I would like to give you two little stories which I always carry in my mind.

The first story is about a big, fat fish in the billabong. Once this little fish was happy with his group of fish, his family, in the billabong, until one day a shadow came. This shadow threw a crumb into the billabong. This one little fish started to taste the crumb from that shadow and was going every day to that shadow. When the shadow came, the fish used to go to that shadow. At the end, he told all the other fish to go and wait for the shadow, until half the community of the fish had to wait for the shadow to get fed. But the shadow just threw a crumb after his dinner. Today we Yolngu people are like the fish and the shadow is the government people.

I will give you another story, about a magpie and a sea eagle. These two has an argument about why magpie geese lay eggs in the weeds in the swamp and why sea eagles make their nests right up the top. At the end of the day they were both birds with wings and they could both fly. Both of them were talking about one another, and they had a little argument about who was best. But, if the eagle was like the magpie goose he would die and if the magpie goose was like the sea eagle he would die, so at the end of the day they agreed that one was a magpie goose and one was a sea eagle, and they both lived happily ever after.

Councillor Tony Binalany[1]

1 *Committee Hansard,* Nhulunbuy, 25 August 2004, p. 2.

Preface

> Aboriginal law is the first law of the land; it is unchanging and must be respected. A new relationship must be established between Aboriginal and non-Aboriginal people based on mutual respect and recognising full Aboriginal self-governance on an equal basis. It is the only way we will achieve real benefits for Aboriginal people.
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> To this end, the provisions of the ATSIC amendment bill and the information on the replacement structure constitute a denial of the right of Indigenous people to self-determination. This is of considerable concern as self-determination needs to be enhanced and strengthened to bring about positive change. It is contrary to the aspirations of Indigenous people. The potentially destructive impact of the move from self-determination to mainstreaming will be seen in the immediate future. Our concern is that once again we will be experimented on and that, in another five to 10 years time, we will be back to discuss what went wrong.[1]

The issues covered in this report must be seen in the context of the Howard Government's long-term agenda in Indigenous affairs. 'Mainstreaming' and a 'whole-of-government approach' are the Howard government's terms for its approach to Indigenous policy. This agenda, apparently new and unashamedly radical, has in reality been unfolding since 1996. Starting with its defensive Ten Point Plan response to the potentially far-reaching Wik decision of the High Court in December 1996, the government has sought to set in place an 'assimilationist' policy direction that is oblivious to the rights of Australia's Indigenous people.

The Wik decision clarified, and extended the implications of, the Court's Mabo judgment of 1992 that legally established the concept of native title in Australia. The newly elected Howard government's reaction was, to use then Deputy Prime Minister Tim Fischer's words, to adopt a strategy that would provide 'bucketfuls of extinguishment' to native title on pastoral leases. This was simply the first step on a road towards a policy that ignores both the rights of Indigenous people and their dispossession and subsequent serious disadvantage in Australian society following the arrival of white colonialists over 200 years ago.

'Assimilationism' or 'inclusionism' is painted by the government as a benign policy direction: it aims, it is claimed, to bring Indigenous people into mainstream society on an equal basis with other Australians:

> In the history of Aboriginal policy in Australia, going back to earliest times, we find the fault line divides the protagonists into inclusionists or

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1 Commissioner Alison Anderson, *Proof Committee Hansard*, Alice Springs, 20 July 2004, p. 48, reading from Central Remote Regional Council, *Submission* 52.

> assimilationists on the one hand, and separatists or Rousseauvian sentimentalists on the other.[2]

And yet this is based implicitly on the view that Indigenous culture and social organisation are inferior Former Territories Minister Paul Hasluck used the term 'assimilation' and described his government's approach thus:

> The superiority of Western civilisation both on its own merit and in its established position as the way of life of the vast majority – indeed the incompatibility of civilised usage and pagan barbarism – left only two possible outcomes: separate development or assimilation.

It is the inherent inferiority of Indigenous society, the argument goes, that necessitates this conclusion – that there are only two options, and the assimilationist route is by far the preferable one: it is not possible for Australia to recognise and respect the rights and unique attributes of Indigenous people and their society, while at the same time ensuring that Indigenous people can participate in the mainstream of Australian economic and social life.

The Committee rejects this view. Nobody would want to argue that Australia's Indigenous people should be forced to live in separate communities or to be treated differently in every respect by government from other Australians. Indigenous people themselves do not want this, and have called repeatedly for recognition of their right to participate on and equal basis in economic and social terms. Yet such participation cannot be successful unless, first, there is formal recognition that Indigenous people have been dispossessed and, second, definite, specific steps are taken to redress the grave social and economic disadvantage that followed that dispossession.

Since winding back the rights won by Indigenous people with respect to recognition of native title, the Howard government has acted progressively to undermine the rights of Indigenous people in Australia. It has refused to replace the elected national Indigenous representative body, ATSIC, with a new, genuinely representative structure.

The Government paints what it terms the ATSIC 'experiment' as an unambiguous failure. It concludes from this characterisation that Australia's Indigenous people are incapable of managing their own affairs; that self-determination and not merely the ATSIC model, has failed.

At the same time, the Government has furthered its assimilationist agenda by dissolving the administrative structures that provided specialist, specific services to Indigenous people and their communities. Already as a result, the number of Indigenous people employed by the Commonwealth to provide these services has fallen markedly. Indigenous people will henceforth find their interactions with government more difficult and less informed by shared cultural understandings. In

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2 Peter Howson, 'The 2004 election and Aboriginal Policy', Quadrant November 2004, republished by the Bennelong Society

health and education, where Indigenous policy and service delivery have been part of mainstream provision for many years, and despite the best efforts of many able public servants and policy makers, Aboriginal and Torres Strait Islander people's circumstances continue to lag well behind those of other Australians.

Meanwhile, many programs until now administered by ATSIC and focussed clearly on the needs of Indigenous people have brought appreciable gains – the Community Development Employment Projects (CDEP) program and the financial agency Indigenous Business Australia among them.

Under the new arrangements, these and other programs in Indigenous housing, legal aid, the arts and other areas will be dissolved into large Commonwealth departments whose primary objectives are much broader. Though the programs will be retained in name, inevitably they will fall under the cultural influence and values of those mainstream organisations. Their specific Indigenous focus could well be lost. At the same time, it will become more difficult for Indigenous people themselves, and also for the Parliament, to monitor and evaluate the performance of the government in providing for the needs of Indigenous citizens.

Assimilationism is far from a benign philosophy. On the contrary, it represents merely one aspect of a view of Indigenous people that is paternalistic and essentially arrogant in its superiority. It is a view that most Australians would find repugnant. Opponents of assimilationism, both black and white, do not want to banish Indigenous people to apartheid-inspired reservations, but recognise that, in order to take their rightful place in Australian society, Indigenous people's needs, their history, their cultures and their rights must be accorded recognition and respect. The government's agenda fails to do this. In so doing it fails its own Indigenous citizens. For all Australians, that is a matter for shame.