BEYOND

Anger

From invisibility to dependency - the 25 years since Aboriginal citizenship have been a blighted story.

Pat O’Shane, magistrate and activist, spoke to ALR’s David Burchell.

Two incidents recently brought to attention the attitudes of police towards Aboriginal people. First was the ABC documentary ‘Cop It Sweet’; and then the private video of police officers mocking the death of David Gundy. Have there been any significant improvements in police attitudes towards Aboriginal people in the last decade?

One of the reasons those two televised incidents had so much impact was that they showed that police prejudices run very deep and that they are still grossly offensive towards Aborigines. There is in fact very little sympathy for Aboriginals on the part of police.

Part of the response was because many people felt betrayed. At one stage in NSW under the Wran Labor government some very good initiatives were pursued by the Ministry for Aboriginal Affairs and the Police Department. Yet all those past initiatives appeared to have had very little, if any, effect. Others were angry because the police were caught out. That was certainly part of the anger of police themselves. And for others again their response was really very simple-minded and shallow. There was the response that there was no difference in the position of Aborigines and police. Yet of course the police are invested with enormous power under our laws, both in common law and statutory law. They are in a very powerful position in relation to Aborigines, and for that matter any other disempowered people in the community.

To answer the question shortly, I’d have to say, no, there hasn’t been a great deal of change. How we change police attitudes towards Aborigines and vice versa is a question to which I simply don’t have the answer. Like a lot of other people, however, I’m prepared to search for some answers. I do think there are ways in which we can try to improve
the behaviour of police simply by continuing education programs. In NSW under Commissioner John Avery those programs had a significant role, and a lot of Aboriginal people were invited and participated in police-Aboriginal seminars and gave talks to police groups. I think that was helpful. But one principle that has never been accepted is that senior police officers have to be responsible for their subordinates. I don’t accept that in a hierarchical structure each individual alone is responsible for his or her behaviour. There has to be built into the system a hierarchy of responsibility and accountability. If that were achieved we might see considerable change in the behaviour of the subordinates.

After those two recent incidents a consultative committee was set up in NSW to try to improve police-Aboriginal
relations. You were, as I recall, invited on to that committee, and accepted. And there was some criticism of that decision from Aboriginal figures. How do you respond to that criticism? You obviously think the experiment was worthwhile.

Yes, I do. You don’t change anything by drawing lines and standing back either side of a no-go zone, and continuing to hurl abuse at each other. If we’re going to do that we’re not going to change anything. If we’re talking about relations between people, that means that we’ve actually got to communicate with each other. So I was certainly in favour of it. But another practical reason I was so much in favour of it was that it was an initiative from the police union. I am not aware of any other occasion when there has been such an initiative from the police union.

But as things turned out the exercise was sabotaged. People simply did not turn up to the first meeting. I think that’s a matter for enormous regret. And I think it was sabotaged by people on both sides. I talked with the officer whose idea it was, and I do believe that he was genuinely committed to such an exercise. He happens to be a police officer, but he was very distressed that the whole exercise had been aborted.

Among Aboriginal activists in Sydney at least, the political culture is obviously a very angry one—and understandably so. But I imagine it’s not a culture which makes it easy to engage in dialogue.

You’re absolutely right. I think anger is a very sustaining emotion. And I think it’s very legitimate. But there are some instances when it is not legitimate. Of course one had a response of anger to what was depicted in those television programs. But then one has to move beyond that and look at the situation objectively. One has to put aside one’s anger, and say: let’s have a look at this. Let’s try to find ways to intervene in the process whereby these attitudes and this behaviour is perpetuated. And there is no place at all for anger in that assessment.

That sort of anger is in any case a worn-out political tool on the part of urban male Aboriginal activists. They’ve really wrung the last drop out of that particular modus operandus. It’s counter-productive. It’s even worse than that; it helps to perpetuate that whole system that they’re protesting about and getting angry about. And the real test of whether that is so is that they do not attract very many in the Aboriginal community to their cause. And the women in those communities—who come up and talk to me in a way they wouldn’t talk to those men—have had a bellyful of this kind of standoff tactic. It doesn’t work. And the women bear the burden, so they should know.

The federal government recently released a package in response to the Black Deaths Royal Commission. You were quoted as being highly critical of it. Why?

The federal government announced a couple of months ago that they were putting $17.5 million into various programs. At the time I said that those programs were bandaid programs and weren’t dealing with the nub of the issues that had been identified by the Royal Commission, and I absolutely stand by that statement. Basically, there is very little good that can be said about it.

I have now read through the government responses to the recommendations of the Royal Commission. Nearly all of it consists of motherhood statements, and most of them in equivocal terms in any event. At the time, the federal minister Bob Tickner rang me up and said “Look, Pat, I want you to understand that this is only the beginning of it. In another couple of months there will be so many more millions, and they will deal with the really important issues”. From that day to this I have not heard another word about it. Yet if the government were genuine, they would have implemented those recommendations long ago. It is at least 18 months since the commissioners published those recommendations. And there was nothing to stop the government, or indeed governments, of this country from implementing those recommendations then. They never have had a commitment to rectifying these problems, and the so-called package doesn’t give me any more hope in that regard. As far as I can see it really is a very poor response.

So what would a more adequate response have to do?

The base-line for the recommendations was land rights for Aborigines. That is an issue which has been raised by numerous inquiries since 1836. I’ve read through every report of every inquiry that has ever been conducted into Aboriginal affairs in this country, and most of them have stated that Aborigines have to be given their land rights. The Royal Commissioner came out with exactly the same recommendation—and still there has been no response. That’s one issue.

A second issue. The Royal Commissioner addressed a wide range of social problems: health, employment, education, housing. All of those things have to be addressed by the government, yet they just glossed over them.

Finally, the last level of recommendations related to the sorts of procedures to be implemented by authorities when Aboriginal people are taken into custody. It was recommended that they either receive cautions, court attendance notices or summonses for the majority of offences for which Aboriginal people get caught up in the criminal justice system. The overwhelming majority of those are street offences. And if they are taken into custody for serious offences, other procedures should be implemented. It doesn’t take months for the government to respond to those kinds of recommendations. All it takes is an administrative directive to practising police, prison officers, parole officers, and so on, to ensure that those kinds of recommendations are implemented. Has there been any effort in that regard? Not that we are aware of. So there’s very little positive response that one can make to that package. It really is an insult.
It's become a commonplace in the public debate, such as it is, to say that it's not simply enough to throw money at the problem. That's said by people coming from different directions, and with very different axes to grind. It's said, for instance, by people on talkback radio who'd probably prefer that no more money went to the problems. But it's also said by Aboriginal people in communities themselves that it's not just a matter of adding a few million dollars to the Aboriginal affairs budget. How do you view the latest package in terms of that perception—the perception that it's not the amount of dollars that's crucial, but how they're spent, and how much gets to the communities where it's needed.

Up to a point there's a lot of truth in that. It isn't just a question of spending money. I don't want that statement to be interpreted to mean that money isn't necessary. Quite obviously money is needed. But much more important in my view is the way in which that money is utilised. One of the things that has always been missing from day one in Aboriginal affairs is a commitment to training Aborigines to acquire the necessary skills to rebuild their own communities—to manage community organisations, to become entrepreneurial in some of their activities. In fact, to be leaders. And it isn't good enough for any government to say: Aborigines have had citizenship and the right to vote for twenty-five years; they've had a long time in which to get their act together. That's not true. Twenty-five years is barely one generation. What we are contending with is generations over two hundred years of oppression, dispossession and disempowerment. And that has created a class of people who are dependent to a degree which I think most Australians would find very difficult to comprehend.

I say that on the basis of having been in the position where I had to help drag the community along with us, during the NSW Legislative Assembly committee of inquiry in the 1970s. I raked through thousands of pages of reports drawing out everything positive that people from Aboriginal communities wanted in their communities. And yet when we sought to implement them people often forget that it was they who actually articulated those programs as being the programs that they wanted. Or, even if they did remember them, they had some other reason why it couldn't be done. I was very distressed by that kind of response. I decided to sit down and listen to what people were saying. And when I analysed what they were saying, I realised that they were afraid of taking the next step because they didn't have the necessary skills: psychological skills, management skills, financial skills, simply living skills and social skills to effect the very sorts of programs that they were demanding.

If the millions of dollars which have been poured into Aboriginal affairs are to mean anything, it's essential that people be given the opportunity to develop their skills. And that can only be done through training. A lot of that training will have to be on-the-job training, simply because there are so few Aboriginal people with that kind of training—and because there are so few Aboriginal people. It's not simply an economic matter, it is a complex of psycho-social, political and legal matters. It's a very complex issue.

The 25th anniversary of the referendum which granted Aboriginal people citizenship rights attracted a lot of attention recently in the media. Looking back 25 years, how significant do you think the changes have been? Has there been a single major achievement?

The fact that you're talking to me here is indicative of the single major achievement that we've made. On one of the radio programs on which I was interviewed that day was a young Aboriginal woman who can't even remember the referendum. She was relating the experiences of her mother and father. They said that suddenly everybody was listening to what Aborigines were saying when, before, they had simply been ignored. I think that's probably been the single greatest achievement, such as it is.

Let's make no bones about it: to be regarded as something less than animals in the Australian community had a profoundly depressing effect on one's psyche. I grew up in North Queensland where you were either black or you were white, and if you were black you were no good. I grew up with that attitude about myself. Then, to learn that to all intents and purposes you don't exist even as an object of measurement in the census—whereas animals existed and were counted—was an important measure of your value to society. I can't start to tell you what that does to people. And that is at the bottom of the Aboriginal psyche today.

We've started to change that. That referendum created enormous opportunities both for individuals like myself and for the Aboriginal cause. That's something which a lot of Aboriginal people haven't analysed and articulated but which they nevertheless realise at a gut level. And they have sought to capitalise on it in various ways: for example, establishing Aboriginal medical services, Aboriginal legal services, Aboriginal child care agencies, Aboriginal housing co-operatives and so on. So in that respect the referendum had an enormous impact.

However, when we start to measure the changes of the last 25 years by some sort of yardstick, the picture looks different. Aborigines today are only marginally better off vis-a-vis the rest of the Australian community than they were 25 years ago. Indeed, all of the advances we've made have been through sheer struggle on our part to wrest those concessions from the rest of the community. They haven't simply been given. Every one has been won only after protracted campaigns. Even today Aboriginal community groups have an ongoing battle with bureaucracy and government to attain sufficient funding to keep them viable.
Obviously the decision to grant Aboriginal people citizenship was an important one. Yet it is usually perceived within a particularly narrow, legalistic definition of citizenship. There's a wider conception of citizenship which says you need to be able to take full place in the community, to have social rights and the ability to engage in the community, not just a legal token. To what extent do you think the last 25 years has brought progress in that wider sense of social citizenship?

The referendum was passed in 1967 but my recollection is that it wasn't until 1969 that any government started to put in place mechanisms to effect the legal change in any kind of practical way. It was in 1975, through the hard work and good offices of Lionel Murphy, that Australia first decided to tackle the issue of racism by signing the UN convention on the elimination of all forms of racial discrimination. This then required the government to implement such legislation domestically. There were a lot of people at that time who seemed to think that this was going to lead them into green pastures. I was highly critical of that legislation, because it didn't really deal with questions of racism such as they affect people in an everyday way. At least the wider community is now aware of the issue. But the wider issues of equity and access and equal participation have never satisfactorily been addressed. Governments have implemented equal opportunity programs in the public sector workplace. Yet the employment of Aborigines in the private sector remains absolutely abysmal. It's a very difficult thing to measure. There appears on the one hand to be a much heightened consciousness about these issues in the community at large but, on the other hand, there hasn't been a practical realisation of that awareness.

By any conventional measure you're a successful Australian. You're also a successful Aboriginal Australian—and there aren't that many. One consequence of this is that you are often judged as somehow being less authentically Aboriginal because you've been successful. How do you react to that?

It's a perfectly stupid perception, but it's very common. Whites look at me and say: you could pass for white. And blacks say: she's not Aboriginal, she's more white. It could only happen in Australia and it could only happen between Aborigines and non-Aborigines. Nobody thinks that an Italian person who is assessed to be successful—and who has come from a pretty horrendous introduction to Australian society—is any less Italian. Yet because I'm Aboriginal and because Australia has such a dark history and because issues of colour are so emotionally, psychically charged, people can't, quite literally, think straight.

It is open to me to be as successful or as unsuccessful as I am capable of being, in any field whatsoever. I have transcended those practical things which left my mother and my mother's family abjectly poor. Some of my relatives still live in abject poverty and my success hasn't changed that for them. But, at the same time, I think the success of people like me has changed things in a general sense for all Aborigines. I know that because I go around and talk to people like me has changed things in a general sense for all Aborigines. I know that because I go around and talk to them. Young women in particular see me as a very important role model. I go to communities that I've never been to before and young kids come out with scrap books on me. My own kids don't have scrap books on me; neither do I, for that matter. These kids don't just say: I can be like her. They say: I now have a range of life chances, and if I choose to go this way and to follow some of the traditions of my people then I can do that with pride. On the other hand, if I choose to go in the same direction as she has, I can also do that with pride in my identity.

The thing many people don't like—black, white or brindle—is that I stand up there and say, yes, I've done this—but as an Aboriginal. I have suffered at the hands of this society, and that is an anger that will burn in my belly until the day I die. It gives me my motivation to change the world, even though I personally have succeeded. I could sit back in comfort in the eastern suburbs of Sydney and never have to fight another fight, but that would be betraying myself. The fact that I have been successful has meant that many more people take much more notice of what I have to say—particularly people in government. It's pretty hard to avoid somebody who is articulate and actually knows the system.

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