ABORIGINAL HEALTH

THE ETHICAL CHALLENGES

PROCEEDINGS OF A CONFERENCE

held at
St Vincent’s Hospital
Fitzroy
6 August 1998

Edited by
Norman Ford SDB

Caroline Chisholm Centre for Health Ethics
EAST MELBOURNE
Historical Overview of Aborigines' Experience

Wayne Atkinson
Yorta Yorta People
Latrobe University

Introduction

First let me observe the appropriate cultural protocols and acknowledge the Wurundjeri people as the traditional owners of the land we're on today. I must say I have some close cultural associations myself through my great grandfather who was a resident of the Coranderrk Reserve in the 1860s and a member of the Dja Dja Wurrung who are part of the great 'Kulin Nation' of central and southern Victoria. I am also a descendant of the Yorta Yorta people who are currently pursuing their Native Title Claim in the Federal Court under the Native Title Legislation that flowed from the historic Mabo High Court decision in 1992. Let me further acknowledge and welcome those members of the Victorian Aboriginal community, representatives of Koori organisations, government institutions, visitors, students and other guests here today.

Thank you to the Caroline Chisholm Centre for Health Ethics and Dr Norman Ford for inviting me to give an Indigenous perspective on the history of the Aboriginal or Koori experience in this part of Australia. I must say at the outset that my views are from my own experiences as an Indigenous person from this part of the continent and from my interests in Aboriginal Affairs over many years. My analysis of those events that shaped the Koori experience since colonisation will be mainly coming from the Indigenous perspective and worldview that I hold dearly.

Aboriginal Health: The Ethical Challenges

Historic Overview of Aborigines' Experience

While the topic gives plenty of scope to explore many issues, I will focus on some of the key events that have impacted on Koori society in Victoria and then make some general comments about the current social and economic status as reflected in the major reports of the last 25 years. I will also use some of the more recent data on health related matters which I hope will set some groundwork for following discussions.

Indigenous people have occupied, possessed, and enjoyed this part of Australia since the beginning of time which is estimated to be between 40,000 to 120,000 years. One also has to remember that Indigenous people believe that their origins and creation come from here which is a timeless concept that cannot be dated. Whatever the viewpoint it is truly an amazing achievement in human history. Indigenous Australians could well be the oldest surviving culture known to humankind. Moreover Indigenous people, and particularly those of this state, are a living culture who have held on to their connections with their ancestral past against overwhelming odds. They have also made some huge adaptations to many changing circumstances particularly since colonisation and continue to struggle for what they believe are their inherent rights to land, identity, culture and control of their own lives and affairs. Furthermore they hold what are regarded as 'the oldest form of property rights known in the world'. The chain of inheritance stretches back to the people of this land—nowhere else—and is carried forward today by those who have been fortunate to hold on to their links with their tribal lands.

Given this brief sketch of Indigenous society it is very hard to reconcile such mammoth achievements with those events that took place in this state some 150 years ago many of which perpetuate themselves in today's circumstances. A head-on clash of cultures and mindsets so
diametrically opposed and irreconcilable from the outset, resulted in the systematic undermining and marginalisation of the original inhabitants. An example of the degree to which Koori society suffered at the hands of the European invasion is best illustrated by the evidence itself.

The original Victorian population before colonisation, according to various studies, is estimated to have been between 15,000-20,000. Within the first generation of contact, and as a result of introduced diseases and conflict over land, there was an 85% reduction—and it didn’t stop there. By 1860 it declined to some 1,908 and by 1891 it reached its all time low of 565.

Within the space of two generations of European contact the Aboriginal population was on the brink of extinction. Its growth from the estimated 565 in 1891 to the current estimate of 21,500 for a people who were confronted with such a fatal reality just over a century ago is truly a remarkable example of human survival. It also highlights the amazing resilience of Indigenous society which was subjected to the full brunt of the European invasion in the south eastern region. Today Koori people still form a distinct cultural group within the broader Australian society, holding on to their unique cultural identity and seeking to forge a co-existive relationship with the broader society on the basis of mutual acceptance, respect, cultural integrity and real equality.

Reflecting on those events that transpired and which resulted in the legacy that has been carried forward today, the High Court in Mabo (No 2) 1992 described them as one of the worst aspects of this country’s history which has created a legacy of ‘unutterable shame’.

The question of guilt and shame therefore needs to be confronted and dealt with. Teaching true history need not be a guilt trip or a shaming exercise. Any objective reading of Australia’s Aboriginal history indicates that racism and bigotry were central to the treatment of Indigenous Australians.

The so called settlement of Aboriginal Australia and taking of the land under the legal fiction of terra nullius, the removal of children from families and the denial of basic human and cultural rights are all factual events that are an inescapable part of our history. While the highest court in the land condemned these events that took place, they did not suggest how they could be healed. But at least they recognised them as factors that created a legacy that has to be dealt with in the here and now, and by putting them up front it means that we can at least confront the past and deal with it in a constructive way. They can’t be covered over or ignored as in the past, and teaching the history as it happened is not about creating feelings of shame and guilt, but more about correcting misconceptions of Indigenous people and understanding the injustices that they are still dealing with today.

In teaching history one also has to be cautious about over emphasising the survival ability of Indigenous people as it tends to conjure up the image that they have become immune to those injustices that many still live with today. It also provides a diversion for those governments who are responsible for addressing the ongoing disadvantage and inequality that Kooris still experience today as a consequence of past and present practices.

Looking back at the Aboriginal experience however, Victoria is an interesting case study in Aboriginal affairs because it has the rather dubious distinction of being the first state to introduce a comprehensive scheme to govern the lives and movements of Aboriginal people which became the forerunner for other states.

It was the first state to introduce special laws known as the infamous Aborigines Protection Acts of 1869-1957 which
gave the government wide discretionary powers to control the lives and movements of Aboriginal people; to remove them to reserves by force if necessary; to take their children and place them under their control, and to define who was an Aboriginal on the basis of Anglo criteria. Such laws were extremely racist and by their very nature and purpose were specifically aimed at separating one group from the other and placing them under restrictive conditions on the basis of racial background. It all began here and was overtly practiced up until the 1950s and arguably still covertly practiced under the guise of what we now term 'institutional racism'. While the reserve system ended in Victoria with the reform of the infamous Protection Policies in 1958, institutional racism is a more subtle form of exclusion which has the effect of nullifying or impairing the recognition, enjoyment or exercise of the basic right of Kooris to control their own affairs. The oppression of Kooris wanting to take part in the management of their own affairs and the exercise of their capabilities is common place in Government and Education Institutions today. A prime example is Aboriginal Affairs Victoria which employs some 55 staff, the overwhelming majority of whom are non-Aboriginal.

During the Sorry Day commemorations in May, 1998, it was common to hear people in the public arena stating 'I don't feel I should say I'm sorry because I wasn't responsible for those terrible and shameful things that happened in the past' or 'why should we have to apologise for what others have done to Indigenous people?'.

To clarify the confusion over the notion of responsibility, we need to make a distinction here between direct and shared responsibility.

Direct responsibility is what we bear for our personal actions. Yet as members of a nation, shared responsibility relates to what was done in the name of that nation, for example past policies.

The various inquiries into Aboriginal affairs are about actions of this nation, not so much about individuals, many of whom are now deceased, and they are about putting policies like 'equality of opportunity' and 'self determination' into practice rather than paying them lip service.

For example, the removal of Aboriginal children in the early days was a systematic process carried out under the laws and policies of Australian governments that began here in Victoria, and was given legitimacy under the 1869 and 1886 Aborigines Protection Acts. History has a funny way of revisiting its makers.

Recent reports are not aimed at inducing guilt, but for Australians to listen, understand and acknowledge Australia's hidden history, particularly its impact on Indigenous Australia.

Government Policies

Government policy over the last century moved from one of segregating Aboriginal people on mission stations and reserves, to one of assimilating Aboriginal people culturally and biologically into the dominant Anglo culture. The rejection of the assimilation policy was based on the desire to hold on to our unique identity and heritage as Indigenous people and a rejection of the top down policies designed and implemented by colonial administrators. Many Kooris would argue that such a mindset has re-emerged today in some of the government's attitudes towards Koori people in this state. The return to the mission era mentality of overlordship and subordination is a common expression used by many Kooris today in describing current day government attitudes and practices as 'Mission Days Revisited'. It is a common catch cry and some government bodies have become no more than employment agencies for non-Aboriginal people seeking to carve out a career in Aboriginal Affairs on the backs of
Koori people.

The 1970s was seen as an era of reform and the beginnings of the policy of self-determination. We saw the rise of community-based organisations and the demands for community control of those organisations, which were seen as a means by which greater self-determination could be achieved. With the establishment of the Aboriginal Tent Embassy in 1972, land justice was put back on the political agenda and the symbolic return of land to the Gurindji in the Northern Territory in 1975 offered much hope for Kooris in south east Australia.

This brought us into the 80s which saw the further growth of Koori organisations and the assertion of rights to land, culture and control of affairs. The 90s, however saw a downturn in Aboriginal development and a dismantling of those reforms gained as governments intensified their position of domination and subordination of Aboriginal interests. The extent of Indigenous disadvantage and domination is highlighted in the Deaths in Custody Royal Commission Report 1992, and reaffirmed in just about every other report on Indigenous Affairs, including the more recent Bringing them Home Report on the Stolen Children, 1997. It’s appropriate that I conclude by looking at some of the key findings of those reports and highlight recommendations that need to be applied.

Looking at the socio-economic status of Indigenous people over the last generation there are some very startling and worrying statistics. From the Henderson Report on Poverty in 1975 to the more recent social indicators there has been little, if any, change in the general status and well-being of Indigenous people. When one considers the statistics against the amount of resources that have been designated by Commonwealth and State Governments to address the problems there is obviously something going diabolically wrong.

The main reports to consider are the following:

6. Indicators of Health Status for Aboriginal People: Far West Area Health Service New South Wales, July 1998;

These reports clearly indicate that on every conceivable indicator the degree of disadvantage and inequality that Indigenous people experience, is far greater. The indicators include:

Rates of jail receivership and deaths in custody. The institute of criminology found that Aborigines are imprisoned at 13 times the rate of non-Aborigines and there has been a 50% increase in the Aboriginal jail population since the Royal Commission. Not to overlook those 110 deaths in custody in the last 10 years to those 99 investigated by the Royal Commission between 1979-89.

Rates of employment which is estimated to be over 40% in urban areas and up to 90% in more remote
areas. This figure does not include the 25% of the community who work for the dole under the Community Development Employment Project (CDEP), which is not factored into the unemployment equation. Kooris have five times less chance of being employed in the public sector compared to non-Aborigines, and those who are employed are subordinate to non-Aboriginal interests—'go betweens' is the word often used by Kooris who have worked in the system.

*Rates of health and well-being.* Compared to the non-Aboriginal population, Aboriginal infant mortality is three times higher; life expectancy is 20 years less, which is matched only in India. The average life expectancy of men in the Central Darling Shire in the far west region of New South Wales is 35 (according to statistics presented to the Australian Health Ministers Advisory Council Cultural Awareness Program in Dareton in July, 1998). Aborigines are 18 times more likely to die from diseases such as tuberculosis, diabetes, and heart disease.

*Rates of land justice.* Victorian Kooris currently hold 0.013% of their traditional land base which amounts to one hundredth of one percent of the lands they occupied, possessed and owned since creation. There has been no land granted on the basis of pre-existing native title rights in Victoria. How can such a degree of land theft and denial of current pre-existing native title rights be justified? It's an open question but it highlights the mean and cold-hearted nature of this and other governments in their attempts to deal with the legacy of land injustice.

**Summary**

In summarising these rather appalling statistics and comparing them with third world countries, images come to mind of poverty in Calcutta or the refugee camps in Zaire and Rwanda and we are painfully reminded that many third world characteristics are here in our own backyards.

There are numerous other reports that support these findings and further reinforce the fact that the inequality and disadvantage gap is not decreasing but widening. The overall picture is that on whatever indicator one wants to measure Aboriginal well-being they are now, and always have been, at a serious disadvantage—the causes of which are attributed by those reports to the impact of two centuries of dispossession, dispersal, and discrimination involving the denial of fundamental rights of Aboriginal and Islander people.

The most significant contributing factor to their disadvantage and inequality found in the Deaths in Custody and Stolen Children Reports was the direct 'history of domination of Aboriginal and Torres Strait Islander people by non-Aboriginal interests, and enforced dependency on and neglect by the wider society.'

*The Council for Aboriginal Reconciliation Report* 1995 found that governments have maintained the process of subordination through their policies and strategies in responding to Aboriginal and Torres Strait Islander people's calls for justice and greater control over their lives (CAR, 1995:26-27).

**Proposed Solutions**

To address and eliminate the degree of Aboriginal disadvantage and inequality, the reports recommended an end to domination, and the empowerment of Aboriginal and Islander people so that control of their lives and of their communities are returned to Aboriginal hands—'handing
over the reins' or 'Koori control' as it is often described in the Koori community.

The material assistance necessary to tackle Aboriginal and Islander disadvantage and to address past deprivation must be provided in ways which increase the empowerment of Aboriginal and Torres Strait Islander societies and lessen the sense and perception of dependency.

At all times, the broader society, particularly through governments, must approach relationships with Aboriginal and Islander societies on the basis of the principle of self-determination.

I will leave it there and hope this provides some ground work for tackling the big ethical changes that are required in Indigenous affairs and in Koori and non-Koori relations, particularly as we approach the new millennium. And thank you for your attention.