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COMMENT

The treatment of Aboriginal people is our great collective continuing shame

By Tim Dick
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How dire if Malcolm Turnbull's signature achievement, aside from rescuing a grateful nation from Tony Abbott, was to make it easier for Australians to be publicly racist.

The latest waste of the Prime Minister's potential is his indulgence of the right-wing campaign to axe part of the Racial Discrimination Act, with the justification now said to be a complaint against The Australian cartoonist Bill Leak, whose actual crime is not being funny.

Why wait for the complaint to be determined when you can change the law instead? Turnbull says he may let a committee of MPs consider weakening protections against racism, kow-towing to the free speech absolutists whose objective is an unhindered right to be as publicly bigoted as you like.

Once more, Australia is dragged into the mire of arguing with ideologues who refuse to acknowledge that the 18C provision they loathe can't be read without 18D, an exceptions section so enormous it makes the whole prohibition more hole than loop.



Rates of Aboriginal incarceration have increased in the last 25 years. Photo: Scott Barbour

The section makes it unlawful, but no crime, to do something in public reasonably likely to offend, insult, humiliate or intimidate others based on their race. The ideologues never detail precisely what they want to say that they can't say now.

The Leak cartoon is no example because it's only subject to a complaint, not a determination, and whoever complained about it will have the very considerable problem of arguing why the exemptions don't apply.

The only established 18C poster boy is Andrew Bolt, who got his facts so badly wrong he lost the good faith protections. Some poster.

Those who want to gut 18C ignore the real and continuing danger to free speech in Australia and strict defamation laws.

They ignore another Commonwealth law, the criminal code, which criminalises using the internet to cause offence, punishable by up to three years' jail. Perhaps a campaign against s474.17 just wouldn't be as catchy as 18C, or perhaps it's because the crime isn't restricted to racists.

This is what elite conservative opinion looks like when it screws up its priorities, fighting hard for easier public racism, just at the time yet another review is called into Australia's mass incarceration of Aboriginal people.

Twenty-five years ago, the Royal Commission into Aboriginal Deaths in Custody found that Aboriginal people die in custody at a rate which would not be tolerated if it occurred in the non-Aboriginal community. That was not because Aboriginal people in custody were more likely to die than others in custody, but because Aboriginal people were grossly over-represented in custody.

"Too many Aboriginal people are in custody too often," it said. Some of its 339 recommendations were implemented, others were ignored. Its observations remain apt, and two sections of its preface bear repeating if we're wondering, again, how to stop locking up Aboriginal people at rates vastly above everyone else.

"There are issues underlying the alienation of Aboriginal people and their continuing conflict with the law which cannot be solved by police and Aboriginal people alone. The key is to be found in the hearts and minds of all Australians. It lies in the recognition of the Aboriginal people as a distinct people, the indigenous people of Australia who were cruelly dispossessed of their land and until recent times denied respect as human beings and the opportunity to re-establish themselves on an equal basis."

The commission asked other Australians to accord Aboriginal people the freedom to determine their own future, and to provide them with the resources necessary to overcome the handicaps they suffered as a result of what happened in the past. It asked for a freely negotiated reconciliation between Aboriginal and non-Aboriginal Australians, and hoped: "Then there may be an end to the situation where so many Aboriginal people live and die in custody."

In the quarter century since the alarm sounded, in the decades since that plea – pray, Australia, what have you done? Made things worse. Then, 14 per cent of those in jail

were Indigenous. Now, it's 27 per cent. And still the Indigenous population is about 2.5 per cent.

All that's been achieved is an intensification of the problem. So now, inevitably, another inquiry, this time by the Australian Law Reform Commission. It's not surprising that Warren Mundine, chair of the Prime Minister's Indigenous Advisory Council reacted this way on Sky News. "I just find this a joke, and I'm getting sick and tired of the crap that is coming out of this government in regard to Indigenous affairs, concerning incarceration rates, in regard to the juvenile detention area," he said. "I don't know who the dickhead is that thought up this incredible, brilliant idea; it's just a total waste of taxpayers' money."

That one of the wealthiest societies the world has ever seen cannot find the will and means to allow its Indigenous people the freedom of self-determination, the freedom from mass incarceration, the freedom from systemic discrimination, is to our great, collective, continuing shame.

It's to our shame that fiddling with s18C wins more attention than tackling this continuing tragedy. If Turnbull still hopes to be more transformational leader rather than seat warmer, he should make the true emancipation of Aboriginal people his unyielding focus.

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