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Vincent Lingiari Memorial Lecture

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Fifty years ago, Vincent Lingiari led a walk off from the Wave Hill station. It was an action that has become one of the most significant political moments in contemporary Australian history – one that had deep symbolic value but also had a profound intellectual base.

The concerns of Lingiari and the two hundred Gurindji stockmen, house servants and their families who walked with him were two-fold.

The poor work conditions and unequal pay was one key reason for the strike. Lingiari's actions were a call for equal treatment and an end to exclusionary and discriminatory practices.

From their camp at Daguragu – or Wattie Creek – they sought the return of Gurindji traditional land so they could establish their own cattle station. This was not just an articulation of sovereignty and traditional custodianship – but an agenda that sought self-

determination and the ability for the Gurindji to take control of their own resources and their own future.

These notions of access to equal opportunity and rights within Australian society and the claims of Indigenous identity, self-determination and nationhood are two interweaving strands of a political agenda that is as important today as it was in August 1966.

Vincent Lingiari would have barely recognised some of the aspects of the world in which we live today, a world shaped by his vision of inclusion into the broader Australian community. We have Indigenous doctors and surgeons, Indigenous lawyers, Aboriginal medical services, Indigenous entrepreneurs, Indigenous PhD's, Indigenous professors and Pro-Vice Chancellors and Indigenous people elected into the parliament in increasing numbers.

Without the contribution of the Gurindji and their actions at Wave Hill, with their demand for equality that was not just heard nationally but around the world, the ability to capture opportunities within the broader Australian community would not be so easily seized. But this is not the whole picture.

Although the punitive and draconian conditions that faced Lingiari back in 1966 are gone, there is no doubt that equal access to opportunities within Australian society still remains elusive in to too many Indigenous people and that discrimination is still too rife.

This is not an emotional observation but is backed up by the facts. Indigenous people still die ten years younger than other Australians. Sixty per cent of Indigenous students finish high school compared to 86.5 per cent for non-Indigenous Australians. The employment rate for Indigenous people is 47.5 per cent; for all other Australians the employment rate is 72.1 per cent.

On statistics not covered by the 'Close the Gap' agenda, sixty per cent of the people in the juvenile justice system are Indigenous – and most of them not convicted of crime but on remand.

Suicide is the fifth leading cause of death for Indigenous people and accounted for 5.2% of all Indigenous deaths compared to 1.8% of non-Indigenous people.

Indigenous people have four times the homelessness rate of non-Indigenous people and although they are 2.5% of the population, they make up 9% of the total homeless population.

These are compelling statistics but behind them are very human stories.

Images on ABC's Four Corners of Dylan Voller hooded and restrained, of children in solitary confinement without running water and of children being tear gassed by guards showed a level of brutality towards these young men that shocked the nation.

This was no isolated incident and it was revealing.

It was revealing of the inhumanity with which young people are treated within the system. And I don't just mean the shock of those individual images but the fact that they speak to all the times that these acts of brutalisation are not seen and the fact that they are reflective of a system that is entrenched with indifference to the young people within it – a system that sees Aboriginal children as a problem that needs to be contained and controlled.

In her book, *The New Jim Crow: Mass Incarceration in the Age of Colourblindness*, civil rights lawyer Michelle Alexander argues that the over-representation of African Americans in the criminal justice system is a new form of segregation. She describes it as 'a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow,' the laws used to segregate blacks and whites.

When looking at the increasing rates of over-representation of Indigenous people in Australia, it is hard not to draw comparisons. Western Australia imprisons people for

non-payment of fines, the Northern Territory has introduced paperless arrests, and bail laws across the country disadvantage the homeless – even if they are children – and these measures all have a disproportionate impact on Indigenous people. This is what is adding to the number being locked up for minor offences, poverty related offences and mostly without a conviction because they are not eligible for bail so sit in prisons for months and months on remand.

I would assume that the men who were guarding the young boys in Don Dale Correctional Centre caught on camera would not treat their own children that way. I would assume that they would not treat children outside of that detention centre that way. So at what point did they stop seeing those young men as human?

There is no doubt that a brutal system dehumanises both the people it is controlling and those who are administering it.

But in searching for answers as to how this can happen one needs to look at the society that produces such state apparatus.

And in the Northern Territory you cannot dismiss the impact of the Northern Territory Emergency Response – or the Northern Territory Intervention. You cannot understand why Don Dale happened without looking at the intervention and the attitudes it hardened and the disempowerment it reinforced.

The measures brought in by the Northern Territory intervention included police powers to raid homes and search cars without a warrant and 'star chamber powers' to force people to answer questions without a lawyer present. Police were given mandates that allowed them to treat Indigenous people differently.

The intervention also introduced the quarantining of welfare payments on a 'BasicsCard' and this led to an effective and visible apartheid. There were separate queues in supermarkets and Centrelink for Indigenous people.

Because these measures introduced as part of the intervention specifically targeted Indigenous people, the Racial Discrimination Act 1975 and Northern Territory anti-discrimination legislation had to be suspended to prevent it from applying and in so doing failed to protect Indigenous people from discriminatory practices.

This suspension of an important measure of protection against discriminatory impacts of policy was justified on the basis that it was designed to protect women and children.

While the 'paedophile' rings that were used as an excuse for the intervention were subsequently found not to have existed, what is a reality is that the state continues in very real ways to abuse children.

It is an irony that the state imposed such draconian measures on Indigenous communities and families – including Indigenous women and children – ostensibly to protect them from child abuse but then, when it has the care of children, commits such brutal acts upon them.

These issues are complex. But there is no doubt that the circuit breaker to these systemic, entrenched problems lies in looking at the root causes, doing more at the front end to support Indigenous families, especially parents and mothers, in looking at diversionary programs for young people, supporting programs that assist with combating drug and alcohol abuse, and investment in education including a serious rethink about the way that schools roll out education to Indigenous people. What is needed is investment in the support of Indigenous families and Indigenous communities.

These steps are not just to ensure that Aboriginal children do not end up in detention; it is also to ensure that Aboriginal families are supported so that the number of Indigenous children in out of home care decreases and that a larger number of the children who do have to be removed from their immediate families are placed in the care of extended family members.

The forced removal of Aboriginal children by the state has increased by more than five hundred per cent since the release of the Bringing them Home report. Sixty per cent of the children in Don Dale were in 'out of home care' when they were picked up by the

police and put into prison. And this is not just a Northern Territory problem. This is the situation nationally.

It is too easy to put the blame on Indigenous parents. This was a key part of the intervention propaganda. 'Why don't Aboriginal parents get their children to school?' was the question being asked by politicians and the media – and by large parts of the wider Australian community.

What we do know is that the factors most likely to discourage Indigenous students attending school are the culture of the school and the quality of the teaching.

So the question to ask isn't 'why don't Aboriginal parents get their children to school?' The question to ask is 'what can schools do to make their environments more conducive to the teaching of Aboriginal children?'

That's the real question and if that was the question asked, answered and acted on, a solution might be closer at hand. Those answers would include improving the relationship between the Indigenous community and the school, more Indigenous community members involved with the life of the school, breakfast and lunch programs, an Elder in residence, Aboriginal teachers and teaching aides and a curriculum that engages Indigenous children in their learning.

How punitive welfare measures, increased criminalisation of alcohol consumption and additional policing powers are supposed to address those structural problems within the education system was never made clear when the policy was rolled out.

Aboriginal parents became the scapegoats and the underlying issues were not addressed.

So we have a situation today where school attendance rates are down. We have seen an increase in recorded attempted suicide and self-harm by four hundred per cent and an increasing rate of Indigenous people in prisons – including a tripling of the incarceration rates of Aboriginal women.

More money is spent on criminalising alcohol and substance addition than in rehabilitative and education programs. Homelessness and domestic violence faced by Indigenous women makes them vulnerable to having their children taken.

Rather than giving them the scaffolding to assist in rebuilding their lives and their families, we further punish them for their disadvantage and poverty by removing their children. Aboriginal parents are once again demonised.

What we know from the images from Don Dale is that no matter what the circumstances are that lead Indigenous people into the juvenile justice system, once they are in that system it makes them worse, not better.

Governments of all colours and on all levels continue to underinvest in infrastructure and services in Indigenous communities.

The Northern Territory intervention was rolled out by the Howard Government but it was Labor Minister Jenny Macklin who implemented the “Stronger Futures” legislation that continued the failing policies of the intervention for a further ten years.

That policy framework needs to be considered a failure and we need to return to a evidence based approach to work towards real shifts in Indigenous disadvantage.

None of what I am saying is profound or new.

The frustrating thing is that we have had a well-researched, thoughtful, evidence based road map set out not once but twice. What I have said above about solutions is repeating the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody and The Bringing them Home report.

So I want to turn now to road maps and answers and I will start that by this reflection.

The entrenched systemic disadvantage of Indigenous people is difficult to break. But, however bad and hard it is, it is not as bad or as hard as it was in 1966 when the Gurindji took a stand.

One thing their action reminds us of today is how much change can come from fighting for what you believe is right and standing by your convictions.

The Gurindji understood that they were best placed to determine their own future and to use the resources that could support their community. And in this vision lies an important key to overcoming Indigenous disadvantage today.

And it is also a key to ensuring vibrant Indigenous communities and a continuation of Indigenous culture.

This year sees the twenty-five year anniversary of the Royal Commission into Aboriginal Deaths in Custody and the twenty year anniversary since the Bringing them Home Report and a key recommendation in both of those reports was the notion of self-determination.

Amongst a cluster of recommendations under the heading of 'Self Determination',

Recommendation 192 of the RCIADIC states:

That in the implementation of any policy or program which will particularly affect Aboriginal people the delivery of the program should, as a matter of preference, be made by such Aboriginal organisations as are appropriate to deliver services pursuant to the policy or program ... Where no appropriate Aboriginal

organisation is available to provide such service then any agency of government delivering the service should, in consultation with appropriate Aboriginal organisations and communities, ensure that the processes to be adopted by the agency in the delivery of services are appropriate to the needs of the Aboriginal people and communities receiving such services...

This isn't 'self-determination' as an abstract principle. It is self-determination as a concrete approach that places Indigenous people centrally in the development of policy, the design of programs and the implementation of service delivery.

The Bringing them Home report put it in these terms:

Our principal finding is that self-determination for Indigenous peoples provides the key to reversing the over-representation of Indigenous children in the child welfare and juvenile justice systems of the States and Territories and to eliminating unjustified removals of Indigenous children from their families and communities... not a single submission to the Inquiry from Indigenous organisations saw intervention from welfare departments as an effective way of dealing with Indigenous child protection needs.

Again, Indigenous people placed at the heart of the development of policy, the design of programs and the implementation of service delivery.

This approach is not ideological; it is evidence-based. There are concrete reasons that explain why the research consistently shows that Indigenous people's central involvement in policy, programs and service delivery delivers better outcomes for Indigenous people.

Indigenous people are much better placed to understand the issues in their own communities. They are better placed to understand the priorities. They are much better placed to understand the interconnectedness of issues and to take a holistic approach. They are much better placed to deliver a service in a culturally sensitive way to their clients.

This is borne out by the way in which organisations such as Aboriginal Medical Services and Aboriginal Legal Services understand the links between issues such as homelessness and mental illness in a way that non-Indigenous organisations working with Indigenous clients don't.

Indigenous people are better able to use their networks and connections across the sector and across organisations to work towards stronger solutions to intractable problems. They know the people in their community so they know which children are not attending school and they know which people are not seeking proper medical attention. They are better able to access those who would fall through the gaps of mainstream services.

All of this is common sense but the evidence of what works to improve socio-economic outcomes for Indigenous people – especially in the area of health – backs it up.

One of the key problems with the approach taken by the intervention that remains a complete policy failure was the way in which the Indigenous expertise on the ground was dismissed, overlooked and, even worse, treated as part of the problem not part of the solution.

This dismissal of the Indigenous experience and knowledge within the Indigenous community was evident in the way in which the design of the intervention – done in Canberra – did not seek to be informed by what people working on the ground in the Northern Territory knew.

Fly-in, fly-out medical checks undermined Indigenous community controlled health organisations but were far less effective at accessing the truly marginalised within the community the way the on-the-ground health services could.

People working on the ground who had made their communities dry, who had pioneered breakfast and lunch programs within schools were never consulted about what might work best in their own communities even though they were seasoned at finding workable, common sense solutions.

One of the most heinous by-products of the failed intervention approach was the way in which it undermined the confidence, agency and capacity of Indigenous people on the ground in the Northern Territory.

I would also note that Indigenous capacity has been further undermined by the most recent approach to Indigenous funding – through the Indigenous Advancement Strategy – where there continues to be a trend where governments fund non-Indigenous NGO's to do work that was previously being done by Indigenous community organisations. And often, the first thing those non-Indigenous NGO's have to do is ask the staff from the Indigenous community controlled organisation (that is facing closure due to the loss of their funding) how they do the job.

And as a further point, I would note that the decision to no longer fund the national Indigenous representative body – the National Congress of Australia's First Peoples – which is fully elected by Indigenous people, is a further sign of the dismissal of Indigenous people's attempts to create their own structures and voices.

This all points to a trend that, even though the evidence shows that Indigenous control is central, there are continual attempts to undermine Indigenous capacity – sometimes overtly; sometimes subtly.

Self-determination cannot happen without Indigenous capacity and agency.

That capacity needs to be built.

Having outlined a fairly depressing state of affairs, that might seem like a fanciful assertion.

But I have seen communities rebuilt and a key part of that has been the capacity building not just of the community but of individuals.

In 1998, the Ngarrindjeri people in South Australia went through a fractious event. The proposed building of a bridge split the community when some people claimed the proposed development would destroy a significant sacred women's site and other members of the community refuted that claim. The fight was tenacious, ugly and public. In the end, the bridge was built and the site destroyed.

For many, these events would have signalled a new era of fresh wounds, resentments and divisions.

But the Ngarrindjeri did something extraordinary.

They realised that if they, as a community, could not find a better way to operate, make decisions and decide disputes, there would be no Ngarrindjeri.

So over the next decade they went through a process of nation building – working together to build a governance structure from the ground up that they could participate in but which reflected their values and their preferred way of doing things.

Under the radar, away from the spotlight, they built the Ngarrindjeri Regional Authority which provides a forum for community discussion, consultation and decision making.

Not only has this transformed the community, but it has been inspirational to see individuals transformed by the ability to participate in a meaningful process, where their opinion matters and where they can take some responsibility for decisions that will have meaning for their families.

What the Ngarrindjeri have achieved through their regional authority is an indication of what Aboriginal communities can create – on their own, without a government agenda or framework or timeline – when given the space and respect to do things their way.

The Ngarrindjeri Regional Authority is now a mechanism for the community to be a lead driver in heritage protection and resource management on their traditional lands. They are able to negotiate with governments and other entities on their own terms.

And one party that has been very excited about the NRA is the South Australian government who have come to appreciate the benefits of a community interface that

can provide legitimate feedback, that can provide a legitimate consultation process and can assure community buy in.

Like the Gurindji, the Ngarrindjeri know that they are the best people to control their resources and make decisions about their future. Like the Gurindji, the Ngarrindjeri know that self-determination and agency will lead to the best outcomes for Indigenous communities.

Lingiari's vision for the future saw not just the importance of socio-economic equality, it also recognised the importance of strong Indigenous communities and cultures. And this is an important message that we need to remember.

I have argued that a key problem is the undermining of Indigenous agency. But there is another key problem with the current approach taken by policy makers – an approach that permeated the language of the Northern Territory intervention and continues to block effective solutions today.

Today, policy makers will often claim that Indigenous cultures are part of the problem.

I will give two practical examples that show the positive influence of Indigenous cultures and how they can create positive outcomes and both are in the area of Indigenous education.

Educationalist Chris Sarra, who has just been named NAIDOC Person of the Year, developed a method to engage Indigenous children with their schooling during his time as Principal of Cherbourg State School.

He took a dual approach. He built the self-esteem of his students by engaging them with their culture. This would build their pride and build their confidence. At the same time he focussed on their educational outcomes – their academic performance – and to this end, he changed the general expectation that is often placed on Indigenous students that they would perform badly with expectations that they would perform well.

The combination of self-confidence from strong grounding in culture and the high expectations of academic performance led to excellent results from his students – increasing attendance at school and improving academic outcomes. There was no better way to increase the student's sense of self esteem than to strengthen their pride in their Indigenous heritage.

Another program that has shown results in engaging students in school and in improving outcomes are bi-lingual language programs. These programs are intensive and expensive but they work.

They work because they require the teachers to immerse themselves in the community in order to be fluent in the language – so the relationship between the school and the community starts to grow. It requires an Aboriginal teacher or teacher's aide in the classroom, further strengthening the link between the community and the school.

Children learn to read and write in their own language so they are better able to read and write English when they come to learn it as a second or third language. It makes learning English easier.

And it makes for a more engaging classroom for a child who understands the Aboriginal language being spoken in their home. It is much harder to engage a child who does not completely understand everything in the classroom because it is being said in their second, third or fourth language.

One thing that I have found in my time as a researcher is that the best ideas as to what works to solve intractable solutions don't come from bureaucrats and politicians. They come from community people who are at the coalface. Like the Ngarrindjeri and the Gurindji, they know what the most effective solutions to their problems. And more than that, beyond that, they find the ways to keep their culture and languages strong and resilient. They find the best ways to protect their lands and water. They find the best ways to keep their communities healthy, vibrant and strong.

Vincent Lingiari and the Gurindji people who walked with him changed the Australian political landscape. But their wisdom, the rightness of their actions and their vision for how to build a healthy, sustainable and vibrant future for Aboriginal people in Australia has as much wisdom for us today as it did when the Gurindji took those first revolutionary steps in 1966.