



# Victorian Aboriginal Legal Service Co-operative Ltd.

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## Media Release

### **Lack of Progress in Reducing Aboriginal Disadvantage - Could it be that Practical Reconciliation is not working?**

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Health Minister Tony Abbot's criticism of self determination and it's 'failure' needs to be considered in the following context.

- The Minister may want to distract attention from continued lack of progress in improving health outcomes for Aboriginal people.
- The Royal Commission into Aboriginal Deaths in Custody in 1991 recommended,

*That the governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people. REC 189*

This has not happened.

- The Keating Government removed much of the health expenditure from ATSIC's control in the mid-nineties thus reducing the level of Aboriginal control of health programs.
- The Howard Government through its 'Practical Reconciliation' policy effectively turned its back on self-determination.
- The Commonwealth Government ignored the recommendations of its own review of ATSIC and instead abolished it- effectively wasting the \$1.5 million it spent on the review.
- Non-Aboriginal Groups, such as the AMA, have been calling for increased expenditure on Aboriginal health.
- At an International level Australia is one of the few nations continuing opposition to any reference to self-determination in the Draft Declaration on the Rights of Indigenous Peoples

The reality is the Commonwealth Government has failed to support self-determination for most of the last decade. Four years ago, the Human Rights and Equal Opportunity Commission, Social Justice Report 2002 pointed to Commonwealth Government rejection of self-determination at a national and international level as a curious and worrying trend. (ATSI Social Justice Commissioner, 2002, page 7). The Commissioner argued that the Commonwealth Government was being simplistic and making legally incorrect assumptions which presented self determination as purely symbolic. He asked why after thirty years it has been concluded that self determination is now no longer relevant. The conclusion he reached was that Government commitments to self determination have been largely symbolic but that should not mean giving up on the concept-instead he suggests learning from the deficiencies of previous attempts at implementation.

***“The conclusion I have drawn by examining available materials is that the government is reluctant to enter into any relationships or agreement making that will in any way transform the power relationship with Indigenous people, reduce the level of government control or result in significant institutional control.” (ATSI Social Justice Report 2002 pg. 40).***

Dr.Larissa Behrendt was the first Indigenous Australian to obtain a doctorate from Harvard Law School. Dr. Behrendt in her book, Achieving Social Justice; Indigenous Rights and Australia’s Future(2003) points out that the way forward has to encompass more than ‘practical reconciliation’, “How societies deal with ‘otherness’ and ‘sameness’ will impact on their ability to allow individuals freedom from oppression and enough scope for the exercise of liberty.” She highlights that identity has both a personal and a communal aspect to it. “The experience of Indigenous people, their tenacity in the face of racist and assimilationist policies, is testament to the fundamental and central role identity plays in our lives.”

Behrendt argues that practical reconciliation will fail if it is not linked to self determination.

The facts are that self-determination has usually only been given lip service by government. To say that self-determination has failed when it has never been properly resourced or attempted is nonsense. Practical reconciliation has failed and will continue to fail if it ignores the importance of Aboriginal culture and the need to respect and listen to Aboriginal people.

For Further comment please contact  
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## *Background Information*

What the Royal Commission into Aboriginal Deaths in Custody had to say about self determination in 1991.

The importance of Indigenous control of services has been emphasised in a variety of studies reports and statements by community leaders. In the overview of the Royal Commission into Aboriginal Deaths in Custody Commissioner Elliot Johnson (1991) says in paragraph 1.7.6

*But running through all the proposals that are made for the elimination of these disadvantages is the proposition that Aboriginal people have for two hundred years been dominated to an extraordinary degree by the non aboriginal society and that disadvantage is the product of that domination. The thrust of this report is that the elimination of disadvantage requires an end of domination and an empowerment of Aboriginal people; that control of their lives, of their communities must be returned to Aboriginal hands.*

In the recommendations it is stated:

*That the governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people. REC 189*

*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 on a contractual basis. 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 process 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.....REC192.*