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# THE BOGEYMAN IN THE MIRROR: WHITE AUSTRALIA AND THE PROPOSAL TO CLOSE REMOTE COMMUNITIES IN WESTERN AUSTRALIA

by Dennis Eggington and Sarouche Razi

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## INTRODUCTION

Two hundred and twenty-seven years ago this land was forcibly and illegally taken by the English. Complex and profound cultures had lived and sustained themselves on this continent for over 50 000 years. The horrifying mistreatment of Aboriginal and Torres Strait Islanders is well documented and includes: the dispossession of people from their lands; the introduction of new diseases; massacres and extensive physical violence; and the denial of language and cultural practices. Much of this is understood by Australians. What, however, is not understood, is that these acts are not a relic of the past. The lasting impacts of this conquest continue to be felt among Australia's First Nations peoples, not just by generational trauma, but through continued acts of oppression.

Since the time of colonisation, these acts of oppression have been justified by White Australia so it can maintain its moral righteousness. In stark contrast to the act and impacts of colonisation, the Rule of Law was evolving with notions of equity, due process, and procedural fairness, and at the same time the Enlightenment was formulating notions of the universal rights of man. In reality this righteousness has always inelegantly concealed a chimera. Land was taken as *terra nullius* because Aboriginal people had neither laid down fences nor marked plots visible to the European eye and had not 'toiled to reap profit from land', and so Europeans justified their occupation by considering the land unoccupied. Racist social Darwinist theories cast Aboriginal people as either innocent children or dangerous savages who needed guardianship and protection from themselves. Children from mixed-race families were forcibly removed from their Aboriginal parents to maintain distinct racial lines while also offering mixed-race Aboriginal people an opportunity to realise the 'potential' of their relative whiteness. The bankruptcy of these moral justifications becomes clearer as Australians move further away from the realities of their history. From the binoculars of 2015, 1788 seems absolutely oppressive. The corollary of this is that it is difficult for Australians to understand the failures of today's justifications and actions, and those of the recent past.

However, if Australians were to reflect deeply on past actions with respect to Aboriginal peoples, we would see that this oppression continues, namely through: the ongoing dispossession of people from their lands, by the denial of land rights claims and the priority of other forms of title over native title; the proposed closure of remote communities; the stark differences in access to health and disparity in health between Aboriginals and non-Aboriginals; the lack of personal freedom with the exceptionally high rates of incarceration; the continued high rates of removal of children from home care; and the lack of genuine attempts to reconnect Aboriginal Australia and connect non-Aboriginal Australia, with Aboriginal culture and language.

White Australia justifies today's actions in the same way it has always done: by suggesting Aboriginal people are incapable of determining their own lives and so, as always, are in need of intervention.

## THE INTERVENTION

On 15 June 2007, the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, set up by the Northern Territory government, released a report entitled *Little Children are Sacred* ('LCAS Report').<sup>1</sup> The LCAS Report was commissioned to examine claims of child sexual abuse in remote Indigenous communities in the Northern Territory. In response to the LCAS Report, on 21 June 2007, the Australian government, surpassing the Northern Territory government ('the NT government'), announced the Northern Territory National Emergency Response, which came to be known in Australia as the Intervention. The Intervention comprised a number of measures. Among these, the Australian government called upon the Australian Defence Force on 27 June 2007 to assist in an operation in support of the Intervention. In addition to the deployment, the Australian government enacted legislation effecting a whole host of other measures, including changing the provision of funding for some community services, abolishing funding for others and, most significantly, suspending race discrimination legislation.<sup>2</sup> Because the measures of the Intervention specifically targeted Aboriginal people, the Australian

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government suspended the operation of the *Racial Discrimination Act 1975* (Cth) with respect to the measures that were being implemented.

As part of the Intervention, at least 50 per cent of welfare payments were 'quarantined' from individuals in the prescribed areas, as well as individuals responsible for the care of children.<sup>3</sup> The withheld funds were intended to be used for food and groceries on a card called 'the Basicscard'. Aboriginal people were made to stand in long and separate queues outside Centrelink offices and shops to make purchases under the Basicscard. Elders in the communities considered this income management a return to the 'ration days' of earlier generations, where Indigenous Australians were paid in food rations instead of wages for work they undertook.<sup>4</sup> This system ended with the growing Indigenous rights movement in Australia in the 1970s. One Gurindji elder at Tennant's Creek noted that this income management was:

Roughing people [like in the ration days]. Like this one now where they giving me paper for tucker still might be. Only little bit money going on the keycard: \$150. I used to get \$400 every fortnight. But we don't get much money now. We get paper for tucker and not much money in the keycard. Might be old day again.<sup>5</sup>

A community member from Ti-Tree said:

[i]t's a high mark up and a lot of embarrassment. It's downgrading people, because they want to do their own shopping. Those old women, it's reminding them of when they were kids and they used to get passed out rations out on the stations.<sup>6</sup>

It is astounding that a government serious about tackling substance abuse and violence considered this approach to be the best way forward. A more effective approach would have been if a doctor, nurse or teacher had taken the place of every army officer sent out to Aboriginal communities.

## THE CASE OF OOMBULGURRI

Oombulgurri was a community in the East Kimberley, 45 kilometres northwest of Wyndham, which was closed in September 2011. Its closure followed a sexual assault taskforce and a coronial inquest that highlighted serious social dysfunction with high rates of youth suicide, family violence, sexual abuse and substance abuse.<sup>7</sup>

Oombulgurri was formerly known as the Forrest River Mission, established by the Anglican church temporarily in 1896 and permanently in 1913. The Anglican priest who took charge of the mission from 1913 until the 1930s had previously administered the Yarrabah Community in Queensland and subsequently went on to administer the Palm Island Community. All three communities have suffered serious social dysfunction since the closure of the

missions and there is ample evidence of authoritarian control, frequent physical punishment of children and adults, and abuse during his tenure.<sup>8</sup> This was another mission where some had been stolen from their parents and where most were forced to work without payment. Many died in a flu epidemic in 1926 and in the same year a massacre took place, which became the subject of a Royal Commission.<sup>9</sup> The mission was closed in 1969, and in 1973 it was resettled and renamed Oombulgurri.

Few of the problems that existed within Oombulgurri were solved by its closure in 2011; most were simply shifted.<sup>10</sup> Many of the residents who left Oombulgurri resettled in Wyndham with relatives. Others faced homelessness and extreme shortages in housing.<sup>11</sup> Further, it is unclear what measures, if any, were taken to deal with the issues of violence and substance abuse.

The closure of Oombulgurri is evidence of a non-consultative approach, where decisions are made from the top down. There is no evidence of any attempt to empower people to address the impacts of their own trauma. The cycle of disadvantage and dysfunction was allowed to continue, as it has since colonisation.

## THE CLOSURE OF OTHER COMMUNITIES

In 2014 the Western Australian government ('WA government') announced an intention to cease funding essential services to a number of remote communities.<sup>12</sup> The narrative around this debate has been framed around dysfunction in some communities, with a focus on high rates of sexual and family violence and poor economic development.

The Australian government has National Partnership Agreements with all the states and territories—under the Closing the Gap policy—a strategy that aims to reduce Indigenous disadvantage with respect to life expectancy, child mortality, access to education and employment outcomes.<sup>13</sup> There are a number of agreements contained within the Closing the Gap policy that address these outcomes, including the National Partnership Agreement on Remote Indigenous Housing ('the Agreement').<sup>14</sup> The purpose of the Agreement is to develop a strategy to improve the poor standard of housing in remote Australia. It is a \$5.5 billion agreement covering all states and territories. Under the Agreement, the WA government has received \$496 million for new housing, repairs and maintenance in remote Indigenous communities in WA.

In return for this money, states and territories agreed to start managing those tenancies. In order to do this, the Western Australian parliament passed amendments to the *Housing Act 1980* (WA) in 2010 to enable the WA government to start managing properties through Housing Management Agreements ('HMAs').<sup>15</sup>

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Since then, the WA government has been working to sign up relevant communities to HMAs. The HMAs place properties under the supervision of the Department of Housing as mainstream public housing tenancy arrangements, rather than leaving governance to local Aboriginal corporations. They also give tenants both rights—for example, a reasonable expectation that their houses will be maintained—and responsibilities, such as caring for the property and paying rent.<sup>16</sup>

The Agreement expires in 2018,<sup>17</sup> and a new national partnership agreement has not yet been announced. In September 2014, the Australian government announced<sup>18</sup> they had reached ‘historic agreements’ with Western Australia, Queensland, Victoria and Tasmania<sup>19</sup> to hand over responsibility for essential and municipal services. New South Wales and the Northern Territory are already covered by other agreements. There has been no agreement made with South Australia.<sup>20</sup> Under this new agreement, the WA government has received \$90 million for essential and municipal services until 2018. After that, there will be no Commonwealth funding for essential and municipal services, housing, repairs or infrastructure. Essential and municipal services include power, water, health, waste disposal and education—minimum standard in basic necessities and necessary human rights.

The WA government has been deliberating for some time over which communities to negotiate HMAs with. A document prepared by the Australian government in 2010, titled ‘Priority Investment Communities – WA’, was leaked in March 2015.<sup>21</sup> This document outlines a system under which 192 communities will be identified as either Category A, B or C.<sup>22</sup> Category C communities are deemed as communities where sustainable development is constrained and are not likely to receive ongoing funding.<sup>23</sup> The document makes no mention of safety, sexual abuse or child neglect as criteria for assessing sustainability. The communities that are most likely to be at risk are outstations and those without HMAs.

A further concern is that there are significant discrepancies in the mapping and counting of communities. An environmental needs assessment survey undertaken in 2004 refers to and lists in detail 274 communities, including the extent of housing and infrastructure in each community.<sup>24</sup> Maps of the Department of Aboriginal Affairs from 2013 also clearly show these communities.<sup>25</sup> In December 2014, however, Aboriginal Affairs Minister Peter Collier confirmed that there were only 205 permanent communities in WA. The reason for the discrepancy in community numbers is unclear.

Although no specific communities have yet been assigned a category, Aboriginal people across the state are experiencing

anxiety, fear and psychological trauma. Perhaps the most insidious aspect of this announcement is that, until recently, Aboriginal communities and elders had not been consulted. Officially, the WA government committed to start consulting with communities from May 2015. Only in September 2015 were two four-member ‘strategic’ regional advisory councils formed in the Kimberley and the Pilbara.<sup>26</sup>

The impact of closing or withdrawing basic services from communities will be overwhelming: once again people will be displaced and dispossessed from their lands, resulting in a physical, spiritual and psychological disconnect to land and culture. People will be moved to regional hubs already stretched for housing and resources, leading to much greater social disadvantage and higher rates of crime and incarceration. It will be Oombulgorri on a wider scale. There have already been murmurs of the same issue occurring in the Northern Territory.<sup>27</sup>

When colonisation occurred 227 years ago, it had different effects on each of the First Nations peoples, depending on whether their land was wanted for European settlement. The Nyungar peoples around the area that is now known as Perth suffered a very different impact than the various Aboriginal peoples in the Kimberley. Although the High Court of Australia in *Mabo*<sup>28</sup> recognised native title, it also held that title was extinguished in occupied areas like Perth (even though that title is very much alive to Nyungar peoples). There is something sinister about the act of dispossessing people of their lands, 227 years after the initial colonisation, who by virtue of their relative isolation have been able to maintain a more uninterrupted connection with the land.

## BREAKING COMMITMENTS TO HUMAN RIGHTS

A withdrawal of basic services to remote communities would breach a number of human rights instruments. Australia is a state party to the *International Covenant on Civil and Political Rights* which asserts that minority groups shall not be denied the right to enjoy their culture and practice their belief systems,<sup>29</sup> and that no one should be subjected to arbitrary interference with their home.<sup>30</sup> Australia is also a state party to the *International Covenant on Economic, Social and Cultural Rights*,<sup>31</sup> which affords all people the right of self-determination. Finally, in 2009, Australia endorsed the *Declaration on the Rights of Indigenous Peoples*.<sup>32</sup> While this third example is not legally binding, it reflects the intention and commitment of endorsing parties. The declaration states that Indigenous people have the right of self-determination, and more specifically:

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after

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agreement on just and fair compensation and, where possible, with the option of return.<sup>33</sup>

Whether it is binding or not, the body of the Rule of Law and the human rights system to which Australia is a state party reflect the intention of the law. In withdrawing essential services to these communities, Australia is operating outside of its legal duties and commitments.

## CONCLUSION

A direct line runs from the original conquest of Australia in 1788 to the massacres that followed at sites with fertile and farmable lands along the coast of the country, to the policies that forcibly removed fairer children from their darker parents into missions where serious abuse was rife, to the top-down Intervention where lands were compulsorily acquired and the *Racial Discrimination Act 1975* (Cth) was frozen for Aboriginal peoples, to the closure of communities like Oombulgurri and the closures that are now being proposed by the WA government. The direct line is this: white people have always cast Aboriginal people as the 'Other', as too dangerous or naive to take charge of their own destinies. Therefore, policies—whether they have been intended to help or otherwise—have always failed.

To frame the debate around sexual violence creates a 'bogeyman' that legitimates government conduct that is offensive and oppressive. It plays on a seductive fear that feeds off the community's basest instincts. The government justifies its conduct of freezing the *Racial Discrimination Act*, or closing regional communities, because it is 'protecting' children from sexual violence and it is 'protecting' Aboriginal people from themselves. It frames the debate in binary associations that perpetuate racism and legitimise oppressive conduct: Aboriginal people and alcohol, Aboriginal people and domestic violence, Aboriginal people and sexual abuse. This goes to the very heart of Australia's relationship with Her First Nations peoples, because, after 227 years of colonisation, the nation continues to cast Aboriginal people in the shadow of the 'Other'.

Not even eight years ago the Australian government apologised<sup>34</sup> for the practices that caused generations of physical, sexual and emotional trauma to Aboriginal children; trauma that will perpetuate social disadvantage for generations to come. Rather than open dialogue and empower communities to take charge of their own destinies, the WA government's response is to shut it all down. It is clear that something far more sinister is at hand: it is mainstream Australia, and not her First Peoples, that continues to be the bogeyman.

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*Dennis Eggington is the Chief Executive Officer of the Aboriginal Legal Service of Western Australia.*

*Sarouche Razi is the Senior Solicitor of the Civil and Human Rights Unit at the Aboriginal Legal Service of Western Australia.*

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- 6 *Ibid* 14.
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- 9 Parliament of Western Australia, Royal Commission of Inquiry into Alleged Killing and Burning of Bodies of Aborigines in East Kimberley and into Police Methods when Effecting Arrests, *Report of Royal Commission of Inquiry into Alleged Killing and Burning of Bodies of Aborigines in East Kimberley and into Police Methods when Effecting Arrests* (1927); Council on Federal Financial Relations, *National Agreements* <[http://www.federalfinancialrelations.gov.au/content/national\\_agreements.aspx](http://www.federalfinancialrelations.gov.au/content/national_agreements.aspx)>; see also Neville Green, *The Forest River Massacres* (Fremantle Arts Centre Press, 1995).
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- 30 *ICCPR*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 17.
- 31 *ICESCR*, opened for signature on 16 December 1966, 993 UNTS 3 (entered into force 23 March 1976).
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## ARTIST NOTE DANIEL O'SHANE



Twenty-five year old Daniel O'Shane has developed his own unique *minar*, or traditional patterning, drawn from both his ancestral Islander and mainland Aboriginal heritage. The unique fusion of both cultures is representative of a growing movement in Far North Queensland.

Daniel identifies primarily with his mother's Torres Strait Islander heritage in Erub Island (Eastern Torres Straits) whose tribes are *Meuram*, *Saisarem*, *Peiudu* and *Samsup*, language group Miriam Mer. Daniel belongs to the *Meuram* tribe. The *Kodau lubabat* (principal totem of a tribe) of the *Meuram* tribe is the *Beugerr* (booby bird). Within the *Meuram* tribe there are sub clans; Daniel belongs to the *Serarr* (black tern/sea bird) and *Omai* (dog) clan. His Aboriginal heritage on his father's side is from the Mossman–Cooktown (Qld) region, *Kunjandji* clan, language group *Kuku Yalanji*.

Daniel has a connection to the legal profession through his great-aunt (grandfather's sister) Pat O'Shane, or 'Babi Pat' to Daniel. Inspired by his Babi Pat, Daniel has charted his own territory by becoming the first contemporary visual artist in the O'Shane clan to tell the stories of his people. He was shortlisted and highly commended in the Youth Award section of the 2014 31st Telstra Aboriginal and Torres Strait Islander Art Award. His large work, *Meuram and Zogo Ni Pat*, was shortlisted for the 2015 Telstra Aboriginal and Torres Strait Islander Art Award, while *Aib Ene Zogo Ni Pat* (Aib & the Sacred Waterhole) was the Grand Prize winner of the 2015 Silk Cut Award, Melbourne.

Artwork images and biography courtesy of the Artist, Canopy Art Centre in Cairns, and Tali Gallery in Sydney.

### TOLEH ENE ZOGO NI, 2015

Daniel O'Shane  
Linocut printed in black ink on cotton  
Arches Velin Cuvee (France)  
500mm x 500mm

