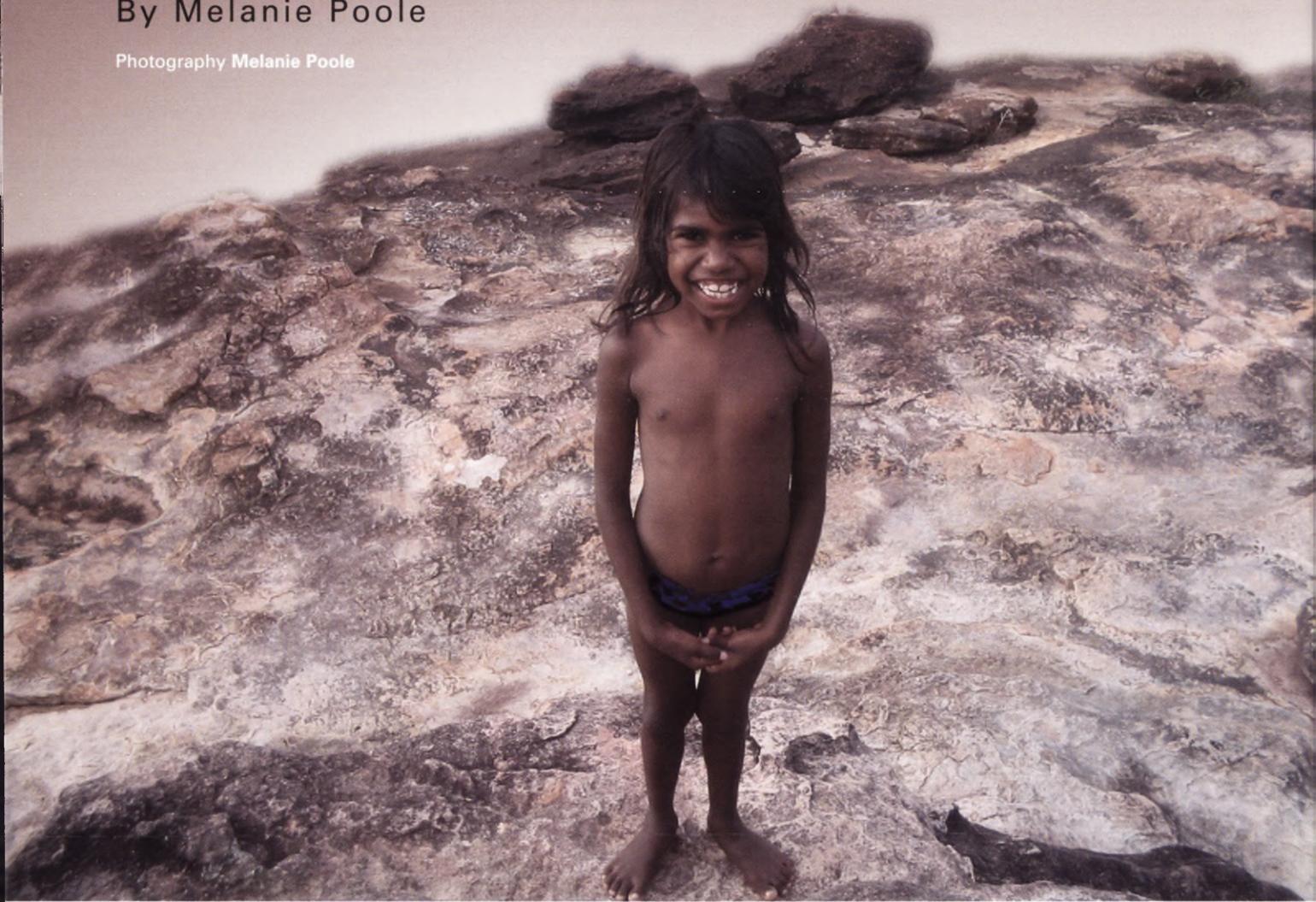


Beauty and suffering in Arnhem Land: into the heart of the lucky country

By Melanie Poole

Photography Melanie Poole



It is the height of the wet season. The smell of baked mud permeates the air, and the sun reflects off corrugated tin shacks. Legal teams disembark from chartered planes, incongruous in their sweat-drenched suits, while locals head to the nearest waterhole. Emaciated dogs forage in rubbish bins and flattened cane toads line the road. Welcome to Oenpelli in North-East Arnhem Land, NT: population 1,100.¹

This was my first visit to a remote Aboriginal community. I was volunteering with a women's legal service, hoping to contextualise the thick, theoretical jungle of my legal education thus far. We had arrived for 'Bush Court' (a court that travels on a rotating basis to isolated communities), to assist women with various legal matters – most concerning family violence.

As recent media attention has highlighted, family violence is endemic in Aboriginal communities. Aboriginal women are up to 45 times more likely to suffer family violence than non-Aboriginal women.² Reasons are manifold. Violence increases in any demographic experiencing high rates of drug and alcohol abuse, unemployment and incarceration. Add the traumatic aftermath of genocide,³ and the current situation should not be surprising.

Family violence is frequently preceded by petrol-sniffing⁴ or alcohol consumption. Some women have sought orders to prohibit their husbands coming home after drinking or petrol-sniffing. In some cases, a lack of mental health treatment has precipitated abuse.

This was Paula's⁵ situation. Her son had committed suicide the previous year. No counselling had been made available to her family. Her husband and younger son, blaming her for the suicide, were abusing her. Paula developed acute feelings of guilt and was contemplating suicide. We arranged for her to stay in a Darwin refuge where she could receive counselling, but her son threatened to suicide if she left. Paula, obviously vulnerable to such a threat, was trapped.

Paula's case exposes the yawning gap of mental health care in remote communities. While the Bush Court ensures a stream of lawyers, magistrates and police officers, support workers are scarce. The courts are overwhelmed with cases where the real issue is not the criminal behaviour, but the psychological or social reasons behind it – issues the courts are not created, nor equipped, to deal with. One lawyer commented: 'I should have studied social work. It would have been more relevant.'

Addressing family violence within Aboriginal communities needs an approach adapted to the context. As a magistrate sitting on the Bush Court explained: 'In the western legal system, the usual goal is to remove the woman from the situation – often via a no-contact restraining order ... In Aboriginal communities, the woman will be blamed for dividing the family.'

Communities are small and close-knit – it is generally unrealistic for a woman to go where she has no family support. Consequently, most women seek 'no violence' orders, allowing co-habitation but forbidding violence. Often this has little practical effect, but is important as a means to encourage dialogue about acceptable behaviour.

In some communities, women have secured funding for 'night patrol' groups. These resilient women monitor the community by night in four-wheel drive vehicles, disrupting violent situations to remove the woman to the police or a safe house. 'Aunty Rose', an elder who runs a night patrol, commented, however, that this is not an enduring solution. 'The men need to be educated ... The anger-management

courses aren't working because [the men] ... don't take them seriously. We need carefully planned perpetrator programs.'

The isolation of Aboriginal communities – and the complex problems engulfing them – has for years elicited an 'out of sight, out of mind' mentality. It is no exaggeration to say that the conditions I saw reminded me more of a Sudanese refugee camp I once worked in than my experience of life in Australia. Added to the usual list of statistics (such as the 20-year difference in Aboriginal and non-Aboriginal life expectancy), is the fact that children die from illnesses related to scabies – a disease that non-Aboriginal society eradicated centuries ago. And suicide rates are at least 40% higher than those of non-Aboriginal people.⁶

Of course, what is out of sight is, in reality, never out of mind – the situation profoundly disgraces the entire nation. The recent political focus on Aboriginal Australia – though long overdue – should therefore be welcomed for recognising this fact. However, the term 'emergency situation' (the use of which serves constitutional and political functions) misleadingly suggests a sudden, unforeseeable situation. This is not the case with Aboriginal Australia. Immediate action is certainly required but, crucially, any response must be meticulously informed and critically considered to be effective in the long term.

I learned in Arnhem Land that there are no sweeping solutions. There is no standardised list of problems, or simple way to describe 'what is wrong and what must be >>

PROFESSIONAL MEDICAL NEGLIGENCE REPORTS

Susan Welling & Associates



acting as independent intermediary between specialist doctors and solicitors.

We have a wide range of specialists available to provide expert medical negligence reports.

- Accident & Emergency Physician • Anaesthetist
- Breast & General Surgeon • Cardiologist
- Cardiovascular and Thoracic Surgeon • Chiropractor & Osteopath
- Colorectal Surgeon • Dentist • Dermatologist • Endodontist
- Ear, Nose & Throat Surgeon • Gastroenterologist
- General Physician • General Practitioner • General Surgeon
- Geneticist • Haematologist • Hand, Plastic & Reconstructive Surgeon
- Infectious Diseases Physician • Intensivist
- Maxillofacial & Oral Surgeon • Neonatal Physician • Neurologist
- Neurosurgeon • Obstetrician/Gynaecologist • Oncologist
- Ophthalmologist • Orthodontist • Orthopaedic Surgeon
- Paediatrician • Paediatric Anaesthetist • Paediatric Cardiologist
- Paediatric Infectious Diseases Physician • Paediatric Neurologist
- Paediatric Orthopaedic Surgeon • Paediatric Surgeon
- Paediatric Radiologist • Paediatric Thoracic Physician
- Pathologist • Pharmacologist • Psychiatrist
- Renal Physician • Radiologist • Rheumatologist
- Thoracic/Respiratory Surgeon • Upper GI Surgeon
- Urologist • Vascular Surgeon

PO Box 672, Elsternwick, VIC 3185
 Tel: 03 9576 7491 Fax: 03 9576 7493
 Email: susanw@smartchat.net.au

done'. We can and should discuss the relationship between family violence and poverty; between school retention and unemployment; between social alienation and crime. Yet, ultimately, the situation confronting us is the consequence of prolonged, systemic cultural destruction. We face a densely woven web, spun for over two centuries. Tugging furiously at one or two strands will not untangle it.

When we are confronted with serious child sexual abuse – and when instruments as powerful as the military and the police force are available – it can be frustrating to speak of small steps. But I learned not to underestimate the impact of taking them. Short-term measures (such as ensuring the immediate safety of children) may be a good idea, so long as they are not viewed as solutions in themselves. Empowering communities and achieving reconciliation must always be the ultimate goal.

Paternalistic measures (such as enforcing dry communities or introducing non-sniffable fuel), may also be effective in the short term, but are essentially band-aid solutions. The Howard government's push for 'new paternalism'⁷ (which has led to proposals such as forcing welfare recipients to sign mutual obligation contracts) could be counter-productive. It may seem reasonable to the government to make people spend money on their children's welfare, rather than gambling or alcohol. Yet preventing people from managing their own finances is drastically disempowering. Moreover, if such controls are specifically directed at Aboriginal communities, feelings of alienation and discrimination – which underlie antisocial behaviour – will intensify. These proposals, which apply to offenders *and* responsible people in the same community, are not only ineffective in achieving long-term solutions, but are likely to undermine them.

Conditions in Aboriginal communities are frequently portrayed (both in the media and by politicians) as having developed due to isolation, the permit system and the lack of cultural 'assimilation'.⁸ Such suggestions encourage a blame-the-victim mentality. Corrupt 'gatekeepers', criminal gangs and a lack of media scrutiny are held to be at fault: rather than the obvious consequences of dispossession and discrimination. A compassionate, paternal government sails in to restore order to a situation it played no part in creating.

The first step toward positive, lasting results is to acknowledge the reality of the past and its impact on the present. To quote Senator Aden Ridgeway on the importance of saying sorry: 'Saying sorry validates and affirms these people's stories. It opens the way for personal healing ... so that people may put some parts of their lives back together ... learning about their lost culture.'

The next step is reparation. It is a basic principle of our civil law system that, when a wrong is committed, the victims should be returned to their previous position. Where this is impossible, reparations (identified through consultation with Aboriginal communities) should be made.

What I must mention – and what we should all bear in mind – is that there is a very bright side to life in a remote community. Oenpelli's surroundings are breathtaking. The land has been preserved by people who love it as their mother. Mountain caves, in which ancient rock art remains, overlook miles of wetlands, interspersed with spectacular wilderness.

One afternoon, I was invited to join some women and children for a swim. On the way to the waterhole, the children sang vociferously in Kunwinjku. They explained the significance of each landmark, telling me about dreamtime characters that created them.

These children seemed blissfully happy. Yet I couldn't stop the statistics rolling through my mind – many of them may experience abuse, health problems and incarceration. Oenpelli was suddenly a place of both immense beauty and immense suffering.

That afternoon, one of the aunts remarked, 'people forget the good things, like pride ... [in] knowing about the land. The kunbang⁹ makes people forget ... but there are so many important things ... to teach and share.' I was reminded that people do not fight without something to fight for, or without faith in themselves. We overcome challenges by drawing on our strengths. But if Aboriginal communities are portrayed only as 'The National Emergency' – as a source of shame – it could undermine those strengths and that faith.

To address the conditions in Aboriginal Australia, we could begin by recognising the good things the aunty spoke of. Things like the strength of a people who have survived, despite all that has happened to them. Their vast knowledge and understanding about the land we live on, knowledge that could benefit all of us. Perhaps we could replace 'new paternalism' with humble admiration, and pride in the people whose land we call home.

Our shameful history, and the suffering caused by it, detracts from us all. But there is also much for us to gain. There may not be a clear path to reconciliation; we may not know exactly what to do, but what will determine the success of any solution is the attitude that informs it. If we head in the right direction, taking step after thoughtful step, we can unwind this web. Nothing illustrates this better than a famous Aboriginal proverb: 'Traveller, there are no paths. Paths are made by walking.' ■

Notes: **1** Including outstations. Statistics published on NT government website: www.lyl.nt.gov.au. **2** According to the HREOC *Social Justice Report 2003*. **3** Indigenous communities of Arnhem Land were less affected by colonisation than most Australian Aboriginal nations. Nevertheless, they were directly or indirectly affected by policies that regarded indigenous people as animals or free labour, subjected women and children to sexual abuse by those in authority, took children from their mothers and placed them in institutions to prepare them to serve as unpaid pastoral or domestic labourers. **4** Introduced to Indigenous communities by US troops during WWII. **5** Name changed to protect privacy. **6** National Advisory Council for Youth Suicide Prevention **7** See Abbott, T, 21 June 2006, 'Misplaced Tact Stands in the Way of Help', *Sydney Morning Herald*. **8** See, for example, http://www.oipc.gov.au/permit_system/docs/Permits_Discussion_Paper.pdf. **9** Traditionally a word used to mean anything that harms the spirit, now used to refer to alcohol or drugs.

Melanie Poole is an Arts/Law student at the Australian National University, recently employed as a policy officer in the Department of Families, Communities and Indigenous Affairs (Office of the Registrar of Aboriginal Corporations).

EMAIL melanie.poole@gmail.com