present your drawings in class, and then discuss the questions below.

- Why does each person or group behave in the way that they do? What are their aims and concerns or fears? What is important to them?
- What are the obstacles to achieving human rights in this situation? What are the opportunities and ways forward for making rights a reality?
- Thinking about the aims and concerns of Indigenous and non-Indigenous people in this situation, where do you stand?
### Timeline of Aboriginal and Torres Strait Islander history

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>60,000 BP*</td>
<td>Two rock shelters in Arnhem Land show the earliest known evidence of human presence in Australia. This is 20,000 years earlier than the famous cave paintings in Lascaux, France.</td>
</tr>
<tr>
<td>43,000 BP</td>
<td>A man from the Lake Mungo area is buried in a shallow grave and covered with powdered red ochre. This is one of the earliest known burials of <em>homo sapiens</em>.</td>
</tr>
<tr>
<td>40,000–35,000 BP</td>
<td>A woman is buried in Lake Mungo: this is the earliest evidence of ritual cremation anywhere in the world.</td>
</tr>
<tr>
<td>30,000 BP</td>
<td>Oldest evidence of bread making in the world at Cuddie Springs, Western NSW.</td>
</tr>
<tr>
<td>29,500 BP</td>
<td>The 'devil's lair', a cave in the southwest of Western Australia, was first occupied. Occupation ceased about 23,000 years later.</td>
</tr>
<tr>
<td>20,000–15,000 BP</td>
<td>In caves deep beneath the Nullarbor Plains, Aboriginal people mine flint and leave grooved designs on the cave walls.</td>
</tr>
<tr>
<td>18,000 BP</td>
<td>Animals that are now extinct are depicted in art at Ubirr in Kakadu National Park.</td>
</tr>
<tr>
<td>12,000 BP</td>
<td>Tasmania is separated from the mainland following sea-level rises.</td>
</tr>
<tr>
<td>3,000 BP</td>
<td>Large trade networks transport stone axes across southern Australia. Axes mined at Mt William in Victoria reach hundreds of kilometres into modern South Australia and NSW.</td>
</tr>
<tr>
<td>1451</td>
<td>Dutch documents record the journeys of Macassan trepangers (traders seeking trepang or sea-cucumber) to ‘Marege’, as the Macassans called Australia. The trade continues until 1906.</td>
</tr>
<tr>
<td>1768</td>
<td>Secret instructions to Captain Cook for his 1770 voyage state “You are … with the Consent of the Natives to take Possession of the Country”.</td>
</tr>
<tr>
<td>1788</td>
<td>Colonisation begins in eastern Australia. Aboriginal Peoples’ consent is neither sought nor given.</td>
</tr>
<tr>
<td>1789</td>
<td>Pemulwuy, a Bidjigal warrior leads the Eora and surrounding nations in a 12 year guerilla war against the British. He launches attacks at locations including Parramatta, Toongabbie, Brickfield (modern Chippendale) and Hawkesbury River.</td>
</tr>
<tr>
<td>1797</td>
<td>During an attack at Parramatta, Pemulwuy is wounded and taken to hospital, from where he escapes, still wearing leg irons. In 1802 he is killed, and his head is sent to the botanist Joseph Banks in England. Pemulwuy’s son Tjedboro (“Tedbury”) continues armed attacks on Europeans.</td>
</tr>
<tr>
<td>1824</td>
<td>Martial law is declared in Bathurst, NSW, after Wiradjuri people kill several Europeans. Armed Aboriginal opposition is seen as a serious threat to white presence in the colony and martial law continues for several months.</td>
</tr>
<tr>
<td>1828</td>
<td>Black War begins in Tasmania.</td>
</tr>
<tr>
<td>1831–33</td>
<td>Yagan’s resistance campaign in WA.</td>
</tr>
<tr>
<td>1837</td>
<td>People involved in the anti-slavery movement, which by 1833 had successfully campaigned to abolish slavery in the British Empire, call for an Aboriginal Protection system in NSW.</td>
</tr>
<tr>
<td>1860</td>
<td>John McDouall Stuart and his party enter Kaytetye country, in the area of modern Tenant Creek, NT. Sponsored by the South Australian land speculators, they come searching for land to be taken by European pastoralists.</td>
</tr>
<tr>
<td>1911</td>
<td>The Federal Government takes control of the NT, dubbed the Commonwealth government’s “first intervention”.</td>
</tr>
<tr>
<td>1937</td>
<td>National Native Welfare Conference adopts assimilation as national policy, stating “this Conference believes that the destiny of the natives of Aboriginal origin, but not of the full blood, lies in ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.”</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
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<tr>
<td>1938</td>
<td>Aboriginal people declare a <strong>Day of Mourning to mark 150 years since colonisation</strong>. Aboriginal leader Jack Patten calls for change saying, “We, as Aborigines, have no reason to rejoice on Australia’s 150th birthday ... We refuse to be pushed into the background. We have decided to make ourselves heard”.</td>
</tr>
<tr>
<td>1964</td>
<td>Charles Perkins and a number of white students launch the ‘Freedom Rides’, traveling through northwestern NSW towns by bus to highlight discrimination, such as segregated cinemas and whites-only swimming pools. The resulting publicity and the hostility of town residents forces some change.</td>
</tr>
<tr>
<td>1966</td>
<td>Gurindji people walk off Wave Hill station in the NT, owned by British Lord Vestey, where they worked for little or no money. Their protest leads to the modern <strong>land rights movement</strong>.</td>
</tr>
<tr>
<td>1967</td>
<td>Over 90 per cent of voters support a <strong>referendum amending discriminatory sections of the Australian constitution</strong>. As a result, Aboriginal and Torres Strait Islander people are counted in the Australian census and the Commonwealth Government is given the power to make laws affecting them.</td>
</tr>
<tr>
<td>1972</td>
<td>The <strong>Aboriginal Tent Embassy</strong> calling for land rights is established outside Parliament House in Canberra.</td>
</tr>
<tr>
<td>1975</td>
<td><strong>Racial Discrimination Act</strong> passed.</td>
</tr>
<tr>
<td>1976</td>
<td>Prime Minister Malcolm Fraser’s government passes the <strong>Aboriginal Land Rights (Northern Territory) Act</strong>.</td>
</tr>
<tr>
<td>1988</td>
<td><strong>Bicentenary of the colonisation of Australia</strong>. Tens of thousands of Aboriginal and Torres Strait Islander people and non-Indigenous supporters converge on Sydney on 26 January as part of the ‘March for Freedom, Justice and Hope’. The largest protest of its kind ever held in Australia, it celebrates Indigenous people’s survival and calls for change. In June, Aboriginal leaders present Australia’s Prime Minister with the <strong>Barunga Statement, calling for self-determination and a treaty</strong>.</td>
</tr>
<tr>
<td>1992</td>
<td>The <strong>Mabo decision of the High Court</strong> recognises that native title existed before 1788 and that it continues today.</td>
</tr>
<tr>
<td>2000</td>
<td>More than 300,000 people walk across Sydney Harbour Bridge in support of Indigenous Peoples’ rights and reconciliation.</td>
</tr>
<tr>
<td>2007</td>
<td><strong>Little children are sacred report</strong> released.</td>
</tr>
<tr>
<td>2007</td>
<td>The <strong>Northern Territory Emergency Response (NTER)</strong>, also known as the <strong>intervention</strong>, is launched. While it offers more doctors, nurses, police, health professionals and anti-violence programs, the government also acquires Aboriginal-owned land, and manages Aboriginal peoples’ income regardless of whether they manage it well or not. Key policies of the intervention are only possible because the government suspends the <strong>Racial Discrimination Act</strong>.</td>
</tr>
<tr>
<td>2008</td>
<td>Prime Minister Kevin Rudd delivers the <strong>Apology to the Stolen Generations</strong>.</td>
</tr>
<tr>
<td>2009</td>
<td>Australia supports the United Nations <strong>Declaration on the Rights of Indigenous Peoples</strong>.</td>
</tr>
<tr>
<td>2010</td>
<td><strong>Changes to the intervention</strong> that partially reinstate the <strong>Racial Discrimination Act</strong> are introduced, however much of the intervention remains in place. The changes allow race-based welfare quarantining to continue; fail to restore the permit system and allow for the continuation of discriminatory measures such as compulsory lease acquisitions on Aboriginal lands. They also fail to fully reinstate the <strong>Racial Discrimination Act</strong>.</td>
</tr>
<tr>
<td>2010</td>
<td>The National Congress of Australia’s First Peoples – a <strong>new national organisation to represent Indigenous Peoples</strong> in Australia is established.</td>
</tr>
</tbody>
</table>

* Before present
Left: The White Australia Policy was designed to keep non-white migrants out of Australia. What did the idea of “White Australia” assume about Aboriginal and Torres Strait Islander Peoples?

Above: Aboriginal people marking a “Day of Mourning” in 1938, on the 150th anniversary of the colonisation of Australia. © Mitchell Library/ State Library of NSW

Sources
Little Red Yellow Black site, Australian Institute of Aboriginal and Torres Strait Islander Studies: http://lryb.aiatsis.gov.au/


Australian Aboriginal history timeline: www.creativespirits.info/aboriginalculture/history/aboriginal-history-timeline.html

Categorising events in the timeline

1. Categorise the events according to perspective. Group events that represent the perspective of:
   - Aboriginal and Torres Strait Islander people
   - non-Indigenous people
   - the government.

2. How might the government’s perspective on events overlap with non-Indigenous or Indigenous perspectives? Whose views does the government pay most attention to?

3. Discuss why different groups perceive historical events differently and often seek to legitimise their own view of history. In Australia, how do Aboriginal and Torres Strait Islander people and the government view the history of the country differently?

4. Examine how your own textbooks narrate particular events or periods of history. Do the textbooks present a range of views, or is the story told predominantly from one group’s perspective? What evidence can you find for this?

Using drama to look at Australian history

5. Choose a theme from Australian history such as dispossession, protest, colonisation or the continuation of Aboriginal and Torres Strait Islander cultures across time. Select and research a number of events from history that relate to your theme.

   Plan a series of scenes showing what happened in each event. Your scenes could show:
   - the background to the issue
   - the attitudes and actions of Aboriginal and Torres Strait Islander people
   - the attitudes and actions of non-Indigenous people
   - the current situation.

   Consider including multimedia, mime, written signs and music in your presentation, and act our your scenes in class.

Discuss how these events relate to you.
   - Where do you and or your family fit into the sequence of events?
   - How does your situation now build on a chain of events from the past?
   - Where do you stand?

Detailed timeline: covering a wall or hallway

6. Build a detailed timeline, drawing on this timeline, but covering a whole classroom wall or a school hallway, with key events illustrated by images as well as text.

   Discuss how the events listed in this timeline can be arranged so that people can easily use it to look at different themes, such as:
   - the experience of Aboriginal and Torres Strait Islander Peoples
   - non-Indigenous people’s experiences
   - events involving steps forwards or backwards in recognising Indigenous rights.

   Your could add to the timeline by including:
   - images (photographs, cartoons and artwork)
   - quotes from people involved at the time, or people looking back on the historical events
   - newspaper headlines and articles from the present
   - newspaper articles from the past
   - world events, including any events you can find which are important for Indigenous Peoples’ rights in other countries such as the Treaty of Waitangi in New Zealand
   - posters or statements describing where you stand.

   Some of the points above might be researched by teams of students.
Indigenous rights – how does Australia rate?

Human rights are the conditions that everyone needs to be able to thrive.

How does Australia rate on Indigenous rights? In what ways are Indigenous rights upheld in Australia? And how are Indigenous rights ignored or denied?

Below is a selection of rights from two important international human rights agreements, the Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples.

RIGHTS FROM THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

Article 1 All human beings are born free and equal in dignity and rights.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion …

Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law …

Article 21.2 …Everyone has the right of equal access to public service in [their] country.

Article 22 Everyone, as a member of society, has the right to social security and is entitled to realisation … of the economic, social and cultural rights indispensable for [their] dignity and the free development of [their] personality.

Article 25 Everyone has the right to a standard of living adequate for the health and wellbeing of [themselves and their] family, including food, clothing, housing and medical care and necessary social services …

Article 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of [these] rights and freedoms.


RIGHTS FROM THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In April 2009 the Australian Government stated its support for this declaration. Like the articles of the Universal Declaration, these rights do not have legal force in Australia, but the government has now recognised this declaration as setting the standard for Indigenous rights. Below are some extracts from articles of the declaration.

Article 2
Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination.

Article 3
Indigenous peoples have the right to self-determination.

Article 8.1
Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 15.1
Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

Article 15.2
States shall take effective measures, in consultation and cooperation with the Indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous peoples and all other segments of society.

Article 18
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures...

Article 19
States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 22.2
States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23
Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

Article 26.1
Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 43
The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world.

For the full text of the Declaration on the Rights of Indigenous Peoples, see http://www.hreoc.gov.au/social_justice/declaration/
One way to learn about Indigenous rights issues is to discuss what would happen if government policies affecting Aboriginal and Torres Strait Islander Peoples were applied to other groups in Australia.

For example, the following scenarios are based on different aspects of the NT intervention: income management, the government’s compulsory acquisition of Indigenous-owned land and the placement of signs outside Indigenous communities.

You could use these as starting points, or create your own scenarios based on human rights issues affecting Indigenous Peoples in Australia.

1. Centrelink has decided to quarantine half of the benefit to which people under 25 years of age are entitled. Instead, those young people will be given food and fuel vouchers. If they are identified by police as breaking the law over the next 12 months, driving licenses will be confiscated and vehicles seized. Attendance at pubs and clubs is strictly forbidden and a conviction will be recorded if an individual breaches that constraint.

Group one presents their scenario to the other half of the class playing government officials and law enforcement officers. Group two plans and presents a response performing the roles of youth affected by the measures.

Alternatives: 50 per cent of all your pocket money/income from any work that you do is quarantined so that it can be spent on specified items; or you are told what do with 50 per cent of your free time; or you can apply the scenario to single mothers or war veterans.

2. Imagine there were problems in your local community and the government decided to respond by taking control of your suburb – your suburb is acquired by the government using a five-year lease that gives it exclusive possession of the land while the lease is in force.

Aboriginal people’s land in areas affected by the Intervention has been compulsorily acquired by the government, and the Permit System which allows them to control who comes into their land has been abolished. Like the ‘services in exchange for leases’ policy, this initiative undermines Aboriginal peoples’ property rights.

3. Look at the image of the government’s sign. These signs have been placed outside communities affected by the intervention. Have you ever seen a sign like this in your local community? If the government put up this sign in the area where you live, how would people react? What would it suggest about members of your local community?

• Alcohol-related violence is a problem in many parts of Australian society. Does this kind of law and order approach solve problems like this?

Why do non-Indigenous people tolerate the government’s actions when Indigenous people are singled out in this way?
Create a scenario about the future, such as ‘Australia 2038’, 250 years after the colonisation of Australia began. In this scenario, envision how the country has changed for Aboriginal and Torres Strait Islander communities, non-Indigenous communities and in the relationship between the two.

Gather images from websites or other sources that picture life in Australia in the future.

Build a future timeline, imagining key events in the future of the relationship between non-Indigenous and Indigenous people in Australia.

Choose a format to present your scenario, for example, you could write it out, create a multi-media presentation, design a poster or build a website.

**Issues for discussion:**

How do your scenarios for the future contrast with the situation today?

What aspects of the past and present continue and what has changed? Discuss how you can be involved in shaping a more positive future. What pivotal events could happen five years from now or ten years from now, to create a more equitable society by 2038?

Describe how the nation marks the 250th anniversary of colonisation in New South Wales on 26 January 2038.

What influence do you have that can help make a positive future more likely? What do previous achievements in human rights tell you about this? How does passivity and doing nothing make a pessimistic future more likely?

You could construct different timelines of the future, some more optimistic and others more pessimistic. In a more pessimistic scenario, what is happening in Aboriginal and Torres Strait Islander communities in the year 2050? What will determine whether or not human rights are respected in the future?

What role did the debate about the NT Intervention, which took place in the first decades of the 21st century, play in your versions of the future?

Share your scenarios with the school and community, as a means of launching further dialogue about current trends and the choices Australians have about the future.
Aboriginal and Torres Strait Islander Peoples’ rights: online and multimedia resources

INDIGENOUS MEDIA

The Koori Mail: www.koorimail.com
National Indigenous Times: www.nit.com.au
Message Stick: www.abc.net.au/tv/messagestick
Intervention Walkoff Blog: http://interventionwalkoff.wordpress.com
ABC Online Indigenous page: www.abc.net.au/indigenous
Treaty Republic: http://treatyrepublic.net
Central Australian Aboriginal Media Association: http://caama.com.au
National Indigenous Television: http://nitv.org.au

WEBSITES WITH INFORMATION ON ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES’ RIGHTS

Little Red Yellow Black Site, Australian Institute of Aboriginal and Torres Strait Islander Studies, includes links to other websites: http://lryb.aiatsis.gov.au
Q&A factsheets, Reconciliation Australia: www.reconciliation.org.au/home/reconciliation-resources/facts---figures/q-a-factsheets
Australian for Native Title and Reconciliation: www.antar.org.au

DVDS

Intervention: Katherine, NT (2008)
This film records the impact of the intervention in the Katherine region. It was shot over a an eight-month period and features the lives of community residents as they experience the intervention first hand, as well as the various government and business workers who all come together to implement it. Writer/director Julie Nimmo. A study guide is available from Australian Teachers of Media: www.metromagazine.com.au/studyguides/study.asp

Our Generation (2010)
Our Generation is a ground breaking new documentary on Aboriginal rights … made in collaboration with the Yolgnu people of Northeast Arnhem Land … The film looks at the ongoing paternalism and assimilationist drive of successive governments, unveils the real issues underlying Indigenous disadvantage, and exposes the hidden agendas underlying recent government policies, such as the Northern Territory Intervention. Most importantly, it opens up dialogue on how Australia can move forward, with true dignity and respect for its First Peoples: www.ourgeneration.org.au

First Australians (2008)
First Australians chronicles the birth of contemporary Australia from the perspective of its first people. The series explores what happens when the oldest living culture in the world is overrun by the world’s greatest empire. First Australians depicts the true stories of individuals – both black and white – caught in an epic drama of friendship, revenge, loss and victory. The story begins in 1788 in Sydney, with the friendship between an Englishmen (Governor Phillip) and a warrior (Bennelong) and ends in 1992 with Koiki Mabo’s legal challenge to the foundation of Australia.

The series covers a range of periods and parts of Australia:
Episode 1: ‘They have come to stay’ Sydney and New South Wales (1788–1824)
Episode 2: ‘Her will to survive’ Tasmania (1803–1880)
Episode 3: ‘Freedom for our lifetime’ Victoria (1860–1890)
Episode 4: ‘There is no other law’ Central Australia (1878–1897)
Episode 5: ‘Unhealthy government experiment’ Western Australia (1897–1937)
Episode 6: ‘Strength to stand a long time’ South-Eastern Australia (1937–1967)
Episode 7: ‘We are No Longer Shadows’ Queensland and the Torres Strait Islands (1967–1993)
First Australians is available on DVD or online at www.sbs.com.au/firstaustralians/

Mabo: Life of and Island Man (1998)
Relates the life of Eddie Koiki Mabo and his struggle for recognition of his rights to his traditional land on Murray Island in the Torres Strait.
INTERNET RESOURCES ON THE NT INTERVENTION

Useful links that provide an overview of the intervention include:

• ‘An Entire Culture is at stake’ The Age, 14 July 2007. Article written by Professor Patrick Dodson, known as the ‘father of reconciliation’. The article condemns the intervention, speaking of “a regime of coercive paternalism” and an “authoritarian and paternalistic” approach which “will inevitably fail”. He contrasts the intervention with an approach that involves Indigenous participation in decision-making.

This is one of a set of articles with different perspectives on the intervention which appear in Amnesty International’s accompanying resource ‘The Northern Territory intervention: the debate in the media’.


• ‘Giving voice’, Message Stick, ABC, 8 November 2009. A program on the intervention covering a range of opinion, resources include a transcript.
  www.abc.net.au/tv/messagestick/stories/s2735498.htm

• ‘Are they safer?’, Insight, SBS, 18 March 2008. Canvasses a range of opinion, including Indigenous people from communities directly affected, Indigenous health professionals, Indigenous people who support and oppose the government’s actions, the Minister for Indigenous Affairs, the Aboriginal and Torres Strait Islander Social Justice Commissioner and the chair of the Emergency Taskforce. View online and read the transcript at www.news.sbs.com.au/insight/episode/index/id/39

• Australian Government website: the government’s position on the intervention can be found at:

ONLINE MATERIALS ON INDIGENOUS YOUNG PEOPLE

Voices from the Cape

In April 2007, the community school in Aurukun invited David Vadiveloo to bring his unique ‘Community Prophets’ model to engage their students. Frustrated by poor attendance and having introduced many other initiatives, the school decided this would be a way to launch its own “education revolution”.

A filmmaker and former human rights lawyer, Vadiveloo says his model of working with marginalised youth can engage any group of young people in any community in the world. In Aurukun he proposed that not only would his team re-engage students within the school but that students in his program would create three high-quality short films for screening at the national youth Croc festival on Thursday Island.

What transpired was confronting, frustrating and emotionally raw. Students were pushed to raise their own expectations and ultimately proved to everyone that they are as gifted and capable as any young people in this country.

Part 1, Sunday 22 February 2009:
  www.abc.net.au/tv/messagestick/stories/s2496801.htm

Part 2, Sunday 1 March 2009:
  www.abc.net.au/tv/messagestick/stories/s2502934.htm

Talking Stick: Youth

Interviews with three articulate young Australians who discuss what the future holds for us as a nation as we attempt to embrace Indigenous and non-Indigenous share history and different perspectives.

Tim Goodwin, twice involved in the International Youth Parliament, served as an Indigenous education ambassador and is the deputy chair of the National Indigenous Youth Movement.

Megan Davis, director of the Indigeneous Law Centre and senior lecturer in the faculty of law at the University of NSW.

Joel Pringle, co-convener of ReconciliACTION NSW, a network of young Indigenous and non-Indigenous Australians who are committed to reconciliation.

Sunday 20 April 2008:
  www.abc.net.au/tv/messagestick/stories/s2261798.htm

The Dreamers

Focuses on the stories of three young people and their pursuit of their dreams. Each of them was a potential champion in their chosen field – Jade in football, Deniece in music and Melissa in surfing.
(Transcript only available online.)
  www.abc.net.au/tv/messagestick/stories/s1709711.htm
Strong Men of Nguiu
The Strong Men of Nguiu is a men’s group that for the past two years has been striving to restore cultural traditions among the youth on the Tiwi Islands. By setting their own example as leaders of their families and community, the strong men are role models who are steering the next generation away from the problems of substance abuse and crime to become the leaders of tomorrow.
(Transcript only available online.)
Sunday 17 February 2008:
www.abc.net.au/tv/messagestick/stories/s2261786.htm

Talking Stick: Native Title
In the business of deciding where native title exists and negotiating rights over lands and waters, there have been successes and failures. But the question remains, ‘Has Native Title lived up to expectations and are Indigenous Australians in a better position today than they were a decade and a half ago?’
Miriam Corowa is joined by Graeme Neate, President of the National Native Title Tribunal, Monica Morgan, Yorta Yorta spokeswoman and Elder, Yorta Yorta Nation and Kim Hill, Chief Executive Officer of the Northern Land Council.
Sunday, 7 March 2010:
www.abc.net.au/tv/messagestick/stories/s2837732.htm

ONLINE VIDEO
The following programs were broadcast on Message Stick on the ABC.
Online video and transcripts are available.

Ripples from Wave Hill
This program tells the story of the Gurindji people and the Wave Hill walk-off that led to the modern land rights movement.
Part 1:
www.abc.net.au/tv/messagestick/stories/s1888167.htm
Part 2:
www.abc.net.au/tv/messagestick/stories/s2310447.htm

Embassy Days
When four young Indigenous activists arrived on the lawns of Parliament House in Canberra on Australia Day in 1972, they had little idea that their small protest would fast become a defining moment in the country’s modern history.

The Aboriginal Tent Embassy became a focal point for an emerging national Indigenous voice and played a major role in the creation of Australia’s first land rights legislation. Featuring rarely seen interviews and archival images, Embassy Days captures the essence of these heady days in Australian politics.
Part 1:
www.abc.net.au/tv/messagestick/stories/s2273789.htm
Part 2:
www.abc.net.au/tv/messagestick/stories/s2277679.htm

Pemulwuy: A War of Two Laws
Pemulwuy: A War of Two Laws charts the history of Australia’s first ever Aboriginal resistance fighter. From his first encounter with the British in Botany Bay, to his 12-year war against the establishment, to his eventual demise in 1802 in Parramatta where he was finally beheaded, the program attempts to expose one of Australia’s forgotten histories and an unsung hero of the Bidgigal people of the Dharug language group of Sydney.
Part 1:
www.abc.net.au/tv/messagestick/stories/s2893382.htm
Part 2:
www.abc.net.au/tv/messagestick/stories/s2899743.htm
Endnotes

14. Hans Peter Schmitz and Kathryn Sikkink write: “Human rights are a set of principled ideas about the treatment to which all individuals are entitled by virtue of being human. Over time, these ideas have gained wide acceptance as international norms defining what is necessary for humans to thrive, both in terms of being protected from abuses and provided with the elements necessary for a life in dignity.” See Schmitz, H and Sikkink K (2002) International Human Rights in Carlsnaes, W Risse, T and Simmons, B, (eds) (2002) Handbook of international relations London Sage 2002, p517


