

A Sorry Tale – the Howard Government's record in Aboriginal and Torres Strait Islander Affairs 1996 – 2001

When the Howard Government was elected in 1996, the Reconciliation process was at its mid-way point, historic Native Title legislation had been enacted, and the Stolen Generations inquiry was underway. On election night 1998, after the outcry over the Government's treatment of native title in 1997-98 under Howard's '10-Point Plan', the Prime Minister promised to make Reconciliation a priority for the Government's second term. Did John Howard keep his promise? How does the Government's record stand up after five years in office?

The following provides a summary of some of the main aspects of the Howard Government's record over the past five years.

Reconciliation

In December 2000 the Council for Aboriginal Reconciliation (CAR) gave its recommendations to the Government, after a formal process lasting 10 years and the most comprehensive community consultation ever conducted in Australia. At Corroboree 2000 and events like the Sydney Harbour Bridge walk and other similar 'bridge walks' around Australia, 1,000,000 Australians turned out to show their support.

CAR recommended special legislation to unite all Australians and to establish a negotiation process to reach an agreement, or treaty, to deal with the 'unfinished business' of Reconciliation, and four strategies for the future,

- to sustain the Reconciliation process,
- recognise Aboriginal and Torres Strait Islander rights,
- overcome disadvantage and
- develop economic independence

The Government's response

Instead of providing leadership and support to continue the Reconciliation process, the Howard Government has reduced its support for Reconciliation and has left it up to ordinary Australians and businesses to provide funding so the process can continue. The Government has

- failed to provide a formal Government response to the Council's recommendations
- virtually ignored most of the Council's recommendations
- reduced funding for Reconciliation
- provided only one-off seed funding for Reconciliation Australia, the body that has replaced CAR
- refused to consider the draft legislation recommended by CAR
- ignored CAR's strategies

Indigenous Disadvantage

The quality of life for many Indigenous Australians is getting **worse**, not getting better. Indigenous people are severely disadvantaged on all social indicators such as health, housing, education and employment. Examples of such disadvantage include:

Life expectancy – 20 years shorter than for non-Indigenous Australians!

Infant mortality – 3 times higher than for non-Indigenous Australians

Diabetes – 2-4 times higher

Blindness – 10 times higher

Unemployment – 23% compared with 7.3% for non-Indigenous Australians. If CDEP (Indigenous work-for-the-dole) schemes are included, Indigenous unemployment is around 50%.

Education – Only 32% of Indigenous youth completed all secondary schooling compared with 73% of all Australian youth in 1998.

Housing – only 31% of Indigenous families are buying their home compared to 70% of non-Indigenous families. \$3 billion is needed for community housing and infrastructure which is essential to improve Aboriginal health in remote and rural Australia

In 1996, one of the Howard Government's first actions was to cut funding to Aboriginal Affairs by \$400 million. Some of this funding has been restored, but despite adopting an approach it calls "Practical Reconciliation", the Government has not made any real inroads into Indigenous disadvantage.

Government expenditure for Indigenous health is only 8c per dollar more than for non-Indigenous programs, despite the terrible health statistics.

The statistics for Indigenous people in Australia are getting worse, and in some areas compare badly to countries such as Canada, the US and New Zealand, which have taken a rights-based approach to tackling these problems.

Native Title

The *Native Title Act 1993* was passed in response to the historic *Mabo* decision of the High Court in 1992, after extensive negotiation with Indigenous representatives. In an important test case, the High Court made a further decision in December 1996 in the *Wik* case, which found native title could co-exist with pastoralists' rights on pastoral leasehold land. The then recently-elected Howard Government, which had already planned to amend the *Native Title Act*, made the *Wik* decision an excuse for sweeping amendments.

Indigenous representatives formed the National Indigenous Working Group on Native Title (NIWG) and put forward constructive proposals based on the coexistence of Indigenous and non-Indigenous interests and recognising the rights of all parties.

In contrast, the Howard Government triggered off an alarmist and divisive debate which lasted for 18 months and has had lasting negative results for Indigenous people.

The Government refused to negotiate with Indigenous representatives and instead announced **Howard's 10 Point Plan**. It allowed for **extinguishment of native title** and the winding back of Indigenous rights under the *Native Title Act*, while enhancing the rights of other landholders, governments and developers.

The Australian Law Reform Commission and other bodies, such as the United Nations Committee for the Elimination of Racial Discrimination (CERD), found the amendments to be racially discriminatory and in breach of Australia's international obligations. The Government rejected the Committees' findings outright.

The amendments were passed in 1998. They were universally opposed by Indigenous leaders and by many fair-minded non-Indigenous Australians. ANTaR's *Sea of Hands* grew directly out of widespread public opposition and gained hundreds of thousands of supporters.

The racially discriminatory elements of the amendments still remain and the Federal Government has no plans to remove them.

All sides acknowledge that further procedural amendments are now needed, however the Government has again introduced a raft of amendments without consultation with Indigenous groups. Indigenous representatives and the Opposition parties oppose these amendments.

Native Title Representative Bodies (which have responsibility under the *Native Title Act* to represent the Native Title claimants) have been faced with ever-increasing demands on their limited resources as a result of the 1998 Native Title amendments. These bodies are seriously under-funded. The result has been extinguishment by default, as NTRBs find they are unable to properly respond to land applications with Native Title implications.

Stolen generations

The *Bringing Them Home Report* of 1997 focused national attention on the devastating impact of past Government policies to remove Aboriginal and Torres Strait Islander children from their families. The report made extensive recommendations such as programs to enable removed children to locate and re-unite with their families, the provision of counselling services, the issuing of a national apology to those affected by the policies, and the provision of compensation measures.

In response, the Howard Government:

- refused to offer a formal apology, claiming an apology would imply guilt on the part of people who were not responsible and would leave the Government open to compensation claims
- offered a package of \$63 million over four years for counselling, family services and 'link up' assistance
- spent an estimated \$11 million to oppose just two 'Stolen Generation' cases in the courts (the Gunner-Cubillo and Williams cases)
- questioned whether there was a 'Stolen Generation'

In contrast, the Canadian Government made a formal national apology and committed \$600 million to native communities for counselling, healing centres, language training and economic development in response to similar findings in the report of Canada's Royal Commission on Aboriginal Peoples.

The Howard Government's reaction to the 'Bringing them Home Report' has caused community division and wasted an important opportunity to make a simple but important reconciliation gesture.

The Labor Party and the Democrats have expressed support for a Reparations Tribunal but the Government has remained resolutely opposed to the idea.

'Practical Reconciliation'

The Federal Government's main policy is 'Practical Reconciliation' – addressing the "severe socio-economic disadvantage suffered by Indigenous people through improved outcomes in health, housing, education and employment".

'Practical Reconciliation' is basically a welfare approach, aimed at 'fixing' disadvantage largely through existing mainstream programs. It's an old approach that has been tried and failed.

- Indigenous people access mainstream programs at a much lower rate than other Australians (*Commonwealth Grants Commission*, 2001)

- There appears to be little if any additional funding – just the same programs with different names
- The Government's policy is piecemeal – there's no integrated program for sustainable improvement.
- There are new accountability standards for Indigenous programs, but there is no Indigenous input and involvement in setting the standards.
- It doesn't take a partnership approach with Indigenous people or respect Indigenous priorities – it takes a paternalistic 'we know best' attitude.

Another serious concern is that 'Practical Reconciliation' is framed *in opposition* to Indigenous objectives, such as protection of rights and negotiated approaches to finding solutions, which are dismissed as 'symbolic'. This is divisive, and implies that Indigenous people who are fighting for recognition of their rights are ignoring their own community's 'practical' needs.

This approach goes against the recommendations of all the inquiries and reports of the past decade by bodies such as the Council for Aboriginal Reconciliation, the Human Rights and Equal Opportunity Commission and ATSIC, which all recommend a rights-based approach to tackling Indigenous disadvantage.

The Government's attitude to issues like native title and the Stolen Generations shows it doesn't recognise that the systematic denial of the rights of Indigenous peoples' is the cause of the serious problems faced by Indigenous people today.

Sir Ronald Wilson, a co-author of *Bringing Them Home*, wrote that the Government's commitment to addressing disadvantage does *no more than concede what was recognised by the referendum thirty years ago: that Aborigines are Australians after all and therefore entitled to the welfare services of health, housing, education and employment, these being basic services to which all Australians are entitled. They are things which other Australians take for granted.*" (Sydney Morning Herald, 9 January 1998).

A further measure of the failure of the Howard Government's approach to Indigenous disadvantage comes from a recent joint statement by nearly 60 Community Service Organisations, including the Australian Council of Social Services, the Salvation Army, the Australian Medical Association and the Smith Family. The statement called for government action on disadvantage based on the recognition of Indigenous rights, engaging in formal negotiations with Indigenous people to develop a national framework for overcoming Indigenous disadvantage, initiating a process towards an agreement or treaty, and working with Indigenous people to develop genuine work, training and investment opportunities.