

4 Rights and freedoms (1945–present)

4.1 Overview

Have all Australian citizens been treated equally in the past? Are they treated equally now?

4.1.1 Links with our times

Australia did not elect its first Indigenous parliamentarian, Neville Bonner, until 1983, which was 82 years after federation and 21 years after Aboriginal and Torres Strait Islander peoples won the right to vote. After the federal election of 2016, a small group of Indigenous representatives took their place in Australia’s forty-fifth parliament. Linda Burney (pictured) became the first Indigenous woman to win a House of Representatives seat, joining only the third man, Ken Wyatt, who was elected in 2010. Pat Dodson (WA) and Malarndirri McCarthy (NT) were elected as Senators.



As the nation progresses towards a referendum to formally recognise Aboriginal and Torres Strait Islander Australians in the Constitution, hopeful signs are emerging from a history marked by struggle. Real and meaningful progress must continue towards an Australian society where rights and freedoms are upheld for all, including for Australia’s First Peoples.

on Resources

 **Video eLesson** Rights and freedoms (eles-2605)

 **Workbook** Customisable worksheets for this topic

LEARNING SEQUENCE

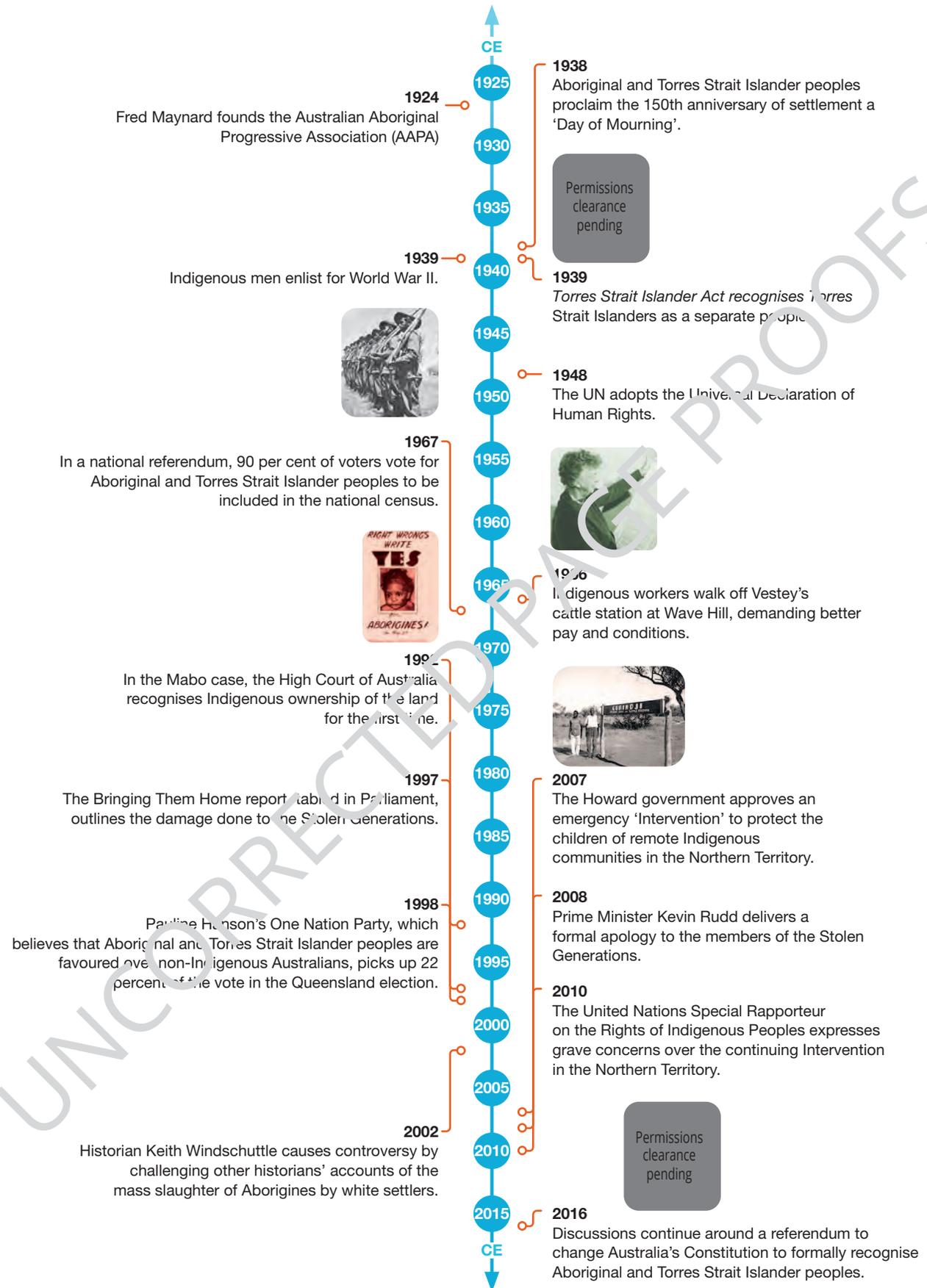
- 4.1 Overview
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Timeline of the struggle for rights and freedoms (1945–present)



4.2 Examining the evidence

4.2.1 How do we know about Aboriginal and Torres Strait Islander peoples' struggle for rights and freedoms?

Until the latter half of the twentieth century the voices of **Australia's First Peoples** were noticeably absent from discussions about Australian history. Today it is possible to access reports, commentary and stories that encompass a wide range of Indigenous experiences. Many of these focus on the struggle for rights and freedoms.

The views of non-Indigenous people, such as academics and journalists, about the Aboriginal and Torres Strait Islander experience can only ever be second-hand. To find primary evidence about what it is like to be an Indigenous Australian person, we must consult Aboriginal and Torres Strait Islander people. This may mean listening to oral histories; or we may have access to written accounts. Not all Aboriginal and Torres Strait Islander perspectives on the fight for rights and freedoms relate to times past; some rights, such as land rights and the fight for equality, continue to this day. Stories of lived experiences may add to our understanding of such a complex issue.

SOURCE 1 In 1999, at the 50th Anniversary of Australian Citizenship Conference, ATSIC Commissioner Colin Dillon talked about his experience as an Aboriginal Australian and police officer during the mid 1960s.

On entering police training in 1965, two years before the referendum, I found it frightening to realise that I was the only Aboriginal person on the police force. The only others were the Black Trackers, universally regarded as inferior with no police powers.

It was conveyed to me — informally but very bluntly — that I had entered the wrong profession, that there was no place for a black man as a sworn officer in an all-white police force. I persevered and endured the **unfettered** racism and hard training and was eventually formally sworn in as a Constable.

Yet even as I stood in the parade that day for the ceremonial swearing in of constables — a moment that should have been the proudest in my life — I remember the Commissioner as he made his inspection. On coming to me he commented to the parade Sergeant 'He's a bit on the dark side.'

My troubles continued — not only was I not wanted within the Police Force but my chosen profession and its associated tasks **alienated** me from my own people. Even the enactment of the Racial Discrimination Act in 1975 offered no respite, as it would have been sheer **folly** to formally complain in a work environment that quite openly tolerated racial and discriminatory practices.

Popular films

Although Aboriginal and Torres Strait Islander Australians have been depicted in films since the 1920s, many early portrayals were stereotypical, portraying them as 'savages'. By the mid 1950s a more balanced portrayal emerged in *Jedda*, in which an Aboriginal girl raised by Europeans sought to rediscover her roots. In the 1970s, films such as *Walkabout* and *Stormboy* depicted Aboriginal people as helpful and knowledgeable about the land. In 1978 Indigenous filmmaker Essie Coffey released *My Life as an Aboriginal*, in which she demonstrated the differences between Aboriginal knowledge and the kind of knowledge that Aboriginal kids were getting in school. Coffey's film raised awareness about the number of Aboriginal kids losing touch with their **heritage**. Since the 1980s depictions of Aboriginal and Torres Strait Islander people on screen have been more well rounded, while films such as *Rabbit-Proof Fence* (2002) and documentaries such as *First Australians*

SOURCE 2 Many Aboriginal children, particularly those with one European parent, were forcibly removed from their families, and raised in institutions or by white families. The film *Rabbit-Proof Fence* (2002) tells the story of three such children, Mollie, Gracie and Daisy, in Western Australia.



(2008) have explored the difficult and often violent struggle for survival that Aboriginal and Torres Strait Islander people have endured. The 2006 movie *Ten Canoes* used only Aboriginal languages to tell its story. It is a valuable, if imaginative, reference point for what life may have been like for Aborigines before European settlement irrevocably changed Aboriginal culture.

Political and other commentary

Since Australia was settled, politicians have been involved in designing policies concerning Aboriginal and Torres Strait Islander peoples. They have justified these policies in parliament and in the press. This has led to commentary by political insiders, journalists and cartoonists. It is a commentator's job to cut through the **rhetoric**, highlighting important or controversial aspects of the politician's position in a way that will be accessible to the public.

Aboriginal and Torres Strait Islander leaders such as Noel Pearson and Pat Dodson, along with educators such as Marcia Langton and Chris Sara, have been influential in contributing to the commentary. Others like actor Leah Purcell, filmmaker Rachel Perkins and visual artist Vernon Ah Kee present artistic perspectives that are equally valid.

SOURCE 3 Throughout his prime ministership, John Howard adhered to a positive view of Australian history and refused to acknowledge the pain caused to Indigenous peoples by previous governments, particularly in relation to the Stolen Generations.



Official documentation

The international fight for rights and freedoms was formalised in 1948 with the signing by many countries, Australia included, of the United Nations' Universal Declaration of Human Rights. Today the UN reports on the degree to which countries are adhering to the Declaration. A negative assessment from the United Nations carries great weight within the international community.

SOURCE 4 In 2010 the UN's Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, finished an 11-day tour of Australia. While he praised certain aspects of the way Australia had dealt with its Indigenous population, he was highly critical of the ongoing intervention (see 4.12).

During my time in Australia, I have been impressed with demonstrations of strong and vibrant Indigenous cultures and have been inspired by the strength, resilience and vision of Indigenous communities determined to move toward a better future despite having endured tremendous suffering at the hands of historical forces and entrenched racism. It is clear that these historical forces continue to make their presence known today, manifesting themselves in serious disparities between Indigenous and non-Indigenous parts of society, including in areas of life expectancy, basic health, education, unemployment, **incarceration**, children placed under care and protection orders, and access to basic services.

Given these disparities, the Government has developed and implemented a number of important initiatives in order to 'close the gap' of Indigenous disadvantage within a wide range of social and economic areas, with a stated emphasis on women and children, and these programmes must continue to be improved and strengthened... Aspects of the Government's initiatives to remedy situations of Indigenous disadvantage, however, raise concerns. Of particular concern is the Northern Territory Emergency Response...

4.2 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.2 Exercise 1: Check your understanding

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3. <content to come—leave 1 line>
4. <content to come—leave 1 line>
5. <content to come—leave 1 line>

4.2 Exercise 2: Apply your understanding

1. **HS3 SOURCE 1** presents an Aboriginal perspective on a particular event — the swearing-in ceremony for police constables. Why would you regard **SOURCE 1** as a primary source? What might be its strengths and weaknesses as a historical source?
2. **HS3** What primary sources do you think the producers of *Rabbit-Proof Fence* (see **SOURCE 2**) would have consulted when making the film? What different biases do you think such filmmakers would need to guard against to ensure their depiction of events was factual?
3. **HS3** What statement is the cartoonist trying to make in **SOURCE 3**? What images support this message? Is it an effective statement? Why or why not?
4. **HS3** In **SOURCE 4**, UN representative James Anaya praises certain aspects of Australia's treatment of Aboriginal and Torres Strait Islander peoples and criticises others. What are they?
5. <content to come—leave 2 line>

Try these questions in learnON for instant, corrective feedback. Go to www.acplus.com.au.

4.3 The beginnings of an Aboriginal protest movement

4.3.1 Protests during the 1920s

When Captain James Cook claimed Australia's east coast on behalf of Britain in 1770, the principle of **terra nullius** that was applied meant that no treaty was ever made with Australia's First Peoples. The arrival of the First Fleet in Sydney Cove on 26 January 1788 marked the beginning of European settlement or, from an Aboriginal perspective, the European invasion of a land they had lived in continuously for thousands of years. Early protests in the first century and a half of European control were overwhelmed by a system that recognised neither Aboriginal law and customs nor their custodianship of the land. But as the twentieth century progressed, a more organised and formal protest movement began to take shape.

The first Aboriginal political organisations were formed in the 1920s. Foremost among these was the Australian Aboriginal Progressive Association (AAPA) formed by Fred Maynard in New South Wales in 1924. Maynard had been inspired by black activists in the United States. At the forefront of the Association's goals was the right for Aboriginal self-determination, including a right to land and an end to children being forcibly removed from their families. Street rallies, well publicised meetings, letter writing campaigns and petitions gained public attention. Jane Duren, a member of the Association, wrote a letter to King George V about conditions for Aboriginal people. In 1927, Fred Maynard wrote a letter of protest to the Premier of New South Wales, Jack Lang, calling for the restitution of Aboriginal land (see **SOURCE 1**). By late 1927, the Association had disbanded after a concerted campaign against Maynard and the Association by the Aboriginal Protection Board which administered the *Aborigines Protection Act*.

SOURCE 1 Fred Maynard's letter of protest to the New South Wales Premier in 1927

I wish to make it perfectly clear on behalf of our people, that we accept no condition of inferiority as compared with European people. Two distinct civilisations are represented by the respective races... That the European people by the arts of war destroyed our more ancient civilisation is freely admitted, and that by their vices and diseases our people have been decimated is also patent. But neither of these facts are evidence of superiority. Quite the contrary is the case. Furthermore, I may refer in passing, to the fact that your present scheme of old age pensions was obtained from our more ancient code, as likewise your child endowment scheme and widows pensions. Our divorce laws may yet find a place on the Statute Book. The members of the Board [the AAPA] have also noticed the strenuous efforts of the trade union leaders to attain the conditions which existed in our country at the time of the invasion by Europeans — the men only worked when necessary, we called no man 'master' and we had no king. We are therefore, striving to obtain full recognition of our citizen rights on terms of absolute equality with all other people in our land. The request made by this Association for sufficient land for each eligible family is justly based. The Australian people are the original owners of this land and have a prior right over all other people in this respect. Our request to supervise our own affairs is no innovation. The Catholic people in our country possess the right to control their own schools and homes, and take pride in the fact that they possess this privilege. The Chinese, Greeks, Jews and Lutherans are similarly favoured and our people are entitled to precisely the same conditions.

4.3.2 A day of mourning

In an echo of the earlier AAPA, in 1937 the Aborigines Progressive Association was formed in New South Wales with three main aims: full citizenship rights for Aboriginal Australians, Aboriginal representation in parliament and abolition of the New South Wales Aborigines' Protection Board. For the newly formed Association, Australia Day 1938 became a focus for action. 26 January 1938 was the 150th anniversary of the day Captain Arthur Phillip planted the British flag at Port Jackson. All six state premiers had arrived in Sydney; the finishing touches were being put on 120 street floats, and the crowds were gathering as the city prepared for a spectacular show. Having been denied access to Sydney Town Hall, Indigenous activists and community members, led by William Cooper and Jack Patten, walked in silent protest to Australia Hall, which they had to enter via the back door. So began Australia Day 1938: for the country's mostly white population, this was a day to celebrate; for Australia's First Peoples, it was a day of mourning.

Building a movement

In the months leading up to January 1938, Jack Patten, the first president of the Aborigines' Progressive Association (APA), and William Cooper, secretary for the Australian Aborigines League, had visited missions and reserves to gain support for the Day of Mourning protest. Patten had also worked with William Ferguson, founder of the APA, to put together a 12-page document entitled 'Aborigines Claim Citizenship Rights', which ran in many national newspapers. Despite widespread support for the event within the Aboriginal community, only about 100 people would attend, because Australian law forbade Aboriginal people from gathering to protest. Despite the printed warning that 'Aborigines and persons of Aboriginal blood only are invited to attend', four non-Aboriginal people attended the gathering. Two were police officers; the others were representatives from *Man Magazine*, who would document the day's events for a story entitled 'Aborigines Meet, Mourn while White-Man Nation Celebrates'.

DO YOU KNOW?

The Aboriginal persons brought by the federal government from country New South Wales as forced participants in a re-enactment ceremony were kept locked in the stables at the Redfern police station until the ceremony.

SOURCE 2 As dignitaries watched on, Indigenous people, brought to Sydney especially for the event, re-enacted the landing of the First Fleet at Farm Cove 150 years earlier.



Source: Mitchell Library, State Library of NSW. Call no. Home & Away – 17963

SOURCE 3 The Day of Mourning was the first organised civil rights protest by Aboriginal and Torres Strait Islander peoples. Two of the day's organisers, William Ferguson and Jack Patten, are pictured at far left and right respectively.



4.3.3 Results of the Day of Mourning

As the Day of Mourning protest began, telegrams of support from around Australia were read out. Then Jack Patten read the following resolution (see **SOURCE 4**):

We, representing the Aborigines of Australia... on the... 150th anniversary of the whitemen's seizure of our country, hereby make protest against the callous treatment of our people... and we appeal to the Australia nation of today... for... full citizen status and equality within the community.

During the protest, the group discussed the brutal treatment of Aboriginal people by the Aboriginal Protection Board and the unfair removal of children from the reserves, as well as the need for equal rights. The protest culminated in the formation and approval of a 10-point plan for equality. The plan outlined the importance of giving Aboriginal and Torres Strait Islander peoples full citizenship status, as well as access to education, health services and employment. The plan also demanded that Aboriginal and Torres Strait Islander peoples be allowed to own property, possess a bank account and receive a pension

— rights automatically granted to Australia's white population. The day ended with members of the protest walking to La Perouse, one of the original landing spots for the First Fleet, where they released funeral wreaths into the sea.

SOURCE 4 NFA President Jack Patten (right) reads the resolution.



Source: Mitchell Library, State Library of NSW. Call no. MLQ 059/9

Following the success of the Day of Mourning protest, a delegation of 20 Indigenous persons led by Jack Patten and William Ferguson presented the Australian Prime Minister, Joseph Lyons, with the 10-point plan for equality. Despite the prime minister's willingness to listen to the delegation, it would take another 30 years and another generation of activists before Indigenous peoples would even be counted in the national census.

SOURCE 5 Following the Day of Mourning, Australia's Indigenous community began publishing its first newspaper, *Abo Call*, edited by Jack Patten.

To all Aborigines!

'The Abo Call' is our own paper.

It has been established to present the case for Aborigines, from the point of view of the Aborigines themselves.

This paper has nothing to do with missionaries, or anthropologists, or with anybody who looks down on Aborigines as an 'inferior' race.

We are NOT an inferior race, we have merely been refused the chance of education that whites receive. The 'Abo Call' will show that we do not want to go back to the Stone Age.

Representing 60 000 Full Bloods and 20 000 Halfcastes in Australia, we raise our voice to ask for Education, Equal Opportunity, and Full Citizen Rights.

'The Abo Call' will be published once a month. Price 3d [3 pence].

The Editor asks all Aborigines and Halfcastes to support the paper, by buying it and also by acting as agents for sale to white friends and supporters.

4.3 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing, chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.3 Exercise 1: Check your understanding

- HS1** When was the Australian Aboriginal Progressive Association formed and by whom?
- HS1** List the goals of the Association.
- HS1** How did the Association attempt to achieve these goals?
- HS1** How did the leaders of the Day of Mourning Protest build up support in the months leading up to January 1938?
- HS1** How many people attended and why were the numbers low?
- HS1** What examples of inequality between white Australians and Aboriginal Australians could be seen on Australia Day 1938?
- HS1** Name three things that Aboriginal activists wanted the government to change in 1938.
- HS1** What was the 10-point plan?
- HS1** Why did Aboriginal activists release funeral wreaths into the sea following their protest?

4.3 Exercise 2: Apply your understanding

- HS3** Study **SOURCE 1** and answer the following questions.
 - What does Fred Maynard suggest is contrary evidence to the superiority of European people?
 - Who are the 'Australian people' referred to in this letter? How do you know this?
 - What arguments are presented for the rights of Aborigines to supervise their own affairs?
 - What assumptions might you make about the writer of this letter? Justify these.
- HS3** Based on **SOURCES 2** and **3**, how did white Australia view Aboriginal people in 1938? How did Aboriginal people view themselves?
- HS3** Examine the introduction to the *Abo Call* (see **SOURCE 5**) and answer the following questions.
 - What was the purpose of the paper? How can you tell?
 - In what ways did the *Abo Call* seek to challenge white preconceptions about Indigenous people?
 - In what ways did it encourage Indigenous people to think for themselves?
- HS3** **SOURCES 2** and **4** show contrasting depictions of Aboriginal people. Comment on this contrast.
- HS3** Examine **SOURCES 4** and **5**. Analyse what the main grievances are that were felt by Jack Patten and his supporters and list them in dot points.

6. **HS4** Describe why you think Aboriginal activists such as William Ferguson, William Cooper and Jack Patten decided to use the theme of ‘mourning’ for 26 January 1938? How else could they have presented their protest to create a different effect? Do you think this would have been more or less effective than the protest they made?
7. **HS4** Identify what changes in politics and society you think would need to have taken place before Aboriginal and Torres Strait Islander peoples would be given citizenship. Are you surprised that gaining citizenship took almost 30 years after the Day of Mourning?
8. **HS6** Based on what you have read in this subtopic, explore whether you consider the Day of Mourning a turning point for Aboriginal Australia. Write 150 words explaining your position.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.4 The Stolen Generations

4.4.1 Government policy: from ‘protection’ to assimilation

During the 1800s the colonial authorities believed that a protection system was the best way to look after Aboriginal peoples. This meant setting up special communities for them where they could farm the land and live off the produce. However, Aboriginal peoples moved across their country on a seasonal basis and many could not get used to this new way of life. The *Aborigines Protection Act 1909* gave the authorities licence to ‘provide for the custody, maintenance and education of the children of aborigines’. By 1911 the Northern Territory, along with all states except Tasmania, had given the Board of Protection control over Indigenous people. The Board was also made the legal guardian of all Indigenous children. Enforcing this legislation was left to ‘protectors’, who were usually police officers. Those children who were taken from their families would become known as the ‘Stolen Generations’.

Governments believed the best way to ensure that Indigenous children (especially those of mixed descent) were **assimilated** into European society was to remove them — forcibly, if necessary — from their families and raise them in institutions or foster homes. Paul Hasluck, who was appointed Federal Minister for Territories in 1951, articulated the thinking behind this strategy: ‘Assimilation means, in practical terms, that, in the course of time, it is expected that all persons of aboriginal blood or mixed blood in Australia will live like other white Australians do.’

The *Child Welfare Act 1939* had provided parents with the right to contest the removal of their children. However, with many Children’s Courts located far from the Indigenous communities from which the children had been taken, and with no legal assistance provided for parents, it was extremely difficult for

SOURCE 1 Extract from *Aborigines Protection Act, Act No 25, 1909*

144	Act No. 25, 1909.
	<i>Aborigines Protection.</i>
	Act No. 25, 1909.
ABORIGINAL PROTECTION.	An Act to provide for the protection and care of aborigines; to repeal the Supply of Liquors to Aborigines Prevention Act; to amend the Vagrancy Act, 1902, and the Police Offences (Amendment) Act, 1908; and for purposes consequent thereon or incidental thereto. [20th December, 1909.]
Short title.	B E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—
Repeal.	1. This Act may be cited as the “Aborigines Protection Act, 1909,” and shall come into force on a date to be fixed by proclamation of the Governor in the Gazette.
Interpretation.	2. The Acts specified in the Schedule hereto are, to the extent indicated, repealed.
	3. In this Act, unless the context or subject matter otherwise indicates or requires:—
	“Aborigine” means any full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who applies for or is in receipt of rations or aid from the board or is residing on a reserve.
	“Board” means board for protection of aborigines constituted under this Act.
	“Liquor” means and includes wine, spirits, beer, porter, stout, ale, cider, perry, or any spirituous or fermented fluid whatever capable of producing intoxication.
	“Local Committee” means committee appointed by the board to act in conjunction with the board under this Act.
	“Prescribed” means prescribed by this Act or the regulations.
	“Reserve” means area of land heretofore or hereafter reserved from sale or lease by the Governor, or given by or acquired from any private person, for the use of aborigines.
	“Regulations” means regulations in force under this Act.
	“Stations” means stations on reserves.
Constitution of board.	4. (1) There shall be a board, to be styled “The Board for Protection of Aborigines,” to consist of the Inspector-General of Police,

parents to get their children back. Once they had been removed, many Indigenous children were sexually exploited or physically abused, and were denied any contact with their families. Between 1910 and 1970 it is estimated that 10–30 per cent of Indigenous children were forcibly removed from their families in the name of assimilation. This means that many Indigenous families, from every state and territory, were directly affected by the forced removal of one or more children.

SOURCE 2 An extract from the 1989 book *Wanamurraganya: The Story of Jack McPhee*. The narrator is being shown around a compound for Aboriginal children.

‘This part is called the compound,’ he told me, ‘there’s the church, sewing room, dormitories where they keep all the kids, store, you’ve seen the office and the hospital.’

‘Whose kids are they?’

‘Anybody’s. Some got their names changed. You know whitefellas, if they can’t get their tongue around your name they call you something else. No one be able to find these kids now.’

I was thinking to myself, to take a child from its mother is a cruel thing. The mother has given the life, suffered for it, it’s not right that life is taken from her.

‘When a family comes in,’ said Jack, ‘the kids live in dormitories, others down in the camp.’...

‘Jeez, Jack, is this a prison?’

He laughed. ‘Trackers here too. Bring you back if you run away.’

‘Can’t you do something?’

‘Who will listen, brother? Boss reads all the mail that goes out and comes in.’

4.4.2 Life in the Homes

At Kinchela Boys Home on the mid-north coast of New South Wales, Aboriginal boys were taught to farm the land and operate heavy machinery such as tractors. Between 1924 and 1970, 600 boys were taken to Kinchela, where they were stripped of their names and given numbers instead, were forbidden from speaking their own language and were severely punished by the staff for disobedience. According to Cecil Bowden, a former resident, the most brutal punishment was being sent ‘down the line’: ‘They’d have to walk the line and 60 or 70 boys would have to punch them, punch that person as hard as they could, just to satisfy those people who were running the home.’

SOURCE 3 An extract from the *Bringing Them Home* report. Rose lost contact with her brothers and sisters in 1958, when she was nine years old.

The kids was glad to see Mum and Dad at court. They were jumping all over them. Glad to see them. When the Welfare took the kids off Mum and Dad they were holding out their arms trying to stay with Mum and Dad. Everyone was crying Dad. Sad. Sad. After the kids had gone to the home Mum and Dad hit the grog hard as they had done everything in their power and in their hearts to keep us away from the (predators) the Welfare. But they sniffed us out of the bush like dogs.

My parents couldn’t handle the trauma of not having the closest warmth loving caring family we were. They separated. My Mum went one way; my Dad went his way.

And I was 9 years of age left to go my way. I didn’t know anyone. So I lived with Koori families who took me in. And in return I would look after their kids while they went picking just so I had some sort of family caring. I done this for years. Still not knowing where my brothers and sisters were. I tried hard to find them but couldn’t.

The families that took me in I have a lot of respect for them because they tried to mend a 9 year old’s broken heart...

The Cootamundra Domestic Training Home for Aboriginal Girls was the destination for generations of Aboriginal girls removed from their families between 1911 and 1969. The girls would stay at Cootamundra in the South West Slopes region of New South Wales until the age of 14, when they would be sent to work as domestic servants in the homes and farms of New South Wales’ middle class. Once in domestic service, many girls became pregnant, only to have their own children removed and placed with white families.

SOURCE 4 Residents of the Cootamundra Domestic Training Home for Aboriginal Girls



4.4 ACTIVITY

You have been asked to design a museum exhibit about the Stolen Generations. What objects will you include? Using your library and the internet for reference, either draw or collect pictures of your selected objects, together with a descriptive label explaining why each is significant.

Using historical sources as evidence

4.4 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.4 Exercise 1: Check your understanding

- HS1** What power did the Board of Protection have over Aboriginal people?
- HS1** Explain the concept of ‘assimilation’ in your own words.
- HS1** What was the purpose of the assimilation strategy?
- HS1** Why were Aboriginal children taken from their families? Give as many reasons as you can.
- HS1** Why was it so difficult for Aboriginal parents to contest the removal of their children?
- HS1** Using the information in this section, describe how boys and girls were treated once they were removed from their families.
- HS1** Why do you think the estimated numbers of children removed from their families varies so markedly between one in three and one in ten?

4.4 Exercise 2: Apply your understanding

- HS3 SOURCE 1** is the beginning of *The Aborigines Protection Act 1909*. After reading it carefully, what do you think the purpose of the Act was? What beliefs about Aboriginal people do you think the people who wrote the Act held?
- HS3** It is the morning after four Aboriginal children have escaped from the compound described in **SOURCE 2**. What do you think might happen to the children still in the compound?
- HS3** Study **SOURCE 3** and answer the following questions.
 - From the clues provided in Rose’s story, why do you believe her brothers and sisters were removed?
 - Why do you think Rose may have been left behind?
 - Which people were directly or indirectly affected in a negative way by the welfare workers’ decision to remove Rose’s brothers and sisters from the family?

4. **HS3** The girls pictured in **SOURCE 4** were being prepared specifically for domestic work. What does this suggest about the sorts of jobs that the Aboriginal Protection Board believed Aboriginal children were best suited for?
5. **HS3** Evaluate the usefulness of using individual stories such as **SOURCE 2** and **SOURCE 3** as evidence to assist our understanding of the impact of the government policy of child removal on Indigenous people.
6. **HS3** Do **SOURCES 2, 3** and **4** offer support for each other? Explain your answer fully.
7. **HS5** Use a fishbone diagram to identify the causes of why children were 'stolen' and the consequent effects.
8. **HS5** Identify who you think was more fortunate, the girls in Cootamundra or the girls left behind, such as Rose? Explain your view, using information and quotes from this subtopic.
9. **HS5** Imagine you are a nine-year-old Aboriginal or Torres Strait Islander girl or boy and have just been taken into the custody of the state. Which would be hardest to leave behind: your family, your language or your culture? Explain your choice.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.5 Influence on Australia of civil rights movements abroad

4.5.1 International call for civil rights

In the 1940s, many of the rights and freedoms enjoyed by white people in settler nations such as America and Australia were not shared by the nations' minorities. To many people this seemed wrong, but it would be the mid 1950s before leaders would emerge to challenge this widespread inequity and mistreatment. They were part of the civil rights movement. This movement would build during the 1960s, generating a worldwide demand for change.

On 10 December 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), an international agreement that outlined the rights and freedoms that should be accorded to all people. As a founding member of the UN, Australia played a prominent role in establishing the Declaration under the guidance of Dr Herbert Vere Evatt, who became the president of the United Nations General Assembly in 1948. Dr Evatt, a former High Court judge, Attorney General and Minister for External Affairs, was known for defending civil liberties. The Declaration began by recognising that 'the inherent dignity and the equal and **inalienable** rights of all members of the human family is the foundation of freedom, justice and peace in the world'. Although it was not a **treaty**, the Declaration was seen as an international call for civil rights.

SOURCE 1 A photograph of Eleanor Roosevelt holding the Declaration of Human Rights



SOURCE 2 Eleanor Roosevelt became the First Lady of the United States when her husband, Franklin Delano Roosevelt, was elected president in 1933. An author and activist in her own right, Eleanor Roosevelt was a US delegate to the United Nations General Assembly from 1945 to 1952, and played a crucial role in developing the Universal Declaration of Human Rights.

Where, after all, do human rights begin? In small places — close to home — so close and so small that they cannot be seen on any maps of the world. Such are the places where every man, woman and child seeks equal justice, equal opportunity, and equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

4.5.2 Civil rights in America — desegregation

On 1 December 1955 an African-American seamstress named Rosa Parks sat halfway down a bus in Montgomery, Alabama, just behind the section reserved for white passengers (see **SOURCE 3**). When a white man got on the bus, the driver asked her to stand to make room for him, but Rosa Parks politely refused. ‘When I made that decision,’ she said later, ‘I knew that I had the strength of my ancestors with me.’

For her refusal to give up her seat, Rosa Parks was arrested and charged with breaking the segregation laws. At the time, the African-American community made up the majority of Montgomery’s bus passengers. Sparked by Rosa Parks’s defiance, they began to refuse to take the bus. The boycott lasted 381 days until the politicians caved in and abolished the bus segregation laws.

SOURCE 3 This excerpt from the Montgomery City Code refers to segregation of black and white people on the buses, which was the basis of Rosa Parks’s protest.

Sec. 10. Separation of races — Required.

Every person operating a bus line in the city shall provide equal but separate accommodations for white people and negroes on his buses, by requiring the employees in charge thereof to assign passengers seats on the vehicle under their charge in such manner as to separate the white people from the negroes, when there are both white and negroes on the same car; provided, however, that negro nurses having in charge white children or sick or infirm white persons, may be assigned seats among white people.

Nothing in this section shall be construed as prohibiting the operators of such bus lines from separating the races by means of separate vehicles if they see fit.

DID YOU KNOW?

Racism is based on the belief that a person’s race determines their ability and attributes, and that some people are inherently inferior to others. In the 1930s Hitler invoked racist theories to justify his persecution of the Jewish people. The same theories were used to justify racial segregation in the United States, South Africa and Australia.

Little Rock, Arkansas

On 17 May 1954 the US Supreme Court had ruled that segregation of public schools was **unconstitutional**. Later that year the Little Rock, Arkansas, school board had agreed to gradually desegregate its schools. Desegregation began on the first day of the school year, 1957. That morning, the nine African-American students enrolled at Little Rock Central High, thereafter known as the ‘Little Rock Nine’, were met by an angry mob, 1200 soldiers sent to the school for their protection and the world’s media.

During the year she attended Little Rock Central High, Minniean Brown-Trickey was verbally abused, pushed down the stairs and spat on. Not all the white students were hostile towards the new arrivals, but those who showed them kindness were liable to be beaten up themselves. Later she would recall, ‘There were 100 bad kids and 1900 silent witnesses’. Her story, and those of the other eight students, would go on to inspire a generation of black Americans.

SOURCE 4 On 4 September 1957 the Little Rock Nine attended their first day of school. This simple act would change America forever.



Looking back on her year at Little Rock Central High, Minnijean Brown Trickey said, ‘History holds up a mirror showing the good things about us and the bad things about us. We have to choose. Do we want to be part of the mob attacking children or the children walking with dignity?’

4.5.3 Protests in the United States gain momentum

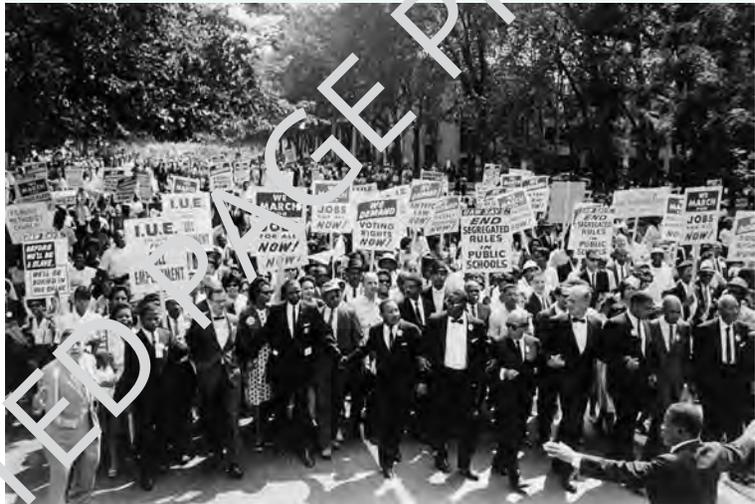
As the civil rights movement in America grew, particularly in the southern states where segregation was worse, there was great potential for violence. Although violence did erupt in states like Alabama, there were other voices preaching another way.

Martin Luther King

The Montgomery bus boycott had been organised by the Montgomery Improvement Association. Made up of ministers and activists, the group was led by a charismatic young civil rights campaigner named Martin Luther King Jr. His philosophy was simple: anything could be achieved by using non-violent resistance, so long as you could convince enough people to join the cause.

This philosophy was based on both his training as a minister and his interest in the work of Mohandas (Mahatma) Gandhi, whose non-violent protests had successfully challenged the British and won independence in India. Dr King summed up his philosophy by suggesting that ‘the Christian doctrine of love operating through the Gandhian method of non-violence was one of the most potent weapons available to oppressed people in their struggle for freedom’. One of Dr King’s most well known actions was the March on Washington for Jobs and Freedom (1963), where he delivered his most famous speech, remembered by the words, ‘I have a dream...’

SOURCE 5 Dr Martin Luther King Jr (centre), in the March on Washington for Jobs and Freedom, August 1963



on Resources

 **Video eLesson** Martin Luther King at the Washington civil rights rally (eles-2606)

4.5.4 Freedom Rides in the United States

The Freedom Rides in America began in May 1961. The riders were volunteers — 13 activists from the Congress of Racial Equality (CORE) and the Student Nonviolent Coordinating Committee (SNCC). The activists set out from Washington DC to journey through the southern states of Virginia, North and South Carolina, Georgia, Alabama and Missouri to a planned rally in Louisiana. The white response in the states through which the two buses journeyed was often violent and full of hate. White mobs wielded baseball bats, bicycle chains and iron bars. Near Anniston, Alabama, on 14 May 1961, a white mob smashed the bus windows, slashed the tyres and later firebombed the bus. Several Freedom Riders were badly injured. Violence continued over subsequent rides with state authorities doing little to intervene.

Although Martin Luther King never joined the Freedom Riders’ campaign, he became one of their major spokespeople. When a 3000-strong mob blockaded the First Baptist Church in Montgomery, Alabama, where King was rallying support for the campaign, authorities responded only when US Attorney-General Robert Kennedy mobilised the National Guard who dispersed the mob with tear gas.

SOURCE 6 Map showing the routes taken by the Freedom Riders



Source: Spatial Vision

Results of the Freedom Rides

The Freedom Rides and the violent responses to them resulted in international media attention, embarrassing the US government. Although federal laws existed that ruled segregation illegal, state administrations, particularly in the south, ignored them. The Freedom Rides continued until the Interstate Commerce Commission (ICC) forced bus companies to introduce desegregation. The goals of the campaign — to create headline news internationally and to gain publicity for the civil rights movement — were in large part achieved. Civil disobedience had proved a powerful way to protest against racist policies and effect change.

SOURCE 7 Freedom Riders sit beside their burned out bus near Anniston, Alabama, 14 May 1961



Explore more with my  **World History Atlas**

Deepen and check your understanding of the topic with the following resources and auto-marked questions.

- 4.5 Influence on Australia of civil rights movements abroad > **Civil rights movements**

4.5 ACTIVITY

Imagine you are one of the Little Rock Nine or one of their classmates. Write 500 words describing your first day at school and the responses of those people you see around you. You may need to conduct more research about the event before you begin.

Using historical sources as evidence

4.5 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.5 Exercise 1: Check your understanding

- HS1** When did the United Nations General Assembly adopt the UDHR? Use your general knowledge to explain what previous event had led to this point.
- HS1** Who was Dr Evatt?
 - What is his contribution to the history of civil rights?
 - Why do some argue that he should be more widely recognised in Australia?
- HS1** What is the difference between a declaration and a treaty? Do you think that the UDHR should have been a treaty? Would it have made any difference?
- HS1**
 - Why was Rosa Parks arrested in 1955?
 - What resulted from her arrest and the subsequent boycott?
- HS1** Why was the first day of school in 1957 such an important day for Little Rock, Arkansas?
- HS1** What was Martin Luther King Junior's resistance philosophy?
- HS1** Explain the two main influences on Dr King's viewpoints.
- HS1**
 - Who were the Freedom Riders?
 - What was the response of some white Americans to the Freedom Rides?
 - Identify the outcome of the Freedom Rides.
- HS1** Explain what the term 'civil disobedience' means.

4.5 Exercise 2: Apply your understanding

- HS3** **SOURCE 2** is a quote from one of the United Nations' most highly regarded statespersons, Eleanor Roosevelt.
 - What does this quote mean?
 - Who does it seem to be aimed at?
 - In what way could its message be seen to be reflected in the Universal Declaration of Human Rights?
- HS3** The Montgomery City Code (see **SOURCE 3**) claimed to offer 'separate but equal' treatment to white and black passengers. Identify other words and phrases in this source that might be said to contradict this claim.
- HS3** Explain, using **SOURCE 4** and the text as your evidence, the motivations behind the Little Rock Nine's actions.

4. **HS3** Examine **SOURCE 5** and answer the following.
 - (a) What were these protesters aiming to achieve?
 - (b) What examples of non-violent protest are evident?
 - (c) What role do white people appear to be playing in the protest?
5. **HS3** From a study of **SOURCE 6**, what factual statements could you make about the Freedom Rides?
6. **HS3** Martin Luther King never participated in a Freedom Ride. Based on **SOURCE 7**, why might he have made a conscious decision not to participate?
7. **HS3** What does **SOURCE 7** tell you about the risks undertaken by a Freedom Rider?
8. **HS3** Using the sources in this subtopic, write a paragraph about why you think some white Americans resisted the civil rights campaigns so violently.
9. **HS3** Explain, using **SOURCES 1, 4, 5 and 7**, the power of photography as a source of historical evidence.
10. **HS4** Identify the significant events mentioned in this subtopic and rank them in order of their impact on bringing about change. Be prepared to justify your ranking.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.6 The Freedom Ride in Australia

4.6.1 Charles Perkins — activist

Aboriginal and Torres Strait Islander peoples won the right to vote in federal elections in 1962; but even then they were not counted in the census and their affairs were still managed by the state governments. But growing awareness of human rights issues, specifically relating to racial discrimination, was beginning to turn the tide for Indigenous people in Australia. All the issue needed, it seemed, was a voice.

Charles Perkins was born in 1936 in the Alice Springs Telegraph Station Aboriginal Reserve. When he was 10, his mother arranged for him to be taken to an Anglican Boys' Hostel in Adelaide to have, in his words, 'the colour washed out of him'. His sporting talent as a soccer player opened doors of opportunity for him: in 1965 he became the first Aboriginal person to graduate from university. By then he was already a strong campaigner for Indigenous rights.

DISCUSS

The image of Charles Perkins in **SOURCE 1** has been described as 'iconic'. In what ways is it iconic? Discuss.

[Critical and Creative Thinking Capability]

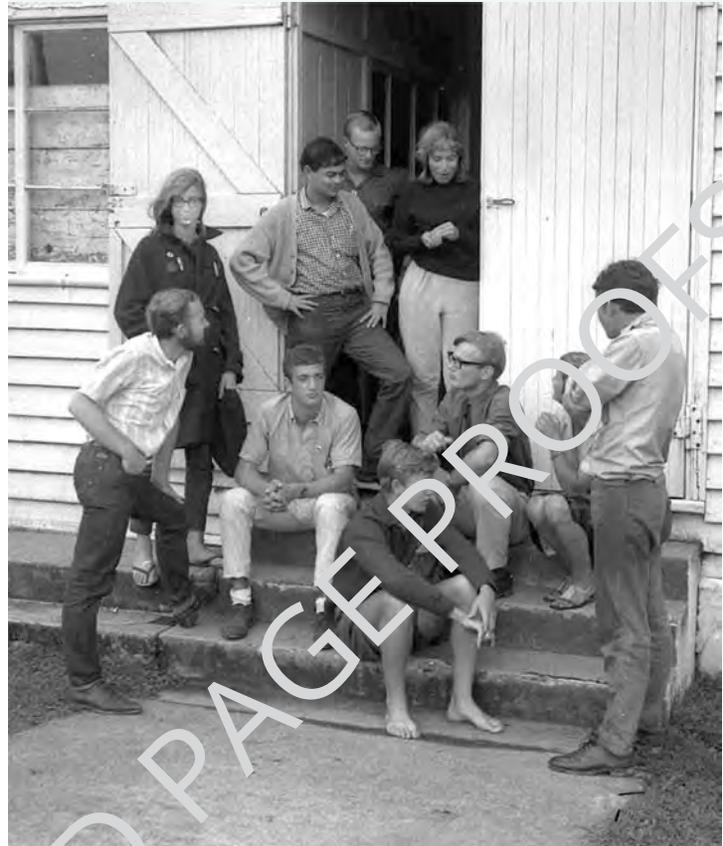
Inspired by a similar civil rights action in America, Perkins organised the Freedom Ride of 1965, in which a group of 30 white university students from Student Action for Aborigines (SAFA) would take a bus tour of outback New South Wales. The journey was intended to be a 'study tour' of race relations in Australia.

As the bus readied to leave on 12 February 1965, the Reverend Ted Noffs said a prayer: 'Almighty God... we ask now that Thy blessing will rest upon these Australians as they journey out [and] endeavour to bring reconciliation and healing among people who have been divided because of the colour of their skin.' Over the following two weeks, the group saw the desperate poverty and often unsanitary living conditions experienced by Indigenous people and witnessed the racial discrimination directed against them. In the town of Moree Indigenous children were banned from using the public swimming pool. In Bowraville the cinema was partitioned. And in Walgett Indigenous veterans were allowed into the Returned Soldiers' League only on Anzac Day.

SOURCE 1 As a young man, Charles Perkins regularly took the bus from Sydney University to his home in Bondi. This **iconic** image was captured by photojournalist Robert McFarlane in 1961, when Perkins was just beginning to gain attention for his activism.



SOURCE 2 The Freedom Riders prepare to set out in 1965, unsure of what awaits them.



A hostile reception

As they drove 2300 kilometres around New South Wales, the Freedom Riders were subjected to a number of attacks. In Moree white women jeered and spat at the female students, while Jim Spiegelman was hit by a local. Perkins was threatened, punched in the back of the head and had an egg thrown down the back of his shirt. On a lonely country road, late at night, the students' bus was rammed by a farmer. Despite the physical toll taken on many Freedom Riders, the trip was an enormous success, attracting national and international media attention, and forcing Australians to confront the social tensions and inequity that were still rife in many parts of the country. Perkins would later write, 'What we gave Aboriginal people in the towns we visited was hope. We stirred their imagination, their desire for human rights'.

SOURCE 3 The route the Freedom Riders followed



Source: Spatial Vision

SOURCE 4 Diary entry from the Freedom Ride, Wellington

Went to settlement outside reserve. Police warned us not to go into reserve. Interviewed about ten tin shacks of people. Most of us found the questionnaires unsuitable. Houses of tin, mud floors, very overcrowded, kids had eye diseases, had to cart water (very unhealthy) from river. People fairly easy to talk to, kids quite friendly. General picture of extreme poverty but not a great deal of social discrimination. Got seven interviews on the settlement just outside the reserve, and two in the town. General picture of scarcity of jobs. Mainly garden work, which is very seasonal. Average of three months for year out of work. Some working on a dam nearby. Some did shearing jobs. Did not encounter or hear of any women with jobs at all. Did not seem to know much about social services etc.

Lunch 1.30. Apparently Jim S and a few others came across some discrimination in a pub. An aboriginal was allowed in only because he was with us. The publican said he only prevented aborigines from coming in 'if they were disorderly'. Charlie went in and there was some discussion between the barmaid and the publican before they served him. Some aborigines told us they had been kicked out of this pub, the 'Courthouse'. Left Wellington and arrived in Dubbo about 6.30 pm. Had tea, went for a swim, then to the Dubbo hotel. We noticed a sign above the doorway of the halfway hotel — 'Aborigines not allowed in the Lounge without the Licensee's permission'. We didn't do anything. Slept in the Methodist Church...

4.6.2 The legacy of the Freedom Ride

Newspaper and television coverage of the Freedom Ride created awareness and discussion in Australia about the racist injustices faced by Australia's First Peoples. This media attention and debate aided the campaign for removal of discrimination in the Australian Constitution, with the referendum in 1967 being carried. Charles Perkins had emerged as a national leader for Aboriginal Australians, and a role model for prosecuting a cause using non-violent means.

Charles Perkins's commitment to the Australian community was recognised at various points in his life. He became the Jaycees Young Man of the Year in 1966 and Aborigine of the Year in 1963; he was awarded the Order of Australia in 1987. He was elected to the Aboriginal and Torres Strait Islander Commission (ATSIC), serving as its deputy chairman in 1994 and 1995, and remained committed to Indigenous activism until his death in October 2000.

Perkins was not the only Freedom Rider whose life would be dedicated to social justice. Jim Spiegelman would later become Chief Justice of the NSW Supreme Court. For his contribution to bringing about a fairer and more equitable society he would be appointed a Companion of the Order of Australia. Former medical student Andrew Refshauge would become the Minister for Aboriginal Affairs. The Freedom Ride itself was an important event in the fight for Indigenous rights and freedoms and inspired a number of further 'freedom rides'.

SOURCE 5 In 2005, on the fortieth anniversary of Perkins's Freedom Ride, the bus set out again, filled with around 20 students and supported by the group reconciliACTION, who hoped to investigate how far country Australia had come in improving race relations since 1965.



4.6 ACTIVITIES

1. Using your local library or the internet, find out as much as you can about one of the towns visited by the Freedom Riders, including information about the Aboriginal population at the time of their visit.
 - (a) Why do you think the group might have chosen to visit this town, based on what you have learned?
 - (b) What do you think their impressions of the town would have been?
 - (c) How might the locals have responded to them?Justify your claims using evidence such as facts, figures and photographs.

Using historical sources as evidence

2. One of the significant elements of the Freedom Ride was that much of it was captured on film. What role do you think this played in the campaign? Research the incident in Walgett, NSW, where the vice-president of the Walgett Returned Service League Club was captured making racist comments on film.

Using historical sources as evidence

4.6 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.6 Exercise 1: Check your understanding

1. **HS1** What was Charles Perkins's background?
2. **HS1** What inspired Perkins to organise the bus ride in 1965?
3. **HS1** In what ways was the Freedom Ride about 'freedom'?
4. **HS1** What else was the trip about? How can you tell?
5. **HS1** What forms of resistance did the Freedom Riders encounter, and how did they combat them?
6. **HS1** Use evidence from this section to support the statement that Charles Perkins devoted his life to social justice for Indigenous people.

4.6 Exercise 2: Apply your understanding

1. **HS3** What aspects of **SOURCE 1** might have led to its becoming an iconic image of Charles Perkins?
2. **HS3** Based on the body language and clothing worn by the students in **SOURCE 2**, what words would you use to describe them? Do you think they were prepared for what they would find on their Freedom Ride? Explain your answer.
3. **HS3** Use **SOURCE 3** to work out on average, the amount of time the Freedom Riders spent in each location.
4. **HS3** Using the same diary format as **SOURCE 4**, write a short entry from the perspective of a Freedom Rider after visiting the town of Moree. Your diary entry should include events, thoughts and feelings.
5. **HS3** How do the people shown in **SOURCE 5** appear to be paying respect to Charles Perkins and his role in the Freedom Rides of the 1960s?
6. **HS3** What improvements to race relations do you think that the 2005 Freedom Ride from **SOURCE 5** would have discovered?
7. **HS5** Identify both the short-term and long-term effects of the Freedom Ride of 1965. Display these in diagrammatic form.
8. **HS5** Do you think controversy and civil disturbance are good ways to attract media publicity to a cause? Why or why not?
9. **HS5** Can you think of any other ways in which the plight of Aboriginal people could have been publicised in 1965? Think creatively and take risks in offering possible solutions.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.7 Being counted

4.7.1 The right to vote

In the early 1960s, following challenges to racial segregation overseas, many Australians were becoming increasingly uncomfortable with the unfair treatment of Australia's Indigenous peoples. The government was also under international pressure to make their policies more inclusive.

In 1961 a parliamentary panel recommended that Indigenous people be allowed to vote in federal elections. In March 1962 the *Commonwealth Electoral Act* was amended to provide that Indigenous people could enrol to vote in federal elections. While it was compulsory for other Australians to enrol, this was not the case for Aboriginal and Torres Strait Islander peoples. It was an offence for anyone to use undue influence or pressure to induce them to enrol. Once enrolled, however, voting was compulsory. It was not until 1971 that voting in state elections was made compulsory for Aboriginal and Torres Strait Islander peoples.

SOURCE 1 Aboriginal people exercise their democratic right to vote at a polling booth in Bagot Settlement, Northern Territory, in 1962. Prior to this, all Territory Aborigines had been deemed wards of the state and therefore denied the right to vote.



In 1962 the right to vote in state/territory elections was also extended to Indigenous people in the Northern Territory and Western Australia. It would take another three years before Queensland would join other states in permitting Aboriginal and Torres Strait Islander peoples to vote in state elections.

4.7.2 The 1967 Referendum

In 1967 there remained one area in which Aboriginal and Torres Strait Islander peoples were treated very differently from every other member of the Australian population: they were not counted in the national **census**. The census is a tool used by the government to count its citizens and extract important demographic information, such as their age and gender and where they live. This information can then be used to make appropriate plans for providing community services such as schooling, healthcare and housing.

The Australian Constitution stated, ‘In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.’ To Aboriginal activist Chicka Dixon, the message the Constitution conveyed was quite clear: ‘[It] said the Australian Commonwealth Government would recognise all races of people other than Aboriginal — in other words, we didn’t exist ...’

The only way to change the Constitution is to hold a **referendum**. Before 1967 there had been 26 referenda in Australia, only four of which had been carried (approved). For a proposal to succeed, a majority of voters must say ‘yes’; also, the majority ‘yes’ vote must occur in a majority of states (that is, at least four).

The referendum planned for 27 May 1967 would put two proposals to the Australian people:

- that Aboriginal people should be counted in the census
- that Aboriginal people should be placed under the jurisdiction of the Commonwealth, not state governments, so that laws affecting them could be implemented consistently and fairly across Australia.

Before the vote a publicity campaign was organised and all eligible voters were sent a booklet spelling out the ‘yes’ and ‘no’ cases. Both proposals received overwhelming **bipartisan** support, with a staggering 90.7 per cent of votes in favour, the highest ‘yes’ vote ever recorded in a referendum in Australia.

SOURCE 2 A poster for the ‘yes’ vote



SOURCE 3 This table was featured in an informative pamphlet provided to voters by the Federal Council for the Advancement of Aborigines (FCAA) prior to the referendum. It summarises the rights that indigenous people had in different states at the time.

Right	NSW	VIC	SA	WA	NT	QLD
Voting rights (state)	Yes	Yes	Yes	No	Yes	No
Marry freely	Yes	Yes	Yes	No	No	No
Control own children	Yes	Yes	No	No	No	No
Move freely	Yes	No	No	No	No	No
Own property freely	Yes	No	Yes	No	No	No
Receive award wages	Yes	No	No	No	No	No
Alcohol allowed	No	No	No	No	No	No

4.7.3 From assimilation to integration

After Aboriginal and Torres Strait Islander peoples had gained the rights to vote in federal elections and to be counted in the census, institutional discrimination began to soften. But the shift in policy from ‘assimilation’ to ‘integration’ was due, in large part, to the hundreds of thousands of new migrants who had entered the country since the end of World War II and were trying to find the balance between honouring their traditional beliefs, language and culture, and adopting the Australian way of life.

Unlike assimilation, **integration** policy did not require a person to deny their cultural background, including their language, in order to become a valuable member of society. Yet while integration was a step in the right direction, it fell short of recognising the true value of other cultures. Integration policy, like assimilation before it, still expected citizens to adapt to the needs of the country, rather than the other way around.

SOURCE 4 Pat O’Shane’s reaction to the result of the 1967 referendum. From Pat O’Shane, ‘Aboriginal People and Political Power’, quoted in C. Cunneen and T. Libesman 1995, *Indigenous People and the Law in Australia*, Butterworth, Sydney, pp. 214–5

My reaction to the referendum result was one of exhilaration. I thought that it was really going to sweep away the past, I suppose. I think probably to one degree or another we all felt that. I think those who had been really active in the campaign — certainly Aborigines and Islanders in the north, where I came from — felt that this was our liberation. Of course, it wasn’t; it didn’t work like that at all. The Queensland Act stayed there and the change to the Constitution didn’t do anything to alter that situation. But it was liberating to this extent: the people

actually knew, felt, believed that they were citizens of Australia. I think that made a very significant psychological difference to how we operated, because then it wasn't a question of our campaigns being directed at being recognised as Australian citizens but being able to fight other fights, wage other campaigns. So, it was an exhilarating experience for me and certainly for a lot of people that I worked with at that time.

4.7 ACTIVITY

Using your local library or the internet, learn more about the activists Chicka Dixon or Faith Bandler and their role in convincing Australians to vote 'yes' in 1967. Concentrate your research on your chosen activist's background and what might have motivated them to fight for this cause.

Using historical sources as evidence

4.7 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.7 Exercise 1: Check your understanding

- HS1** Answer true or false to the following statements.
 - The 1962 Electoral Act amendment was responsible for giving Aboriginal and Torres Strait Islander peoples the right to vote in state elections.
 - Queensland extended the right to vote in state elections to its Aboriginal and Torres Strait Islander population in 1965.
 - Under the 1962 Electoral Amendment Act, Aboriginal and Torres Strait Islander peoples were compelled to enrol to vote.
- HS2** Construct a timeline to show all the dates and events mentioned in section 4.7.1.
- HS1** Answer true or false to the following statements.
 - The census is an important tool in understanding the needs of a population.
 - The referendum of 1967 made Aboriginal and Torres Strait Islander peoples Australian citizens.
 - The proposals in the 1967 referendum were agreed to by the two major political parties.
- HS1** What result is required for a referendum proposal to be successful?
- HS1** In what way was the Australian Constitution amended as a result of the 1967 referendum? Why was this important?
- HS1** As an official policy, do you think that integration was an improvement on assimilation? Explain your answer.
- HS1** Why was the integration policy still not ideal?

4.7 Exercise 2: Apply your understanding

- HS3** Is **SOURCE 1** a primary or secondary source? Explain your choice.
- HS3** Study **SOURCE 2**
 - What 'play on words' is used in the poster in **SOURCE 2**? Do you consider it an effective way of getting the message across?
 - Who authorised this poster? Would you regard this as a reliable source based on this authorisation?
 - What do you think the message on a poster in favour of a 'No' vote might be?
- HS3** After reading **SOURCE 4** about Pat O'Shane's recollections of the time around the referendum, explain what her reaction to the referendum result was. What were they celebrating?
- HS3** Do you believe that Chicka Dixon was justified in his comments about the Australian Constitution? Why or why not?
- HS3** Using **SOURCE 3**, based on the rights held by Aboriginal people in Victoria, New South Wales and South Australia before the referendum, rank the states from best to worst. Why would you make this choice?
- HS5** Explain any differences between the two policies of assimilation and integration.
- HS5** Why did the shift from assimilation to integration happen?
- HS5** What was the impact of the shift?
- HS6** Evaluate the impact of the referendum on the move towards equal rights for Aboriginal and Torres Strait Islander peoples.

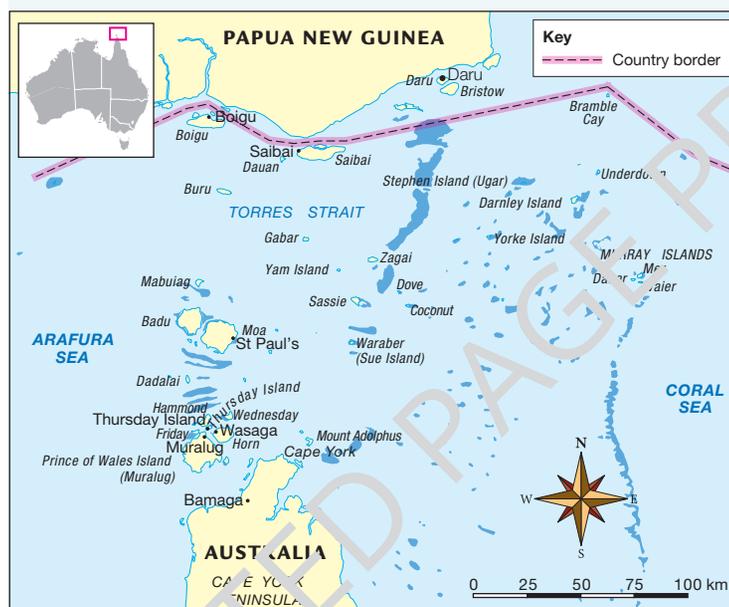
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4.8 Torres Strait Islander rights and freedoms

4.8.1 The Torres Strait Islander community today

Torres Strait Islander peoples are a separate people in origin, history and culture from Australia's mainland Aboriginal peoples. Traditionally, they lived on over 100 islands of the Torres Strait, close to the larger island of New Guinea. The islands became legally part of the state of Queensland in 1879. While many of the causes identified by Aboriginal Australians historically and today are also relevant to Torres Strait Islanders, there remain specific issues that relate to their unique geographical and historical context.

SOURCE 1 A map showing the location of the Torres Strait Islands. Australia's border is shown by the pink dotted line. The administrative centre is Thursday Island.



Source: MAPgraphics Pty Ltd, Brisbane.

The 2016 census recorded Australia's Aboriginal and Torres Strait Islander population at 649 200, comprising 2.8 per cent of Australia's total population. Of these 649 200 citizens, 4.1 per cent (26 600) reported being of both Aboriginal and Torres Strait Islander origin, and 5 per cent (32 400) were of Torres Strait Islander origin only. Thus, they can be regarded as a minority within a minority. Approximately 4000 live in the Torres Strait Islands, with the remainder of the population living in mainland Australia, predominantly Queensland.

SOURCE 2 The flag of the Torres Strait Islands portrays a white headdress (Dari) which is a symbol of the peoples who identify as Torres Strait Islanders. The five-pointed star symbolises the five major island groups. The green stripes represent the land, the black stripes the people and the blue the sea. In 1995, the federal government proclaimed the flag as a 'Flag of Australia', giving it legal recognition.



4.8.2 Struggles for recognition and rights

In the period from 1897, the Torres Strait Islander peoples were subject to the Queensland Aboriginals Protection and Restriction of the Sale of Opium Acts. Reserves were established from 1912 and a curfew and pass system controlled the lives of the people.

SOURCE 3 An extract from the *Torres Strait Islanders Act 1939*, which recognised, in its definitions, the separate status of Torres Strait Islanders.

Definitions. **3.** In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Council. "Council"—The island council constituted under this Act;

Director. "Director"—The Director of Native Affairs appointed under †*The Aboriginals Preservation and Protection Act of 1939* and charged with the administration of this Act: the term also includes the Deputy Director of Native Affairs or any officer who may be appointed as Assistant Director of Native Affairs;

Islander. "Islander"—Any person who is—
 (a) One of the native race of the Torres Strait islands,
 (b) A descendant of the native race of the Torres Strait islands and is habitually associating with islanders as defined in paragraph (a) of this definition.

TORRES STRAIT ISLANDERS 17803
 1939. *Torres Strait Islanders Act.* PART I.—
 PRELIMINARY.

(c) A person other than an islander as defined in paragraph (a) or (b) of this definition who is living on a reserve with an islander as so defined as wife or husband or any such person other than an official or person authorised by the protector who habitually associates on a reserve with islanders as so defined;

"Minister"—The Secretary for Health and Home Affairs or other Minister of the Crown charged for the time being with the administration of this Act;

"Prescribed"—Prescribed by this Act; Prescribed.

"Protector"—The Protector of Islanders: the term shall also include the Deputy Protector of Islanders;

"Regulations"—Regulations made under this Act; Regulations.

"Reserve"—Any Torres Strait island or part of a Torres Strait island heretofore or hereafter granted in trust or reserved from sale or lease by the Governor in Council for the benefit of islanders under the provision of any law in force in Queensland relating to Crown lands;

"This Act"—This Act and all Proclamations, Orders in Council, regulations and by-laws thereunder;

"Torres Strait island"—Any island north of eleven degrees south latitude which is part of the State of Queensland.

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The *Torres Strait Islanders Act 1939* recognised Torres Strait Islanders as a separate people after a maritime strike that protested for Islanders' rights to control wages and their own affairs under the Protection Acts. However, the Department of Native Affairs established under the Queensland Department of Health and Home Affairs continued to control many aspects of island life.

World War II discrimination

During World War II, more than 700 Torres Strait Islanders served in the Torres Strait Light Infantry Battalion. Others served in support roles in the defence forces, although none were initially permitted to advance beyond the rank of corporal. They were paid only one-third of the European rate and were given no family allowance. Torres Strait Islander soldiers staged sit-down strikes in 1943 and 1944, with the result that the army authorities raised their pay rate to two-thirds the European rate, but lowering what had been full **repatriation** benefits by a third. It was not until 1983 that the federal government repaid the full amount to those who had served. In 2015, Australia's prime minister at the time, Tony Abbott, awarded medals to three surviving Torres Strait Islander war veterans (see **SOURCE 4**).

SOURCE 4 Former Prime Minister Tony Abbott awards a medal to Bamia Mast, a veteran of World War II service in the Torres Strait Light Infantry Battalion.



Gaining the vote

As was the case for Aboriginal Australians, Torres Strait Islanders were not able to vote in federal elections until the passing of the Electoral Amendment Act in 1962. Torres Strait Islanders were denied the right to vote in state elections irrespective of whether they lived on island reserves in the Torres Strait or on the Queensland mainland. On 17 December 1965, the Elections Amendment Act was passed, extending voting rights to all Aboriginal and Torres Strait Islander people resident in Queensland. The first state election in which they were able to vote was held on 28 May 1966.

Torres Strait Islanders in national organisations

Torres Strait Islanders played an active role in national campaigns and organisations, particularly in the lead up to the 1967 Referendum. The Federal Council for Aboriginal Advancement became the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) in 1964 as a result of the work of Islanders such as Dulcie Flowers and Elia Ware. Elia Ware, a Torres Strait Islander from Moa, had served in the Torres Strait Light Infantry Battalion (see above) and became a foundation member of the Cairns Advancement League after moving there in the late 1950s. He was also active in the ongoing campaign to redress the discrimination against the Torres Strait Islander men who had served in the Light Infantry Battalion.

The Torres Strait Regional Authority

The Torres Strait Regional Authority (TSRA) was established on 1 July 1994 in response to local demands for greater autonomy. It is a Commonwealth statutory authority governed by the *Aboriginal and Torres Strait Islander Act 2005*. Torres Strait Islanders felt that they needed a separate organisation to deal with issues specifically relevant to their culture and their region (**ailan kastom**).

Today, the Authority has a Board which consists of 20 elected members who are all Torres Strait Islander or Aboriginal persons living in the region. They are elected every four years by their individual communities. The TSRA administers a Torres Strait Development Plan which contributes to closing the gap between Torres Strait Islander and Aboriginal peoples in the Torres Strait region and non-Indigenous people in mainland Australia.

SOURCE 5 An extract from the *Aboriginal and Torres Strait Islander Act 2005*

142A Functions of TSRA

Functions

1. The TSRA has the following functions:
 - a. to recognise and maintain the special and unique Ailan Kastom of Torres Strait Islanders living in the Torres Strait area;
 - b. to formulate and implement programs for Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area;
 - c. to monitor the effectiveness of programs for Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area, including programs conducted by other bodies;
 - d. to develop policy proposals to meet national, State and regional needs and priorities of Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area;
 - e. to assist, advise and co-operate with Torres Strait Islander and Aboriginal communities, organisations and individuals at national, State, Territory and regional levels;
 - f. to advise the Minister on:
 - i. matters relating to Torres Strait Islander affairs, and Aboriginal affairs, in the Torres Strait area, including the administration of legislation;
 - ii. the co-ordination of the activities of other Commonwealth bodies that affect Torres Strait Islanders, or Aboriginal persons, living in the Torres Strait area;
 - g. when requested by the Minister, to provide information or advice to the Minister on any matter specified by the Minister;
 - h. to take such reasonable action as it considers necessary to protect Torres Strait Islander and Aboriginal cultural material and information relating to the Torres Strait area if the material or information is considered sacred or otherwise significant by Torres Strait Islanders or Aboriginal persons;...

4.8 ACTIVITY

Undertake some research into the current issues that are of importance to Torres Strait Islander peoples. Do they have any similarities with the issues of importance to Aboriginal Australians? **Identifying continuity and change**

4.8 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.8 Exercise 1: Check your understanding

1. **HS1** Why can Torres Strait Islanders be described as 'a minority within a minority'?
2. **HS1** Do all Torres Strait Islanders live in the Torres Strait Islands? Explain.
3. **HS1** Do Torres Strait Islanders share a common origin and culture with Aboriginal peoples on the Australian mainland?
4. **HS1** What was the outcome of the *Torres Strait Islanders Act 1939*?
5. **HS1** Identify examples of discrimination against Torres Strait Islander men who served in World War II.
6. **HS1** When did Torres Strait Islander peoples gain the right to vote in:
(a) federal elections
(b) state elections?
7. **HS1** Who was Elia Ware and what were his achievements?
8. **HS1** Explain *ailan kastom*.

4.8 Exercise 2: Apply your understanding

1. **HS3** Study the map in **SOURCE 1**. How does this map show how geography might have influenced the identity, history and culture of Torres Strait Islander peoples?
2. **HS3** How could the Torres Strait Island flag shown in **SOURCE 2** be considered a historical source?
3. **HS3** According to the extract from the *Torres Strait Islanders Act 1939* (**SOURCE 3**), what was the definition of an Islander? Why was this definition of legal and historical significance?
4. **HS3** Study **SOURCE 4** and describe what is taking place. Why was this of historical significance to Torres Strait Islander peoples?
5. **HS3** Is **SOURCE 5** a primary or secondary source? How does it provide evidence for the recognition of *ailan kastom* in the Torres Strait Islands?
6. **HS3** Consider whether the sources in this subtopic support or deny a claim that Torres Strait Islanders have the right to be considered a separate Indigenous group within Australia. What might be the advantages and disadvantages of such separateness?
7. **HS4** Create a timeline to show the significant milestones covered in this subtopic in the history of Torres Strait Islander peoples' journey towards rights and freedoms.
8. **HS6** In the light of Australia's honouring of non-Indigenous men and women who served in World War II, how significant is it for Torres Strait Islander service to be recognised? Write a paragraph expressing your view.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.9 The Aboriginal Tent Embassy

4.9.1 The Yirrkala petition

In the late eighteenth century, proof of sovereignty (exclusive rights) over land, under European law, required evidence of fencing, farming or settlement. Captain James Cook saw no such evidence when exploring the east coast of Australia, and proclaimed the country **terra nullius**. Believing that the land belonged to no one, he legally claimed it for the British Crown in 1770. It would be almost 200 years before this claim would be challenged in Australia's courts.

The **land rights** movement began in 1963 when the Yolngu people from Yirrkala (in the Northern Territory) sent a bark petition to federal parliament. Signed by 17 Aboriginal leaders, it protested the government's decision to allow a mining company to mine bauxite on their traditional land. Encouraged by the support they received for this action, the Yolngu lodged a challenge in the Northern Territory Supreme Court in 1968. Three years later, Justice Blackburn ruled that, while the Indigenous system of law and the people's longstanding association with the land were recognised, British law had replaced these after 1788. This decision angered many Indigenous people, whose expectations had been raised by the outcome of the 1967 referendum. On Australia Day 1972, Prime Minister William McMahon proclaimed that 'land rights would threaten the **tenure** of every Australian'.

SOURCE 1 The Yirrkala bark petition, sent to federal parliament in 1963. A transcript of the text is shown in **SOURCE 2**.



SOURCE 2 Transcript of the text of the Yirrkala petition

TO THE HONOURABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN PARLIAMENT ASSEMBLED.

The Humble Petition of the Undersigned Aboriginal people of Yirrkala, being members of the Balamumu, Narrkala, Gapiny, Miliwurrwurr people and Djapu, Mangalili, Madarrpa, Magarrwanalmirri, Djambarrpuynu, Gumaitj, Marrakulu, Galpu, Dhaluangu, Wangirri, Wananiirri, Naymil, Riritjingu, tribes respectfully showeth.

1. That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
2. That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.
3. That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.
4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial: we were all born here.
5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.
7. And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the people of Yirrkala before permitting the excision of this land.
8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.

4.9.2 The Tent Embassy

On the day of Prime Minister McMahon's announcement in 1972, Aboriginal activists erected a beach umbrella on the lawn outside Parliament House. The umbrella was accompanied by a sign that read 'Aboriginal Embassy'. Soon the grounds were filled with tents and activists as Aboriginal and Torres Strait Islander peoples asserted their right to occupy their traditional lands. The Aboriginal Tent Embassy, as it became known, quickly drew media attention along with further support and controversy. It was a visible demonstration of Australian Indigenous peoples' desire to move beyond the policies of assimilation and integration, towards an official recognition of their right to determine their own future.

SOURCE 3 An artist's impression of the Aboriginal Tent Embassy, 1972



- A** The Embassy flew the Aboriginal flag, which had recently been designed by Luritja man and artist Harold Thomas.
- B** While most of the 2000 supporters demonstrated peacefully, throughout 1972 some protesters scuffled with police, leading to a number of arrests.
- C** In 1972, members of the national and international press began to take notice. Their coverage helped to make the Tent Embassy a symbol of the worldwide struggle for civil rights.
- D** Placards were a constant reminder of what the group was fighting for.

4.9 ACTIVITY

1. Discuss the following with a classmate:
 - (a) Why might the activists have chosen to call their camp an 'embassy'?
 - (b) How might events have turned out differently if they had not placed that sign above their tents?

Analysing cause and effect
2. Using **SOURCE 2** and your own research, write a newspaper article that could have been written in 1972 explaining the purpose of the Aboriginal Tent Embassy and the public response to it. In your article, engage the reader by making them feel as if they're there with you.

Using historical sources as evidence

4.9 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.9 Exercise 1: Check your understanding

1. **HS1** Why did Captain Cook believe Australia belonged to no-one?
2. **HS1** Why did the Yolngu people want to control their own land?
3. **HS1** What, according to Prime Minister McMahon, was the major reason for not granting the Yolngu people rights over their land?
4. **HS1** What did the Aboriginal Tent Embassy represent?
5. **HS1** What was controversial about it?

4.9 Exercise 2: Apply your understanding

1. **HS3** What does the Yirrkala petition (see **SOURCES 1** and **2**) represent about the Yolngu people and Aboriginal Australians more generally? In your answer, refer to what you know of the content of the document, as well as its physical form.
2. **HS3** Study **SOURCE 3**.
 - (a) How useful is a source like this? Evaluate its importance.
 - (b) Would a photograph be more or less useful in its place? Explain your answer.
3. **HS5** Create a timeline titled 'The struggle for land rights' that begins in 1770 and ends in the present. Include on your timeline all the important dates from this subtopic. Make sure to annotate them so you will remember why these dates are important.
4. **HS6** The Tent Embassy has been removed and rebuilt several times, but still exists on the lawns of Old Parliament House. Some people believe it is a cultural icon and should be preserved, while others view it as an eyesore and believe it should be removed. Which perspective do you agree with, and why? What other perspectives might be relevant to this discussion?
5. <Content to come – leave 2 lines >

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.10 Land rights and protests

4.10.1 The Gurindji Strike

After the Yolngu people's unsuccessful bid to regain their land in 1963, it seemed to many that Indigenous land rights might never be recognised by the government. Then in 1966, fed up with their poor treatment, a group of Indigenous workers walked off the Wave Hill cattle station, owned by the British aristocrat Lord Vestey. This simple act of defiance, which began as a strike, would eventually become the first successful land rights case in Australia, setting the **precedent** for many others.

Since 1914 the Vestey family had owned the Wave Hill cattle station, which covered the traditional lands of the Gurindji people. Working conditions on the station were hard. Aboriginal workers complained of low pay, disrespectful treatment by white workers and poor living conditions — claims that had been confirmed

by official reports. Dissatisfaction with these conditions had already led to at least three strikes or protests on the property — in 1949, 1952 and 1955.

On 23 August 1966, about 200 Aboriginal stockmen, domestic servants and their families walked off the property. Under the leadership of a Gurindji elder named Vincent Lingiari, the group moved to Wattie Creek (known as Daguragu to the Gurindji people), an area also officially owned by Lord Vestey. Daguragu was chosen as a suitable place to camp both because it contained a number of sacred Gurindji sites and because it provided a reliable source of fresh drinking water.

Vestey sent a member of the Anti-Slavery Society in London to visit Wave Hill and assess the situation. On recommendation, the Vestey company volunteered to surrender half the Wave Hill lease area. However, the government did not allow the transfer because Indigenous land rights were not recognised at that time. Instead, the government offered Indigenous workers a raise in wages and new houses that would be built at Wave Hill. The protesters refused, insisting that they should be given the same wages as white employees. As the ‘Wave Hill mob’ set up camp, it became clear that this would be a struggle not only for better working conditions, but for ownership of their traditional lands.

SOURCE 1 Ted Egan was a supporter of the Gurindji people’s battle to take ownership of their traditional lands. During the Wave Hill walk-off, he interviewed Gurindji leader Vincent Lingiari and told his story through the song ‘Gurindji Blues’, which was recorded in 1969. The sales of the single helped finance the Aboriginal Tent Embassy for its first six months.

Gurindji Blues

My name is Vincent Lingiari, came
from Daguragu, Wattie Creek Station.
Poor bugger me Gurindji
Me bin sit down this country
Long time before the Lord Vestey
Allabout land belongin’ to We
Oh poor bugger me, Gurindji.
Poor bugger blackfeller; Gurindji
Long time work no wages, we,
Work for the good old Lord Vestey
Little bit flour; sugar and tea
For the Gurindji, from Lord Vestey
Oh poor bugger me.
Poor bugger me, Gurindji,
Man called Vincent Lingiari
Talk long allabout Gurindji
‘Daguragu place for me,
Home for we, Gurindji:
But poor bugger blackfeller, Gurindji
Government boss him talk long we
‘We’ll build you house with electricity
But at Wave Hill, nor can’t you see
Wattie Creek belong to Lord Vestey’
Oh poor bugger me.

Poor bugger me, Gurindji
Up come Mr. Frank Hardy
ABS (Hill) too and talk long we
Can’t give land long Gurindji
Buildim house and plantim tree
Langa Wattie Creek for Gurindji
But poor bugger blackfeller Gurindji
Government Law him talk long we
‘Can’t givit land long blackfeller, see
Only spoilim Gurindji’
Oh poor bugger me.
Poor bugger me, Gurindji
Peter Nixon talk long we:
‘Buy you own land, Gurindji
Buyim back from the Lord Vestey’
Oh poor bugger me, Gurindji.
Poor bugger blackfeller Gurindji
Suppose we buyim back country
What you reckon proper fee?
Might be flour, sugar and tea
From the Gurindji to Lord Vestey?
Oh poor bugger me.
Oh ngaiyu luyurr ngura-u
Sorry my country, Gurindji.

From little things, big things grow

Within the Aboriginal community, word of the walk-off spread quickly. In 1966 and 1967 strikes and protests sprung up at stations across the Northern Territory, led in part by organisers of the Wave Hill protest.

Australian author Frank Hardy had left Sydney in 1967 to undertake a radical project: he wanted to find the ‘real Australia’ — the Australia celebrated in the poetry of earlier writers such as Banjo Paterson. Instead, he found Indigenous people being mistreated and living in what he referred to as an ‘unofficial apartheid’. After spending time with the organisers of the Wave Hill walk-off, he went back to the city, where he arranged press conferences and lobbied politicians in an attempt to bring the plight of the Gurindji people to their attention.

As the national press picked up the story, the broader Australian community began to support the action, some even making the journey to Wave Hill to offer their support to the strikers. Finally the Gurindji people were no longer alone in their cry to take back their land.

On 16 August 1975 Prime Minister Gough Whitlam ‘handed back’ 300 000 square kilometres of the Gurindji people’s traditional lands, declaring, ‘I want to acknowledge that we Australians have still much to do to redress the injustice and oppression that has for so long been the lot of Black Australians.’ As a symbolic gesture, he poured sand from the river bank at Daguragu into Vincent Lingiari’s hands.

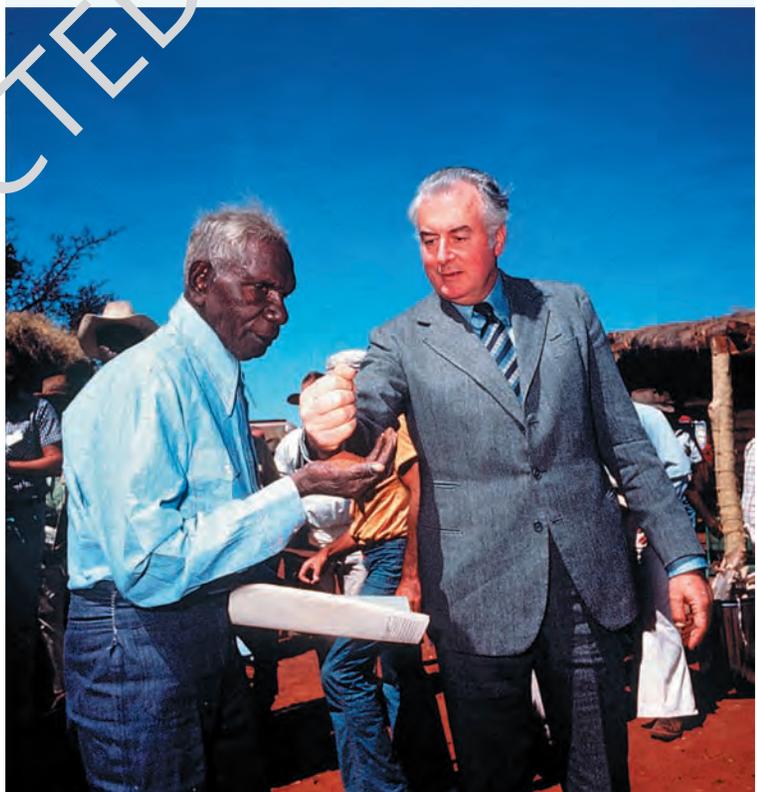
4.10.2 Moves towards land rights and native title

The most significant decision on land rights and native title came from what might have seemed an unlikely place, the Torres Strait Islands. Throughout the 1970s the Queensland government, which administered the Torres Strait Islands, had indicated to Islanders that although they occupied their traditional lands, they were not the legal owners of them.

SOURCE 2 Protesters Vincent Lingiari (right) and Mick Rangiari (left) stand beside a sign made for them by the author Frank Hardy.



SOURCE 3 In this photograph, captured by Australia’s first Aboriginal press photographer, Mervyn Bishop, Prime Minister Gough Whitlam pours sand into the hands of Vincent Lingiari to mark the return of the Gurindji people’s traditional lands.



The Mabo decision

In 1982 a group of Indigenous people from Mer Island, in the eastern part of the Torres Strait, challenged the right of the government to prevent Islanders from using their lands. They took their case to the Queensland Supreme Court. The group was led by Eddie Koiki Mabo. After the court ruled against them, the Meriam Islanders appealed to the High Court of Australia. On 3 June 1992 the High Court made a historic ruling: the Meriam people of the Torres Strait *did* have **native title** over their traditional lands. The ‘Mabo decision’, as it became known, was important for all Australian Aboriginal and Torres Strait Islander peoples because it recognised under law that European settlement of Australia did not automatically wipe out native title. At the same time, it created some confusion as to how decisions on native title should be made.

SOURCE 4 Mer Island, the traditional land of the Meriam people, and subject of the Mabo case, was known as Murray Island to white settlers.



Who was Eddie Mabo?

The man who led the Meriam Islanders to victory was born on Mer Island in 1936 and had no formal education beyond primary school. He had become politically active in the 1970s, but his views on the importance of native title only became clear during a conference he attended at James Cook University in 1981. At this conference, titled Land Rights and the Future of Australian Race Relations, Mabo was exposed to some of the leading minds dealing with the complexities of native title, many of whom would become his supporters after he launched his landmark case in 1982. He would continue fighting for land rights until his death a decade later.

SOURCE 5 In this ‘manifesto’, Eddie Mabo states some of his aims in launching a native title case against the Queensland government in 1981.

My name is Edward Mabo, but my island name is Koiki. My family has occupied the land here for hundreds of years before Captain Cook was born. They are now trying to say I cannot own it. The present Queensland Government is a friendly enemy of the black people as they like to give you the bible and take away your land. We should stop calling them boss. We must be proud to live in our own palm leaf houses like our fathers before us.

DID YOU KNOW?

The Mabo decision meant that the High Court recognised that native title existed under Aboriginal and Torres Strait Islander peoples’ customary law that had existed in Australia prior to 1788.

Native title

The *Native Title Act 1993* was the federal government’s way of clarifying the law relating to the Mabo case and providing the legal means to deal with future land rights claims. To succeed in a claim, Aboriginal and Torres Strait Islander peoples had to prove they have had a ‘traditional connection’ with the land since 1788, and that their interests had not been ‘extinguished’ (overridden) by the granting of other rights.

According to the Act, those who believed they had a valid claim must apply to the Native Title Tribunal, which would work with Aboriginal representative bodies, as well as land councils, mining companies and other interested parties, to negotiate claims under the direction of the Federal Court.

DID YOU KNOW?

To date, around 15 per cent of Australia has been legally recognised as belonging to Indigenous peoples under native title claims.

The Wik case

Since settlement, the Australian government had granted leases to **pastoralists** so they could raise herds of cattle or sheep on large tracts of land. These leases meant that the pastoralists could use the land but they did not, in many cases, stop other people, many of them Indigenous, from using the land as well.

In *Wik Peoples vs Queensland*, the High Court ruled that a pastoral lease did not necessarily extinguish native title. Rather, native title rights could coexist with pastoral leases but, if Indigenous rights conflicted with pastoralists' activities, these pastoralists' rights would prevail. This was a major blow to the Wik people, and to other Indigenous groups seeking land rights. However, it was a coup for many politicians, who had been voted in by non-Indigenous Australians concerned that they might lose their land through native title claims.

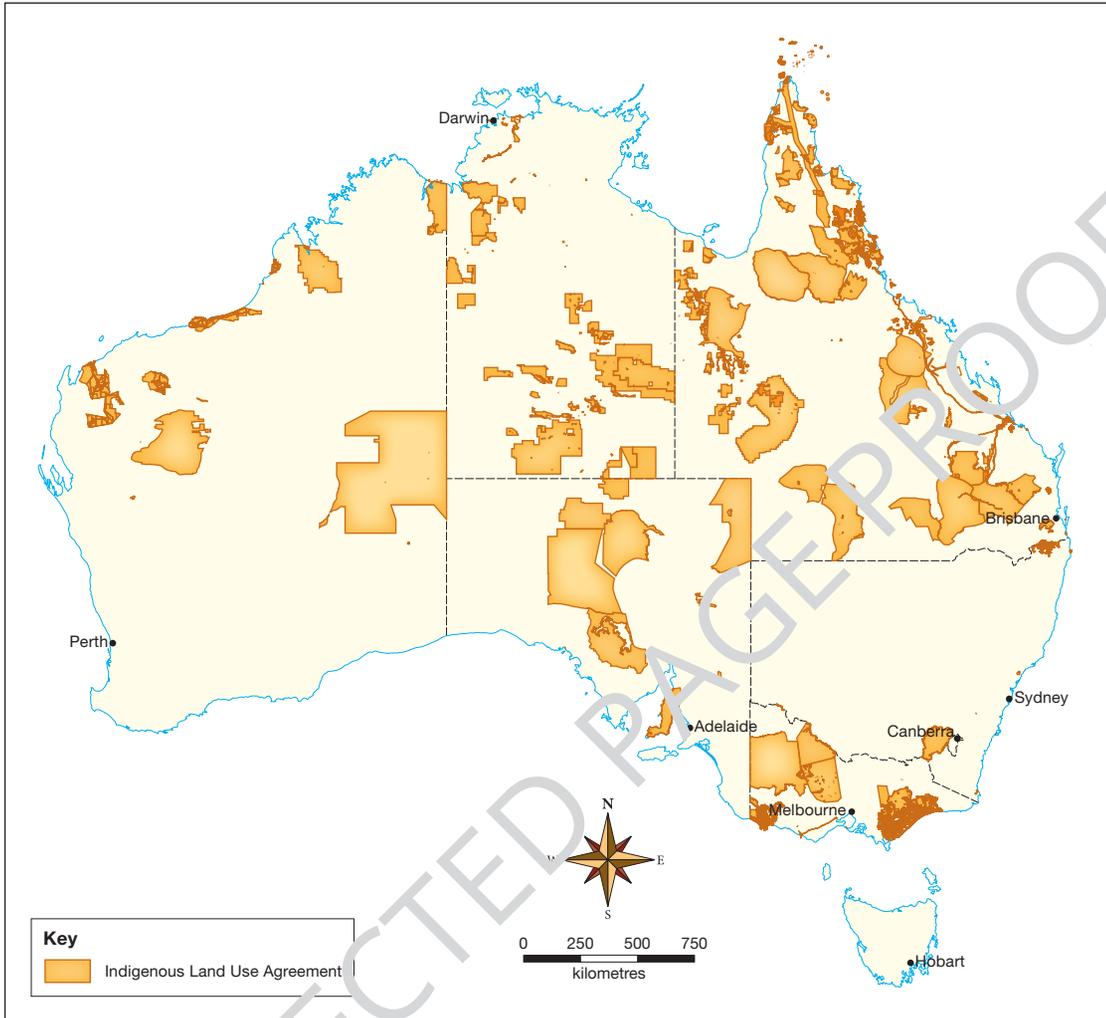
SOURCE 6 Conservative politician Pauline Hanson was voted into the Queensland seat of Oxley in the 1996 federal election. She was one of the leading voices calling for land rights to be repealed following the Wik decision. In this excerpt from her first speech to Parliament in 1996, she focuses on what she saw as an unfair granting of land to people under native title.

... This nation is being divided into black and white, and the present system encourages this. I am fed up with being told, 'This is our land.' Well, where the hell do I go? I was born here, and so were my parents and children. I will work beside anyone and they will be my equal but I can't draw the line when told I must pay and continue paying for something that happened over 200 years ago. Like most Australians, I worked for my land; no-one gave it to me.

Prime Minister John Howard, declaring that 'the pendulum has swung too far the way of Aborigines in the argument', was ready to deliver a 10-point plan to alter the Native Title Act that would see a greater number of native title claims extinguished. Labor, the Greens and the Democrats argued that the plan needed to be softened. Both sides needed the support of Independent Senator Brian Harradine. Finally, after one of the longest debates federal parliament has ever seen, the senator threw his support behind Labor, the Greens and the Democrats. The plan was passed, but with a number of conditions, including that it would be subject to the Racial Discrimination Act, Australia's protection against racist legislation.

Beginning in 1998, the Native Title Tribunal was given responsibility for working with native title holders and other interested parties to negotiate Indigenous Land Use Agreements (ILUAs). These agreements would allow use of the land based on terms that suited both parties. From a slow start, with only six ILUAs registered up to 2000, by 2011 more than 500 had been put in place across the country. The distribution of these first agreements is shown in **SOURCE 7**. Since 2011, agreement numbers have increased significantly. In 2019, there were nearly 1300 registered agreements, covering almost one-third of the country.

SOURCE 7 Distribution of Indigenous Land Use Agreements established from 1998 to 2011. Since 2011, the number of agreements has more than doubled, with over 2.5 million square kilometres of land and nearly 40 000 square kilometres of sea area now registered under an agreement of some kind.



Source: Map by Spatial Vision, based on National Native Title Tribunal Indigenous Land Use Agreements map © Commonwealth of Australia 2007–2011.

DISCUSS

Which of the events in this subtopic do you think was most significant to the land rights movement? Why do you think this is so? Do other people in your class have different opinions? **[Personal and Social Capability]**

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Deepen and check your understanding of the topic with the following resources and auto-marked questions.

- 4.10 Land rights and protests > Indigenous rights

4.10 ACTIVITIES

1. Many Indigenous and non-Indigenous artists and writers have supported the land rights movement. Using research, find a variety of these texts and explain how they persuade their audience to agree with their point of view.
Using historical sources as evidence
2. Write your own narrative poem or song, based on 'Gurindji Blues', that tells the story of one of the other struggles for land rights mentioned in this subtopic. You may need to conduct further research to develop your ideas more fully.
Identifying continuity and change

4.10 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.10 Exercise 1: Check your understanding

1. **HS1** Why did the Gurindji people walk off the Wave Hill cattle station in 1966?
2. **HS1** Who was Vincent Lingiari? Why is he considered a significant person in the struggle for Aboriginal rights?
3. **HS1** Why did the government refuse to allow the land transfer that the Vestey family offered?
4. **HS1** What did the protesters do as a result?
5. **HS1** What was the 'Mabo Decision'?
6. **HS1** Who was Eddie Mabo?
7. **HS1** In what way might it be ironic that Eddie Mabo decided to launch his native title claim at a university named after the explorer James Cook?
8. **HS1** What was the importance of the *Native Title Act 1993*?
9. **HS1** What was the finding of the *Wik Peoples vs Queensland* case in the High Court? How was this finding a blow to Aboriginal and Torres Strait Islander peoples?

4.10 Exercise 2: Apply your understanding

1. **HS3 SOURCE 1** is a ballad written by Ted Egan. It tells the story of the reasons behind the Wave Hill walk-off.
 - (a) What were the main problems that the Gurindji had with their treatment at Wave Hill?
 - (b) Why do you think the artist suggests buying back Gurindji land with 'flour, sugar and tea'?
 - (c) Do you think this is a useful source for historians studying the Wave Hill walk-off? Explain.
2. **HS3** Explain the symbolism inherent in **SOURCES 2** and **3**. How could both acts be said to represent the changing perceptions of white Australia towards the rights of Aboriginal and Torres Strait Islander peoples in the late 1960s?
3. **HS3** What do the two names of Hervey/Murray Island in **SOURCE 4** symbolise?
4. **HS3 SOURCES 5** and **6** express contrasting views of Aboriginal and Torres Strait Islander peoples' struggle for native title. Based on these sources, who do you believe makes a stronger case? Explain your view.
5. **HS3 SOURCE 7** depicts the Indigenous Land Use Agreements across Australia as of 2011. Where are the greatest number of ILUAs situated? Where are the fewest? What might this suggest about Indigenous peoples in these areas? Discuss with a classmate.
6. **HS4** The Mabo case is considered a turning point in the struggle by Aboriginal and Torres Strait Islander peoples to secure land rights. Explain why it was so significant.
7. **HS4** Why might it be difficult for Aboriginal and Torres Strait Islander peoples to show they have a 'traditional connection' to the land? Think of the type of evidence usually required to prove a case in court. Why might Aboriginal and Torres Strait Islander peoples not have this type of evidence?
8. **HS3** Examine all the sources in this subtopic. Which one do you think is the most effective in conveying its message? Explain why.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.11 Reconciliation

4.11.1 Perspectives on the road to reconciliation

Reconciliation — the coming together of parties divided by difference — is rarely a single event; rather, it is based on the sum of many special moments that together heal the hurt. This is particularly so when the reconciliation involves two groups of citizens separated by a long history of injustice, misunderstanding and resentment, as has been the case for Australia’s Aboriginal and Torres Strait Islander peoples and those who came here after 1788.

In 1991, the federal parliament passed the Council for Reconciliation Act. As a result, the Council for Aboriginal Reconciliation was formed with representatives from Aboriginal and Torres Strait Islander groups.

The Redfern Speech

Labor Prime Minister Paul Keating was known for his skill as a public speaker. In 1992, at the Australian launch of the International Year of the World’s Indigenous People in Redfern, a Sydney suburb that was home to a large Aboriginal and Torres Strait Islander peoples community, he made one of the greatest speeches of his career. In this speech, he spoke of the need for the nation to acknowledge the harm caused to Aboriginal and Torres Strait Islander peoples through the policies of previous governments. He said that there was nothing to fear or lose by recognising ‘historical truth’, and that social democracy should be extended to Aboriginal and Torres Strait Islander Australians. The Redfern Speech, as it was known, would be — for many — the first step in the long road to reconciliation between Australia’s Indigenous and non-Indigenous peoples.

Bringing Them Home

In 1995 Prime Minister Keating commissioned a report into Australia’s Stolen Generations. Titled *Bringing Them Home*, the ‘Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families’ (1997) outlined the process by which Indigenous children were taken from their families in the name of protection. These children would become known as the Stolen Generations (see subtopic 4.4). Through the voices of those who had experienced separation, and the organisations established to represent Australia’s Aboriginal and Torres Strait Islander peoples, the report painted a stark picture of the mistreatment of Aboriginal and Torres Strait Islander children and their families by the Aborigines Welfare Board. The report also revealed the ongoing effects of forced removal on the Stolen Generations and their families. These included a higher incidence of depression, poverty and crime, and a lower level of education. A lack of role models had also made it difficult for many members of the Stolen Generations to raise their own families. On the first anniversary of the day the report was tabled, 26 May was declared National Sorry Day.

SOURCE 1 Prime Minister Paul Keating delivers the Redfern Speech on 10 December 1992, to mark the beginning of the International Year of the World’s Indigenous People.



Refusing to say sorry

While all state and territory governments and the churches publicly apologised to the Stolen Generations following the release of *Bringing Them Home*, the federal government — then led by Prime Minister John Howard — refused to apologise. This could, in part, be explained by the government's fear that admitting **culpability** would lead to a landslide of claims for compensation. But it also reflected the reluctance of many Australians to accept **moral** responsibility for the acts of previous generations. This view was shared by Howard, who claimed to support reconciliation but 'not of the apologetic, shame-laden, guilt-ridden type'. He said that millions of Australians would never entertain the notion of apologising to Australia's Aboriginal and Torres Strait Islander peoples because they would refuse to accept responsibility for past events.

SOURCE 2 Sir William Deane, a former High Court judge who had presided over the Mabo case, was appointed to the office of governor-general in 1996. In August the same year he made a passionate plea to the Australian people. It forms part of the introduction to the *Bringing Them Home* report.

It should, I think, be apparent to all well-meaning people that true reconciliation between the Australian nation and its Indigenous peoples is not achievable in the absence of acknowledgement by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples. That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government...

One key difference between those who were prepared to say sorry to Australia's Aboriginal and Torres Strait Islander peoples and those who were not was the way in which they viewed Australia's past. Some people believed that the arrival of white people in Australia symbolised the beginning of civilisation and progress in Australia (known as the 'three cheers' view of history), while others viewed it as the start of a brutal invasion (the 'black armband' view of history). In relation to the Stolen Generations, the former believed that the government had removed Aboriginal and Torres Strait Islander children from their homes for their own good, while the latter often claimed that this was another attempt to **eradicate** Aboriginal and Torres Strait Islander Australians.

SOURCE 3 John Howard presented his views on Australian history in parliament, under a motion on the topic of racial tolerance, on 30 October 1992. He would reiterate these views over the months that followed.

I profoundly reject... what others have described, and I have adopted the description, as the black armband view of Australian history. I believe the balance sheet of Australian history is a very generous and benign one. I believe that, like any other nation, we have black marks upon our history but amongst the nations of the world we have a remarkably positive history. I think there is a yearning in the Australian community right across the political divide for its leaders to enunciate more pride and sense of achievement in what has gone before us. I think we have been too apologetic about our history in the past. I think we have been far too self-conscious about what this country has achieved and I believe it is tremendously important that we understand, particularly as we approach the centenary of the Federation of Australia, that the Australian achievement has been a heroic one, a courageous one and a humanitarian one.

4.11.2 Positive moves forward

The United Nations' Convention on the Rights of the Child (CRC) was designed to legally protect the rights of all children. Australia signed the Convention in 1990. The Convention granted Indigenous children the right to life, health and education (including education about the child's own cultural identity, language

and values), and the right to family. The Convention also prohibited discrimination against Indigenous children, and granted them protection from physical or mental violence, injury, abuse, maltreatment or exploitation. In 2005, the UN Committee on the Rights of the Child congratulated the authors of *Bringing Them Home* for illuminating the hardships faced by members of the Stolen Generations, but made a number of recommendations for continuing to improve life for Aboriginal and Torres Strait Islander children. The Committee also recommended that the nation address issues including the disproportionately high number of Aboriginal and Torres Strait Islander children in out of home care (such as orphanages and foster homes) and in juvenile detention centres.

Australia offers an apology

In 2007 the federal Labor Party gained power under the leadership of Kevin Rudd. In his acceptance speech, he vowed to be a 'Prime Minister for all Australians'. Immediately, plans were made to offer the nation's Aboriginal and Torres Strait Islander peoples a formal apology. The parliamentary year began with politicians being treated to a 'Welcome to Country' ceremony, the first ever held at Parliament House. As the sounds of a didgeridoo echoed through the halls of Parliament House, Matilda House-Williams, a Ngambri elder, welcomed both the Prime Minister and the Opposition Leader to her traditional lands.

On 13 February 2008, in front of parliamentarians as well as members of the public, including members of the Stolen Generations, the prime minister acknowledged the harm caused to Aboriginal and Torres Strait Islander peoples and the unfairness of past government policies. He pledged that Australia would never again allow such injustice to occur. Then he encouraged both sides of the house to work together to 'close the gap' between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. The speech received a standing ovation, both from those within the parliament, and from the crowds watching the broadcast on large screens in every capital city.

Rudd's speech was regarded by many as a great step towards achieving reconciliation. Of the 360 words that made up his apology that day, however, the crowds had come to hear only one — 'Sorry'.

Following the prime minister's speech, Dr Brendan Nelson, the leader of the Opposition, reiterated his party's position, stating, 'Our generation does not own these actions, nor should it feel guilt for what was done in many, but certainly not all cases, with the best intentions.' In many of the nation's capital cities, his words were drowned out by boos and hisses from the crowd.

Aboriginal leader Pat Dodson, regarded by many as the father of reconciliation, described the apology as 'a seminal moment in the nation's history'. While many Aboriginal and Torres Strait Islander peoples welcomed the apology, there were those who felt that the prime minister hadn't gone far enough. John Moriarty, a successful businessman who has held positions in Aboriginal Affairs departments at state and federal levels, said, 'It doesn't get down to the real crux of the issue, in my view, that people like me were taken away from their full-blooded mothers to breed out the culture. It doesn't come to that. It doesn't hit home with me.'

SOURCE 4 Ngambri elder Matilda House-Williams welcomes Prime Minister Rudd and Opposition Leader Brendan Nelson to parliament.



SOURCE 5 Prime Minister Kevin Rudd’s formal apology to members of the Stolen Generations in February 2008. This speech is viewed as a key moment in the struggle for reconciliation.

Today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.

We reflect on their past mistreatment.

We reflect in particular on the mistreatment of those who were Stolen Generations — this blemished chapter in our nation’s history.

The time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

While much is still to be done to achieve lasting reconciliation, gestures such as the federal government’s willingness to say sorry symbolise Australians’ growing appreciation of this country’s checkered past and their acknowledgement of the rich culture of its First Peoples.

SOURCE 6 Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner at the Human Rights and Equal Opportunity Commission, responds to the apology on behalf of the National Sorry Day Committee and the Stolen Generations Alliance, the two national bodies representing the Stolen Generations and their families.

Let me tell you what this apology means to me. For many years, my family has been searching in vain to find information about my great-grandmother on my father’s side, who was taken at the turn of the twentieth century.

Recently, Link Up in Darwin located some information in the Archives. In a document titled ‘list of half-castes in the NT’ dated 2 December 1899, a government official named George Thompson wrote the following about my great-grandmother:

‘Half caste May is a well grown girl, is living with her mother in the black’s camp at Woolwonga, her mother will not part with her, she mixes up a great deal with the Chinamen...

My great-grandmother’s ordeal was not uncommon and nor was the chilling account — ‘her mother will not part with her’.

This is not about black armbands and guilt. It never was.

It is about belonging.

SOURCE 7 Prime Minister Kevin Rudd's formal apology to members of the Stolen Generations in February 2008



SOURCE 8 In Melbourne, angry crowd members turn their backs on the Opposition leader in silent protest at his refusal to say sorry.



4.11 ACTIVITY

Using all the sources in this subtopic and the information given, develop a reconciliation chronology. You can represent it as creatively as you like, but make sure you provide dates and clear annotations for the major events on the journey towards reconciliation.

Using historical sources as evidence

4.11 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.11 Exercise 1: Check your understanding

- HS1** What was the importance of Paul Keating's Redfern speech in 1992?
- HS1** Why was it significant that it was made in Redfern?
- HS1** What did the 1997 *Bringing Them Home* report reveal?
- HS1** Explain the significance of 26 May 1996.
- HS1** Why did the federal government, led by John Howard, refuse to apologise to the Stolen Generations?
- HS1** What legal impact did The *United Nations' Convention on the Rights of the Child* have on Aboriginal and Torres Strait Islander children?
- HS1** What recommendations did the Committee on the Rights of the Child make regarding Aboriginal and Torres Strait Islander children in Australia?
- HS1**
 - What great step towards reconciliation did Kevin Rudd take in 2008 while prime minister?
 - Did everyone agree with his position? How do you explain a divergence of views?

4.11 Exercise 2: Apply your understanding

- HS3** What evidence in **SOURCE 1** indicates Prime Minister Paul Keating's commitment to the reconciliation process?
- HS3** Based on the excerpt from *Bringing Them Home* provided in **SOURCE 2**, do you consider it is important for a country such as Australia to acknowledge its past wrongdoings? Explain your view.

3. **HS3** In your own words, and using the text in 4.11.1 and **SOURCE 3**, define the ‘three cheers’ and ‘black armband’ views of history.
4. **HS3** Using **SOURCE 4**, explain the symbolic significance of beginning the year with a ‘Welcome to Country’.
5. **HS3** Read **SOURCE 5** carefully. Explain what Kevin Rudd is apologising for and who he is representing when he says ‘we’.
6. **HS3** Why did those watching Kevin Rudd’s apology turn their backs when Brendan Nelson spoke (**SOURCE 8**)?
7. **HS3** What does the fact that the Sorry speech was broadcast in many public spaces in all capital cities demonstrate about its significance? (See **SOURCES 7** and **8**.)
8. **HS3** Analyse the apology (see **SOURCE 5**). Using one colour, write down the *people* he apologises to. In another colour, write down the *actions* he apologises for. In a third colour, write down any words or phrases relating to the *reasons* behind the apology. And in a fourth colour, outline *recommendations* for moving forward. Having completed this activity, decide whether, in your view, this represented a full apology, or whether there were other issues you believe Prime Minister Rudd should have addressed. Explain your opinion using some of the words you have highlighted.
9. **HS3** Tom Calma’s response to the apology (see **SOURCE 6**) was delivered on behalf of the Older Generations.
 - (a) Who do you think his comments were aimed at?
 - (b) Which lines were particularly significant? Explain your answers.
10. **HS4** Do you think Kevin Rudd’s apology is the sort of thing Paul Keating had in mind when he gave his speech at Redfern more than a decade earlier? Explain your view.
11. **HS4** Write a journal article expressing your own views about the reconciliation issue. Respond to the following prompts, explaining each of your answers in detail:
 - (a) Do you think the Australian government owed Aboriginal and Torres Strait Islander peoples an apology?
 - (b) Was the Howard government’s refusal to apologise the right decision or the wrong decision?
 - (c) Did Kevin Rudd’s apology go far enough? Did it go too far?
 - (d) What barriers need to be broken down before reconciliation can truly be said to have been achieved?
12. **HS3** Using evidence from a range of sources in this subtopic, construct a case that argues that the road to reconciliation has not been not an easy one.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.12 Fighting for equity

4.12.1 The Northern Territory National Emergency Response

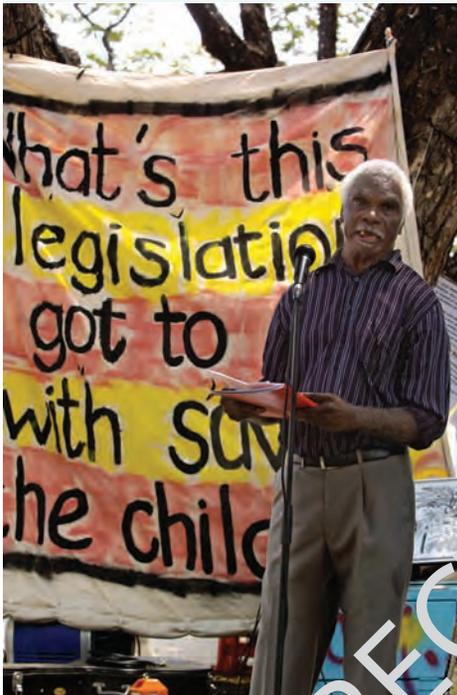
Australia’s Aboriginal and Torres Strait Islander peoples lost much of what they had considered to be theirs with the arrival of European settlers in 1788 and beyond. Over the next 150 or so years, Aboriginal and Torres Strait Islander peoples became used to injustice, even racist hostility, from those who had taken their land and denied them their civil and human rights. While federal government policies such as Closing the Gap are slowly redressing many inequities, legislation such as that in 2007 to intervene in Aboriginal peoples’ lives was still placing restrictions on their rights and freedoms.

On 15 June 2007 the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse released a report titled *Little Children Are Sacred*, which indicated that child sexual abuse was rampant in many remote indigenous communities. The Howard government responded by suspending the Racial Discrimination Act in relation to these communities and announcing emergency measures designed to protect Indigenous children. The Northern Territory Emergency Response (NTER) included sending soldiers and police into the Northern Territory, banning alcohol and restricting the ways in which community members could spend their welfare cheques (a practice known as income management). The ‘intervention’, as it came to be known, was supported by the Australian Labor Party but caused controversy within the wider Australian community. Supporters claimed that such strict measures were required to protect children within remote communities while others claimed that it was a racist policy and another ‘invasion’ of Indigenous lands.

The complexities of this issue highlight many of the difficulties that still accompany decisions made by the Australian government in relation to the country's Indigenous peoples.

Opinions on the worth of the intervention remain divided. As shown in **SOURCE 2**, many Aboriginal elders and other Australians abhorred the lack of consultation with Aboriginal people, especially those directly affected.

SOURCE 1 The government's intervention in the Northern Territory: a necessary step to protect children or racial discrimination? This photograph, taken in 2007, shows Bagot (Darwin) council chairman James Gaykamangu speaking against the policy at the National Day of Action.



SOURCE 2 A statement by Aboriginal elders to the people of Australia on 7 February 2011

TO THE PEOPLE OF AUSTRALIA 7 FEBRUARY 2011

We are the people of the land. The land is our mother. For more than 40 000 years we have been caring for this land – we are its natural farmers.

Now, after so many years of dispossession, we find once again we are being thrust towards a new dispossession. Our pain and our fear are real. Our people are again being shamed.

Under the intervention we lost our rights as human beings, as Australians citizens, as the First Peoples of the Land. We feel very deeply the threat to our languages, our culture and our heritage. Through harsh changes we have had removed from us all control over our communities and our lives. Our lands have been compulsorily taken from us. We have been left with nothing.

The legislation under which we now live does not comply with international law. It is discriminatory. We are no longer equal to other Australians. We are no longer equal to you.

As people in our own land, we are shocked by the failure of democratic processes, of the failure to consult with us and of the total disregard for us as human beings. We demand the return of our rights, our freedom to live our traditional lives, support to develop our economic enterprises to develop jobs and to work towards a better future for all our peoples.

So extreme have been the actions against our people that we must appeal to all people of Australia to walk with us in true equality. Speak out and help to put an end to the nightmare that Northern Territory Aboriginal people are experiencing on a daily basis.

Some Aboriginal commentators and activists gave their conditional support to the policy, citing its benefits for women and children against a 'wrong-headed Aboriginal male ideology'. In 2011, after more than three years of the intervention, Central Australian Indigenous leader Bess Price told ABC television:

I am for the intervention because I've seen progress. I've seen women who now have voices. They can speak for themselves and they are standing up for their rights. Children are being fed and young people more or less know how to manage their lives. That's what's happened since the intervention.

Cape York Aboriginal leader Noel Pearson said:

I'm in agreement with the emphasis on grog and policing. I'm in agreement with attaching conditions to welfare payments. But the difference between the proposals that we've put forward to the Government and the proposals announced by Minister Brough ... a difference in that we would be concerned that those people who are acting responsibly in relation to the payments they receive, should continue to exercise their freedoms and their decisions ... we should only target cases of responsibility failure.

In terms of human rights, Australian organisations such as Australians for Native Title and Reconciliation (ANTaR) criticised the suspension of the Racial Discrimination Act, arguing the protection of children

could have been achieved without its suspension. Despite some amendments made in 2010, concerns remained about the implementation of ‘special measures’ taken by the government to ‘protect’ communities at the heart of the intervention. A delegation of Northern Territory Aboriginal leaders met with the United Nations High Commissioner for Human Rights in 2011 to express their view on the discrimination that had ensued under the implementation of the intervention, and found a sympathetic ear. Despite this, the Rudd–Gillard government continued much of the work done in the Howard government years when they introduced the Stronger Futures Act. Beginning in 2012, this Act was designed to maintain tight controls over Aboriginal people’s use of alcohol and money. Like its predecessor, it has been criticised for not taking into account the principles of the Declaration on the Rights of Indigenous Peoples, particularly the principle of self-determination. The Stronger Futures Act will remain in force until 2022.

4.12.2 Closing the gap

In March 2008, the then Australian government and Opposition signed the Close the Gap Statement of Intent, committing to closing the health and life expectancy gap between Aboriginal and Torres Strait Islander people and non-Indigenous Australians by 2030. The 2019 Closing the Gap report, like those before it, revealed a mixed bag in terms of progress towards the targets set in 2008. While gains had been made in the life expectancy for both men and women over this period, the goal of ‘closing the gap’ between Indigenous and non-Indigenous Australians was not on track, with Indigenous Australians living in remote and very remote parts of the country showing the poorest health outcomes. In March 2019, the Council of Australian Governments (GOAG) entered into a formal partnership with the Aboriginal and Torres Strait Islander Peak Organisations, and agreed to form the Joint Council on Closing the Gap. It is hoped that this council will be able to more effectively develop solutions for closing the gap by better understanding the needs of Indigenous communities.

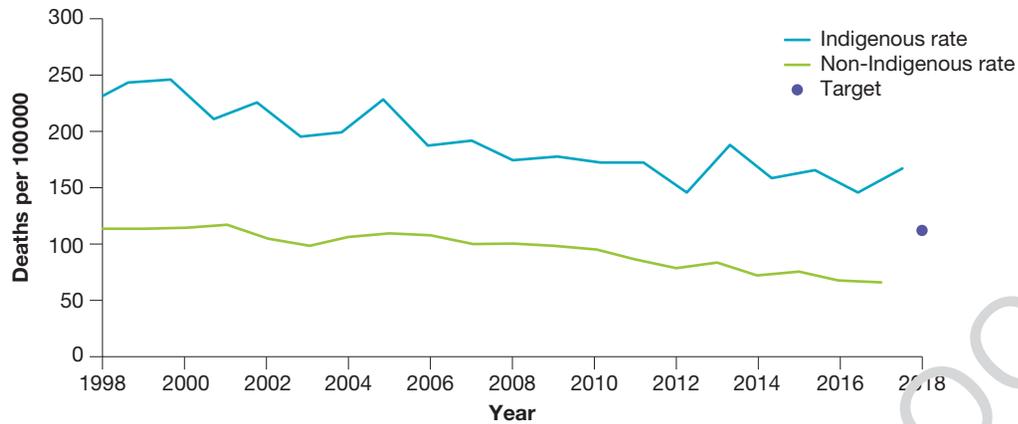
SOURCE 3 Extract from Close the Gap statement 2008

Our challenge for the future is to embrace a new partnership between Indigenous and non-Indigenous Australians. The core of this partnership for the future is closing the gap between Indigenous and non-Indigenous Australians on life expectancy, educational achievement and employment opportunities. This new partnership on closing the gap will set concrete targets for the future: within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous children, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17-year life gap between Indigenous and non-Indigenous when it comes to overall life expectancy.

Life expectancy and child mortality

The target to close the gap in life expectancy between Aboriginal and Torres Strait Islander peoples and other Australians by 2031 is not on track. Life expectancy for Indigenous men born between 2015 and 2017 is estimated to be 71.6 years, 8.6 years less than non-Indigenous men. For Indigenous women, life expectancy is 75.6, which is 7.8 years less than non-Indigenous women. On a positive note, mortality rates from chronic and circulatory diseases have declined significantly in the Aboriginal and Torres Strait Islander population since 1998, but cancer mortality rates are rising: between 2006 and 2017, there was a 25 per cent increase in cancer death rates for Aboriginal and Torres Strait Islander patients, with deaths from cancer exceeding those for circulatory diseases within this population for the first time in 2017. The target to halve the gap in the infant mortality rate among the Aboriginal and Torres Strait Islander population by 2018 was not achieved. While the rate of infant mortality within this population has declined by 10 per cent since 2008, it has declined at a slower rate than within the non-Indigenous population. However, as a result of health campaigns, immunisation rates for Aboriginal and Torres Strait Islander children by the age of five have continued to rise, and in 2018 were higher than rates of immunisation of non-Indigenous children.

SOURCE 4 Graph showing decline in Aboriginal and Torres Strait Islander infant mortality since 1998

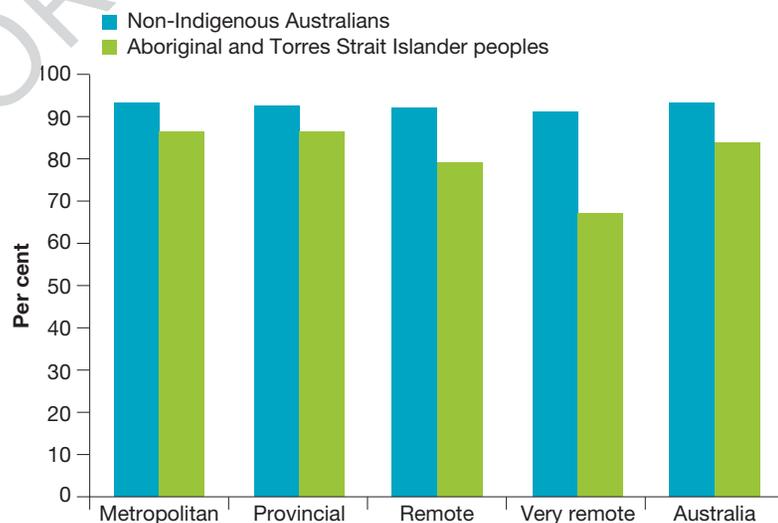


Source: ABS and AIHW analysis of National Mortality Database

Education and employment

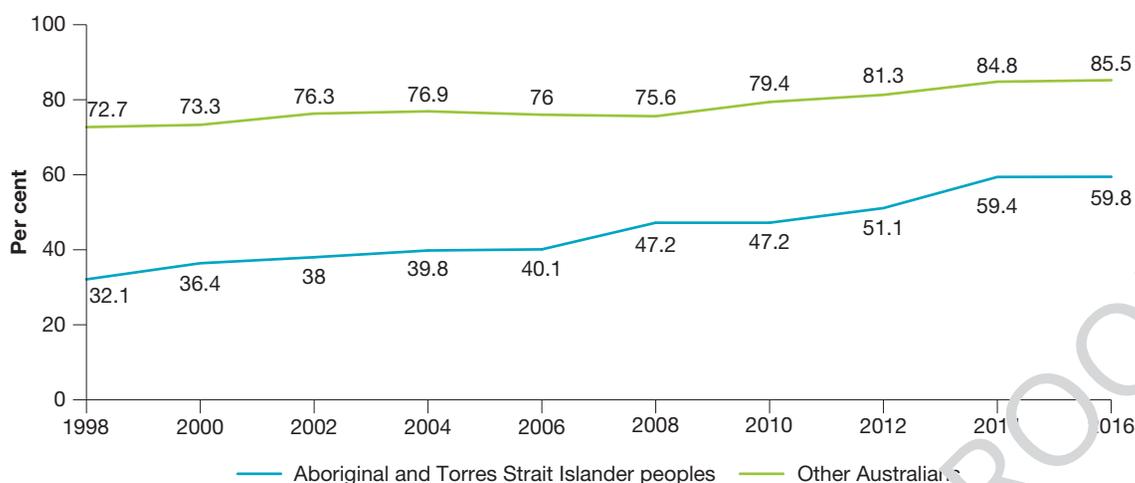
Progress is mixed in the key target areas of education and employment. The share of Indigenous children at or above minimum standards in reading at Years 3 and 5, and in numeracy at Years 7 and 9, has improved and the gap has narrowed between 2008 and 2017, although the target of halving the gap was not met. Attendance at school is also lower than expected, with the attendance of Indigenous students in year 10 at 73 per cent, compared with 90 per cent attendance for non-Indigenous students at the same year level. However, an increasing proportion of Aboriginal and Torres Strait Islander people are completing year 12 or its equivalent across all states and territories, up by 15 per cent in major cities to 74 per cent in 2016, with the largest gains seen in remote and very remote areas. In very remote areas, Indigenous Australians' rate of attainment increased from just 23 per cent in 2006 to 43 per cent in 2016. The overall retention rate was 59.8 per cent, compared with 85.5 per cent for non-Indigenous Australians. In 2017, this increased again to 62.4 per cent for Indigenous Australians, compared with 86 per cent for the non-Indigenous population. This success in completion rates means that the target to halve the gap by 2020 is on track. However, the target to halve the gap in employment by 2018 was not met, with the employment rate showing no improvement, and the gap between Indigenous and non-Indigenous Australians widening by 1.5 per cent between 2008 and 2018.

SOURCE 5 Graph showing student attendance rates of Aboriginal and Torres Strait Islander peoples compared to non-Indigenous Australians



Source: Australian Curriculum, Assessment and Reporting Authority

SOURCE 6 Graph of retention rates of Aboriginal and Torres Strait Islander peoples for Year 7 to Year 12

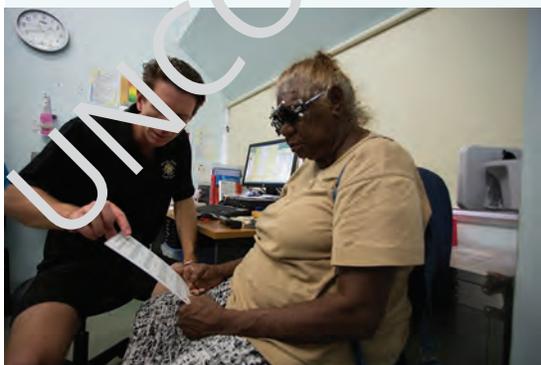


Source: ABS Schools, 2014

4.12.3 Responding to inequity

It can be demonstrated from the Closing the Gap Reports since 2008 that Aboriginal and Torres Strait Islander peoples’ quality of life lags behind that which non-Indigenous Australians enjoy. The interrelated elements of health, education and employment have an impact on the cultural, physical and social wellbeing of Australia’s First Peoples and thus their rights and freedoms. The federal and state governments of Australia must work in partnership with Aboriginal and Torres Strait Islander bodies and other organisations to effect change. The federal government cites its Indigenous Advancement Strategy, its Better Start to Life approach, its Remote School Attendance Strategy and its Community Development Programme as positive strategies and programs for improvement. Other government-funded schemes and not-for-profit organisations can all play a role

SOURCE 7 The Australian government’s Visiting Optometrist Scheme (VOS) works in remote communities in the Northern Territory performing eye checks. While Indigenous children are five times less likely to have eye problems than non-Indigenous children, by the time they reach adulthood Indigenous people are six times more likely to have vision problems than other Australians.



SOURCE 8 Programs such as the NT School Nutrition Program seen in action here at Papunya School in the Northern Territory aim to improve both the nutritional health and the school attendance rate of Aboriginal children.



4.12 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.12 Exercise 1: Check your understanding

1. **HS1** What was the initial trigger for the intervention?
2. **HS1** Which part of Australia did the intervention affect?
3. **HS1** Which existing legislation had to be suspended in order for the intervention to proceed?
4. **HS1** What were some of the provisions of the new legislation?
5. **HS1** Who supported the intervention?
6. **HS1** When was the Close the Gap Statement of Intent signed and what commitment did it make?
7. **HS1** What is the 'gap' that must be closed?
8. **HS1** Are the following statements true or false?
 - (a) Aboriginal and Torres Strait Islander peoples' life expectancy is lower than that of non-Indigenous Australians.
 - (b) The infant mortality rate of Aboriginal and Torres Strait Islander infants met its target to halve by 2018.
 - (c) The proportion of Aboriginal and Torres Strait Islander people completing year 12 is decreasing.
9. **HS1** What interrelated elements have an impact on the cultural, physical and social wellbeing of Australia's First Peoples?
10. **HS1** List some of the different government strategies and programs that form part of the Australian government's response to reducing inequities for Aboriginal and Torres Strait Islander peoples.

4.12 Exercise 2: Apply your understanding

1. **HS3** A criticism was made that the Northern Territory National Emergency Response Bill contained over 200 pages but did not mention the word 'child' or 'children' once. How does **SOURCE 1** relate to this fact?
2. **HS3** What arguments are put in **SOURCE 2** against the intervention?
3. **HS3** What other evidence would you need to gain a balanced view of the intervention?
4. **HS3** Study **SOURCE 3**. Which parties were involved in the Closing the Gap Statement of Intent?
5. **HS3** Which state of Australia is not captured in the data in **SOURCE 4**? How might this affect its validity in terms of the representative nature of its data?
6. **HS3** What are three statements you could justify making based on the data shown in **SOURCE 5**?
7. **HS3** What trend is visible in the graph shown in **SOURCE 6**?
8. **HS3** The images in **SOURCES 7** and **8** show different aspects of health inequity that relate to Aboriginal and Torres Strait Islander groups.
 - (a) What are these aspects?
 - (b) What impact might these images have on non-Aboriginal and Torres Strait Islanders who view them?
 - (c) What impact do they have on you?
9. **HS4** To what extent do you believe that the Northern Territory intervention represents a continuation of the restriction of Aboriginal peoples' rights and freedoms?
10. **HS4** Using what you have learned in this subtopic, create a mind map that shows the challenges faced by Aboriginal and Torres Strait Islander peoples today. Consider aspects such as health, education and employment and show how they are interrelated.
11. **HS5** Based on continuing increased rates of Aboriginal and Torres Strait Islander students completing year 12, what are some of the possible effects for the future of Aboriginal and Torres Strait Islander peoples?
12. **HS4** Using the information and sources in this subtopic, write 400 words on the trends and patterns that are evident in the Closing the Gap initiative.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.13 The struggle continues

4.13.1 Aboriginal and Torres Strait Islander peoples in the twenty-first century

In the twenty-first century the struggle for Australia's Aboriginal and Torres Strait Islander peoples is far from over. Major inequities still exist between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians, and the nation continues to debate fundamental issues, from land rights to

the treatment of Aboriginal and Torres Strait Islander prisoners and what it means to be Indigenous. In recent years, however, there have been major improvements in the recognition of the rights of Indigenous people both in Australia and in the rest of the world. This is thanks to the work of Aboriginal and Torres Strait Islander leaders and activists, past and present, whose words and actions continue to influence policymakers.

Australia's Aboriginal and Torres Strait Islander population is projected to increase by more than one-third to reach between 907 800 and 945 600 people by 2026, according to the Australian Bureau of Statistics (ABS). Projected figures are based on assumed higher than average levels of fertility and improvements in life expectancy. This represents a 2.2 per cent projected growth per year compared to a projected annual growth rate of 1.6 per cent for the total Australian population over the same period.

Like the total Australian population, the Aboriginal and Torres Strait Islander population is ageing. The proportion of Aboriginal and Torres Strait Islander children aged 0–14 years is projected to decline from 36 per cent of the population in 2011 to between 31 per cent and 33 per cent in 2026, while the proportion of persons aged 65 years and over is projected to increase from 3 per cent to between 6 per cent and 7 per cent. These projections will need to be taken into account in future government policies.

What does it mean to be Indigenous today?

The definition of an Indigenous Australian has changed over time. Older definitions referred to skin colour or the amount of Aboriginal blood a person was said to have. Today, a person is entitled to be identified as Indigenous if they:

- are of Aboriginal or Torres Strait Islander descent
- identify themselves as being of Aboriginal or Torres Strait Islander origin
- are accepted as such by the community with which they associate

SOURCE 1 Author Nicole Watson describes what it was like to grow up as a light-skinned Indigenous person.

I belong to the Birri Gubba People of central Queensland, even though I live in Sydney. I have blonde hair and blue eyes; characteristics that are irrelevant to my identity as an Aboriginal person. I never chose that identity. Rather, it was a bequest from the people who reared me – my strong-willed European Australian mother and my fiery Aboriginal father...

... Throughout my teens, more than one observer casually raised the apparent clash between my light features and my Aboriginal identity. Such comments always drew a flash of pain on my father's face. As an adult, I can only imagine how horrible it must have been for Dad to hear the paternity of his child being questioned so audaciously. I still marvel at the incredible privilege that lurked behind those obtuse comments.

When strangers question my identity, they question the adults who grew me. They question the choices that were made for me and perhaps, even the love that my family gave to me, and continue to give. As painful as such interrogations have been, they will never shake my identity. I know who I am. But I do wonder what motivates the likes of Andrew Bolt [a journalist who was found guilty of discrimination for criticising people who appear Caucasian but identify primarily as Indigenous]. What dark insecurities fester in his psyche that he has a desperate need to assault the humanity of strangers?

Between 1991 and 2001 the number of people who identified as Aboriginal or Torres Strait Islander (or both) on the national census rose dramatically — from 351 000 to 517 000. This increase then was due, it is believed, to census officers' increased access to Indigenous communities and to the greater levels of acceptance for people to identify as Indigenous.

Some people view the growing number of people who identify themselves as Aboriginal and Torres Strait Islander as a positive sign. They believe it represents a growing pride in Indigenous Australia. However, there are those who have questioned the motives of people who identify as Indigenous when they have a mixed heritage. These critics have implied that identifying as Indigenous may be based on a desire to profit from this identity — a claim that is rejected by Aboriginal and Torres Strait Islander leaders. Articles written by journalist Andrew Bolt, which criticised people who appear Caucasian but identify as

Aboriginal, were the subject of a racial discrimination trial in 2010, launched by nine prominent Aboriginal people mentioned in the articles.

SOURCE 2 Indigenous plaintiffs celebrate victory after journalist Andrew Bolt is found guilty of breaching the Racial Discrimination Act in the articles 'It's so hip to be black' and 'White fellas in the black'.



DID YOU KNOW

According to legal historian John McCrossin, since the time of white settlement, governments have used 67 classifications, definitions or descriptions to decide who is Aboriginal.

4.13.2 The rights of Indigenous peoples

In the twenty-first century the United Nations has taken a more active interest in supporting the rights and freedoms of Indigenous people around the world. Of particular importance are agreements such as the International Covenant on Civil and Political Rights (ICCPR) and the Committee on the Elimination of Racial Discrimination (CERD), which has made it very clear that a 'hands-off' approach to Indigenous rights is no longer enough. In some cases, CERD has used an 'Urgent Action Procedure' to pressure countries, including New Zealand and the United States, to recognise and respect the land rights of their Indigenous peoples.

The most decisive action taken by the United Nations in relation to Indigenous people was the creation of the Declaration of the Rights of Indigenous Peoples in 2007 (see **SOURCE 3**). The Declaration was developed, over two decades, with the input of Indigenous representatives from around the world, and in direct response to requests brought to the UN Working Group on Indigenous Populations (WGIP). It embodies the rights and freedoms fought for by the world's Indigenous people throughout the twentieth century. Although the articles of the Declaration are not legally binding, the Declaration is a very important symbol, particularly for nations attempting to reconcile with their Indigenous peoples.

The right to self-determination

Importantly, the Declaration of the Rights of Indigenous Peoples officially recognised **self-determination** as a basic right for Indigenous peoples. Signatories agreed to allow their Indigenous communities to govern themselves and take charge of their own economic, social and cultural matters.

Only four UN countries voted against the Declaration in 2007. They were the United States, Canada, New Zealand and Australia. Mal Brough, Australia's federal Indigenous Affairs Minister at the time, explained:

We haven't wiped our hands of it, but as it currently stands at the moment, it would provide rights to a group of people which would be to the exclusion of others... The best way of putting it is, it's outside what we as Australians believe to be fair.

It would take a change in government before Australia, under the leadership of Kevin Rudd, would sign the Declaration in 2009. This would finally give Aboriginal and Torres Strait Islander peoples the opportunity to determine their own future.

SOURCE 3 Articles 1–5 of the Declaration of the Rights of Indigenous Peoples, 2007

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

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, in the exercise of their rights, in particular that based on their Indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

SOURCE 4 Some of the things Indigenous people believe are essential for a national organisation that represents them

'... the National Representative Body should primarily act as an **advocacy** and negotiation body, arguing independently from a considered and well researched base, for the domestic implementation of the Declaration on the Rights of Indigenous Peoples and other relevant and binding human rights provisions...' (Public Submission 2)

'The outcomes must be our own and we cannot feel like our funding will be cut if we stand up and speak out against a government policy or program.' (Public Submission 8)

'Any national body should collaborate effectively with the Indigenous Dialogue — the Dialogue should be the key vehicle to facilitate constitutional reform and that this process be carried out under the principles of the UN Declaration such as free, prior and informed consent...' (Public Submission 77)

'We need a balance of young people as representatives on our peak body also. It's always easy to presume we know best for our kids, but don't take the time to ask. I would like to see a balance of 50/50 men and women represented.' (Public Submission 16)

Our future in our hands

Building on the promise of the Declaration of the Rights of Indigenous Peoples, the Australian government supported the establishment of a National Congress of Australia's First Peoples. While this Congress is not the first organisation designed to represent the interests of Indigenous people, it differs in some key ways. Based on a model proposed in the *Our Future in Our Hands* report (2009), the Congress is made up of Indigenous people, with equal numbers of men and women, and representation from young people and members of both urban and rural communities. It is a private, not-for-profit company, meaning it does not rely on government funding.

Tom Calma, who chaired the committee charged with designing the Congress, explained, 'It is time for Aboriginal and Torres Strait Islander people to take control and set the agenda', Establishment of the Congress was praised by national Indigenous leaders, as well as international organisations such as the United Nations and Amnesty International.

SOURCE 5 On 19 April 2010, at the ninth session of the United Nations' Permanent Forum on Indigenous Issues, the New Zealand government announced its support for the Declaration of the Rights of Indigenous Peoples and received a chorus of cheers from 2000 Indigenous delegates in response. The announcement was followed by a traditional Maori song of thanks.



4.13.3 The next steps — recognition in the Constitution

The Australian government has given a commitment to work towards the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution. This recognition is about acknowledging that an Indigenous culture was flourishing on this continent many thousands of years before Europeans arrived and continues today.

The journey to constitutional change

An expert panel, which included Indigenous and community leaders, constitutional experts and parliamentarians, consulted extensively across Australia, reporting their recommendations to the prime minister in January 2012. In 2015, a Referendum Council was established to lead a national discussion on how this might be achieved. Consultations will be undertaken with both Aboriginal and Torres Strait Islander peoples and non-Indigenous groups to ensure community engagement. Partners in the campaign include diverse groups in Australian society such as the Australian Broadcasting Commission, the Commonwealth Bank, PHP Billiton, Uniting Church of Australia, Amnesty International, and Carlton and Richmond Football Clubs. At the time of writing, the final form of the referenda that would be needed to add this recognition to the Constitution and a date for it to be put to the Australian people has not been finalised.

SOURCE 6 A summary of the recommendations made by the expert panel in their report of 2012

- **Remove Section 25** — which says the States can ban people from voting based on their race;
- **Remove section 51(xxvi)** — which can be used to pass laws that discriminate against people based on their race;
- **Insert** a new section 51A — to recognise Aboriginal and Torres Strait Islander peoples and to preserve the Australian Government's ability to pass laws for the benefit of Aboriginal and Torres Strait Islander peoples;
- **Insert** a new section 116A, banning racial discrimination by government; and
- **Insert** a new section 127A, recognising Aboriginal and Torres Strait Islander languages were this country's first tongues, while confirming that English is Australia's national language.

SOURCE 7 A quote from Noel Pearson, member of the expert panel and a descendant of the Bagaarmugu and Guggu Yalani peoples. He is a key advocate for constitutional recognition.

The original Constitution of 1901 established a negative citizenship of the country's original peoples. The reforms undertaken in 1967, which resulted in the counting of Indigenous Australians in the national census and the extension of the races power to Indigenous Australians, can be viewed as providing a neutral citizenship for the original Australians. What is still needed is a positive recognition of our status as the country's Indigenous peoples, and yet sharing a common citizenship with all other Australians.

SOURCE 8 Sydney Swans AFL team Indigenous players Lance Franklin, Adam Goodes and Lewis Jetta stand in the centre circle next to the letter 'R' for Recognise at the Sydney Cricket Ground ahead of the Indigenous Round in 2014.



4.13 EXERCISES

Historical skills key: **HS1** Remembering and understanding **HS2** Sequencing chronology **HS3** Using historical sources as evidence **HS4** Identifying continuity and change **HS5** Analysing cause and effect **HS6** Determining historical significance

4.13 Exercise 1: Check your understanding

1. **HS1** According to the 2011 census, what percentage of the total Australian population identifies as Indigenous?
2. **HS1** What is the projected population of Aboriginal and Torres Strait Islander peoples by 2026? What are the likely causes of this increase?
3. **HS1** For a person to be considered as Indigenous, they have to meet three criteria. What are these?
4. **HS1** What crime was journalist Andrew Bolt accused and found guilty of in 2009? By whom was he accused?
5. **HS1** What is the purpose of the Declaration of the Rights of Indigenous Peoples 2007?
6. **HS1** Who created the Declaration of the Rights of Indigenous Peoples 2007?
7. **HS1** In your own words, explain why the Minister for Indigenous Affairs, Mal Brough, believed that Australia should not sign the Declaration of the Rights of Indigenous Peoples in 2007.
8. **HS1** Did Australia eventually sign the Declaration? If so, what made the difference?

9. **HS1** Explain why the National Congress of Australia's First Peoples was created.
10. **HS1** Why is it important that the National Congress is not government funded?
11. **HS1** Explain the constitutional recognition journey in your own words.
12. **HS1** When are the proposed referenda to change the Constitution being held?

4.13 Exercise 2: Apply your understanding

1. **HS3** In **SOURCE 1**, author Nicole Watson reflects upon the experience of being a light-skinned Aboriginal Australian.
 - (a) In what ways was this experience difficult for her and for her parents?
 - (b) Why do you think she chose to begin this piece with the words, 'I belong to the Birri Gubba People of central Queensland, even though I live in Sydney'?
2. **HS3** **SOURCE 2** depicts some of the prominent Aboriginal Australians who filed charges against journalist Andrew Bolt. Their case was ultimately successful.
 - (a) How might this photograph have looked if a similar case — in which Aboriginal Australians challenged the words of a white journalist — had been held in the 1950s or 1960s?
 - (b) List some of the social changes that have occurred over the past 50 years that might have contributed to the ultimate success of the case.
3. **HS3** Evaluate what points in **SOURCE 3** could have given people like Mal Brough enough concern to cause him to be against signing the Declaration.
4. **HS3** After reading **SOURCE 4**, make a list of ideas that Indigenous people wanted to come out of the creation of a body that represents them as a people.
5. **HS3** What is the significance of the inclusion of **SOURCE 5** in this subtopic?
6. **HS3** What key words emerge from a study of **SOURCE 6**? How do these words sum up the movement for recognition?
7. **HS3** According to Noel Pearson (**SOURCE 7**) what would be the difference between the 1967 reform to the Constitution and the proposed recognition reform?
8. **HS3** Analyse **SOURCES 3** and **4** and select the sections that relate to self-determination. If these recommendations were followed, how might the lives of Aboriginal and Torres Strait Islander peoples change over the next decade?
9. **HS3** Study **SOURCE 8**.
 - (a) How effective is the choice of an 'R' as a symbol for the recognition campaign?
 - (b) What might be the advantages and disadvantages of displaying it in this way at a popular sporting event, accompanied by Indigenous sporting stars?
10. **HS4** As the Declaration of the Rights of Indigenous Peoples 2007 is not legally binding, do you think that it has any value?
11. **HS4** Imagine that you are the new chairman of the Board of the National Congress of Australia's First People. Write the speech that you would give in the opening meeting. It will give your motivations and set the agenda for your leadership.
12. **HS4** Write a 250-word report that explores the significance of Australia's signing the Declaration of the Rights of Indigenous Peoples and how the Declaration relates to the rights and freedoms strived for by at least one Indigenous activist, such as Charles Perkins (subtopic 4.6), Faith Bandler or Eddie Mabo.
13. **HS6** Rank all the sources presented in this subtopic in order of what you consider to be their historical significance in the struggle of Aboriginal and Torres Strait Islanders for rights and freedoms in the twenty-first century.

Try these questions in learnON for instant, corrective feedback. Go to www.jacplus.com.au.

4.14 SkillBuilder: Historical debate

online only

What is a historical debate?

A historical debate is an argument that reflects opposing or contesting views on an event or a period in time, the historical evidence for which may be interpreted in different ways.

Select your learnON format to access:

- an explanation of the skill (Tell me)
- a step-by-step process to develop the skill, with an example (Show me)
- an activity to allow you to practise the skill (Let me do it)
- questions to consolidate your understanding of the skill.



4.15 Thinking Big research project: Needed: Social media guru

online only

SCENARIO

You have been given a once-in-a-lifetime opportunity, and all the technology you require, to change history. Selecting a protest movement of the past and using what you know about grassroots activism today, you will develop the first protest movement ever to go online.

Select your learnON format to access:

- the full project scenario
- details of the project task
- resources to guide your project work
- an assessment rubric.



on Resources



projectsPLUS Thinking Big research project: Needed: Social media guru (pro-xxxx)

4.16 Review

online only

4.16.1 Key knowledge summary

Use this dot point summary to review the content covered in this topic.

4.16.2 Reflection

Reflect on your learning using the activities and resources provided.

 **Interactivity** Rights and freedoms crossword (int-xxxx)

 **eWorkbooks** Reflection (doc-xxxxx)
Crossword (doc-xxxxx)

KEY TERMS

advocacy active support

ailan kastom (island custom) the body of customs, traditions, observances and beliefs of some or all of the Torres Strait Islanders living in the Torres Strait area

Alienate to cause someone to feel isolated or separated

assimilation the process by which a minority group gives up its own customs and traditions and adopts those of the dominant culture

Australia's First Peoples an inclusive term used to refer to groups that make up the Aboriginal and Torres Strait Islander community

bipartisan supported by the two major political parties

census an official, usually periodic count of a population

culpability state of guilt; being responsible or blameworthy

embassy the residence or place of official business of an ambassador, who represents a foreign country

eradicate wipe out, obliterate

Folly foolishness; lack of good sense

heritage cultural traditions

inalienable belonging to a thing by its nature; not able to be taken away

incarceration imprisonment

integration a policy that recognised the value of Aboriginal culture and the right of Aboriginals to retain their languages and customs and maintain their own distinctive communities

land rights the rights of Indigenous peoples to possess land they traditionally owned and occupied

moral relating to right and wrong behaviour

native title a 'bundle of rights' of Indigenous people to possess land they traditionally owned and continue to occupy

pastoralist a person who runs sheep or cattle on a property

precedent an action or decision on which later actions or decisions might be based

referendum a ballot in which people decide on an important political issue

repatriation assistance given to ex-service men and women returning to a civilian way of life

rhetoric effective and persuasive language, sometimes used to mislead

self-determination the freedom for a people to determine their own course of action

seminal original and influential

terra nullius Latin term meaning 'land belonging to no-one'

terra nullius ('land belonging to no-one') in Australia, the legal idea that since no-one was 'using' the land when the first Europeans arrived, it could be claimed by the British Crown

treaty a formal agreement between states

unconstitutional not in accord with the principles set forth in the Constitution

Unfettered unrestricted