



DON DUNSTAN HUMAN RIGHTS ORATION:

RECLAIMING THE HUMAN RIGHTS VISION

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The Legacy of Don Dunstan

It is always easy to show leadership when the issues are not confronting and the population is comfortable and unchallenged. The calibre of a person's leadership is tested most when times are more difficult, populations more introverted and the aim is to take the community somewhere where it may not imagine it can go. This ability to provide vision, and to create the kind of leadership that gives hope, was a central characteristic of Don Dunstan's style and a key part of his legacy.

In establishing his Foundation, Don Dunstan acknowledged the challenge that "there is still much to be done." But just as prophetic as those words were, his vision included:

- The respect for fundamental human rights;
- The celebration of ethnic and cultural diversity;
- The freedom of the individual to control their lives;
- A just distribution of global wealth;
- Respect for Indigenous people and the protection of their rights; and
- Democratic and inclusive forms of government.

These ideals remain as important – and as aspirational – as they were when he first formulated them.

There is much that has changed from that time and there are two main characteristics that have shaped our current political and social environment:

- The devastating and shocking attack on the Twin Towers of the World Trade Centre in New York and the post-9/11 “war on terrorism”. The fear of terrorism has profoundly shaped our values and seen fearful populations give more and more power back to politicians to combat those fears – both real and perceived. It has made us feel more suspicious of others, more tolerant of extreme measures, and prepared to surrender human rights to an extent that many argue is disproportionate to the real risks; and
- The impact of neo-liberal economic policies over the last few decades that has seen economic and job security whittled away for the middle classes. They have seen their positions become more tenuous with the embrace of trade liberalisation and *laissez faire* economic policy.

Both of these factors have helped to contribute to the fear that permeates many sectors of our community. The pity of it is, that while the fear that is generated by this is understandable as people feel they have no control over their circumstances, more is done by politicians and the media to nurture and incite that fear than to offer a vision that will assist people to overcome it. More time and energy is spent generating a climate of fear than creating an alternative vision; something that might give hope.

1. The Call for “Australian values”

The recent call from both major parties for an embrace of “Australian values” is an unsurprising side effect of the culture of fear that is currently being fostered. The notion that people need to “sign up to Australian values” is a way of appeasing the sectors of the community who fear that their way of life is under threat. The hollowness of this appeasement becomes apparent when we press for articulation of what those values might be. We have lots of iconic images – the Bondi lifesaver, the ANZACs and the white farmer battling the elements. There are other images that also evoke the contribution that has built up our nation – the

contribution of Aboriginal land and labour to the pastoral industry, the way the waves of immigrants have established themselves here and created new communities while at the same time diversely enriching the cultural life of Australia. Some of these images dominate and others are not universally embraced.

A specific value that often comes up when people are asked to articulate an "Australian value" is the notion of a "fair go". And this is just as contested as the idea of finding the right iconic image of what it means to be Australian. Many people believe in the notion of a "fair go" and I would venture that it would be hard to find anyone who would argue against it. But the idea that everyone gets the same chance means vastly different things to different people. Some say that they embrace the idea of the "fair go" but are antagonistic to initiatives that seek to level the playing field such as equity and diversity initiatives in the workplace and the protection of rights to culture and – for Aboriginal people – to land. While the "fair go" is a notion that nurtures the aspiration of home ownership, that notion was never extended to the property rights of Indigenous people and even the Prime Minister has referred to the exercise of seeking to assert native title as "un-Australian".

The notion of "Australian values" might arouse useful and important public discussion, but it remains an elusive thing to articulate, to state definitively and ask individuals to sign their name in agreement. What becomes apparent is that they are so subjective. And because they are subjective we need to be very careful when they are presented to us as though they are uncontested, inherent and clearly and neatly defined.

When "Australian values" are presented as inherent, obvious and easily defined they are being presented in a way that masks their bias. It also masks the fact that those values are defined by the dominant voice and as such is likely to exclude others. As English novelist Aldous Huxley is alleged to have said: "The propagandist's purpose is to make one set of people forget that certain other sets of people are human."

As an exploration of the many meanings "a fair go" can illustrate, these values – like anything defined by the dominant voice – will often be about protecting the position of the dominant, and as such offer very little protection to the vulnerable.

The real test of the fairness and democracy of a society isn't whether the values of the dominant culture, or the laws, institutions and policies within that community, work to reinforce the power of the dominant culture. The true test of whether a society is achieving its best outcome is whether its laws, institutions, policies and even its Constitution works well for the poor, the marginalised, the culturally distinct and the historically excluded. That is, how well they work for those who are the worst off.

And if this is the test, Aboriginal people have a key role to play in measuring our community against this standard. They are the most socio-economically disadvantaged; they are culturally distinct and historically marginalised.

And the report card here is well below average. Aboriginal people in Australia have the lowest levels of education, the highest levels of unemployment, the poorest health and poorest housing conditions. Due to the legacies of past government policies – especially those of dispossession, regulation of movement and the removal of generations of Aboriginal children from their families – and the current continuance of cyclical poverty in Aboriginal communities, Aboriginal people continue to experience lower socio-economic outcomes than other Australians.

The Productivity Commission Report, *Overcoming Indigenous Disadvantage 2005* included some of the following trends. It noted that the difference in life expectancy between Aboriginal and non-Aboriginal Australians is a difference of 17 years, twice as many low birth weights and infant mortality rates 2-3 times higher. In a first world country, this remains a source of embarrassment at both the state and federal levels.

And the real question that this continuing situation of cyclical poverty and socio-economic disadvantage continues to raise is why is this so? With the money we say we spend on Indigenous issues, the level of good will that undoubtedly exists in sectors of the community towards Indigenous people, why is it that we have not made bigger steps towards narrowing the gap between the life expectancy of Aboriginal and non-Aboriginal Australians. This is a particularly pertinent question to ask as we approach the 40th Anniversary next year of the 1967 Referendum in which people thought their "yes" vote would signal a new era of non-discrimination.

2. Why is it so hard?

Media coverage of Indigenous communities almost always highlights the problems within certain Aboriginal communities across Australia. You are far more likely to see a picture of children throwing rocks at the police than Aboriginal people graduating from high school or university. You are far more likely to hear about endemic levels of sexual violence against women than you are about the Aboriginal community medical service that not only, on its limited funding, manages to provide non-health services to its Indigenous clients but also provides a health service to the 15% of their clientele who are non-Indigenous.

But the usual government response to negative media reports, even when cutting through the rhetoric and grandstanding of the political posturing, can give an insight and a snapshot of why it is that we are still not able to claim that we are achieving social justice for Aboriginal people.

In the recent spate of negative media coverage in the Northern Territory that focused on the high incidence of sexual assault in some communities and gang violence in others, the response of the Federal Minister for Aboriginal Affairs, Mal Brough, and the Chief Minister for the Northern Territory, Clare Martin, was telling.

The first response from the Federal Minister was to blame the Northern Territory Government for not putting police into communities where violence was endemic. And, while he was absolutely correct in asserting that any community of 2500 people with no police force would have law and order issues, there are many other factors that contribute to the cyclical poverty and despondency within some Aboriginal communities that create, over decades, the environment in which the social fabric unravels and violence, sexual abuse, substance abuse and other anti-social behaviour is rife. To this, the Chief Minister replied that the problem was a result of the failure to provide adequate housing, and health and education services – and she pointed the finger firmly and squarely at the Federal government.

Governments at all levels continue to under-fund Aboriginal communities on basic needs. Health services, educational facilities and adequate housing services

have never been supported in these communities and instead of co-ordinating their efforts, governments engage in the slanging matches such as that occurred between Mal Brough and Clare Martin about who was at fault. Brough and his government continue to assert that it is a law and order issue; Martin says it was a housing issue and points to other areas of government neglect such as health. And both are right; both levels of government have been negligent. This attempt to shift the blame is referred to as “cost-shifting” and it is a feature of many issues within the Aboriginal Affairs portfolio where financial responsibility is shared between state/territory governments and the federal government. The attempt to avoid responsibility (or share responsibility) means that Aboriginal people are the losers.

Access Economics estimated at the time of the last election that the basic health needs for Indigenous Australians are under-funded by \$450 million and in a year of record budget surpluses, this pressing need was not addressed. Data from the COAG trial in Wadeye highlighted that less is spent on the education of an Aboriginal student than a non-Aboriginal student (47c for every \$1). When a shared responsibility agreement was signed in that area and the children all turned up to school, there was not enough classrooms or teachers, highlighting the under-investment in infrastructure.

But one of the first responses of the Federal government in light of the spotlight being turned on issues of Aboriginal violence was to say: “... we are not going to throw any more money at the problem.”

One sure sign that governments were not going to take any responsibility for fixing the problems that they were so happy to chest beat about was the quick assertion that the issue didn't need any money thrown at it. This was a clear indication that they were uninterested in addressing their neglect of basic services and infrastructure – the root causes of the problem – and instead, were going to grandstand about what everyone else should do.

Underspensing on essential matters – and it is hard to think of anything more essential than basic health services – lack of investment in infrastructure and human capital are far from conducive to breaking cycles of desperate poverty. In fact, it is more of a breeding ground for it. And against this back drop, *ad hoc* measures like shared responsibility agreements are not going to solve

institutionalised and systemic failings.

While governments say the community must make the changes, those within the community strong enough to lead that change must be assisted, and they cannot get very far unless there is investment in intervention, education, employment, housing and other infrastructure. And in making that investment they need to appreciate that changes will come slowly, that undoing the damage in communities in crisis will take generations. What is needed is investment in infrastructure, investment in human capital and the provision of basic services.

There is another factor that emerges in response to the situation of violence in Aboriginal communities that explains a key barrier in achieving social justice for Aboriginal people and that is the prevalence of racism in Australian society. Studies increasingly show that Australians are resistant to the notion that they are a racist society and resent the use of the term "racism" to describe their attitudes and actions to any sector of the community, including Aboriginal and Torres Strait Islanders. But it explains why it is that the government can loosely and erroneously assert that "they are not going to throw any more money at the situation", because many Australians agree with this stand. The notion that "too much money" has been spent on Aboriginal people and communities feeds into the prevalent negative stereotype that Aboriginal people are dole-bludgers, shiftless, indolent and lazy. The prevalence of this stereotype means that governments are not scrutinised and questioned to the extent that they should be. When the government says it has increased funding on Indigenous issues and points to almost \$3 billion, it does not elaborate that the figure includes the large amount of money that is spent on running the National Native Title Tribunal and the parts of the Attorney-General's Department that is spent defending and defeating native title claims. It includes spending as much as \$100 million on the new Shared Responsibility Agreements of which \$75 million went on administration and only \$25 million made its way into Aboriginal communities. The easy acceptance of Aboriginal people as welfare dependant and as getting too many handouts has crippled the capacity of Australians – including the media – to question blind and misleading assertions made by governments that mask their neglect of Indigenous communities.

Racism contributes to the failure of governments to resolve issues; and the

failure to recognise, acknowledge and confront this racism is one of the reasons that a rights framework is important. In the current conservative climate, there has been, in some quarters, a failure to appreciate the important roles that the respect of rights plays in balancing the freedom of the individual from the tyranny of government. Discussion of rights tends to be dismissed as the folly and luxury of the elite who are out of touch with the realities of the day-to-day lives of the masses.

This simplistic rhetoric fails to appreciate the important role rights play in the small details of people's lives. Rights such as access to education, adequate health care, employment, due process before the law, freedom of movement and equality before the law target the very freedoms that an individual needs to be able to live with dignity. They are precious and they are inherent and should not be given merely at the benevolence of government.

3. The Constitutional Legacy

One of the defining characteristics of our legal system – as Aboriginal people know from history all too well – is that it is structured with faith in the benevolence of government. And it has been this way since our Constitution was drafted by our founding fathers. They believed that the decision-making about rights protections – which ones we recognise and the extent to which we protect them – were matters for the Parliament. They discussed the inclusion of rights within the Constitution itself and rejected this option, preferring instead to leave our founding document silent on these matters. It was also a document framed within the prejudices of its time – the dominance of the belief in white racial superiority and of the subordination of women.

A non-discrimination clause was discussed in the process of drafting the Constitution, a clause that was proposed through the Tasmanian Parliament and it proposed the protection against the state depriving “any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of its laws.” But this clause was rejected because it was believed that such specific rights protection was not necessary because the parliament could be trusted to wield the power of rights protection and because it was considered desirable to maintain the power to enact laws that were

discriminatory. They needed the power to regulate the lives of Indigenous people and they needed the power to regulate the lives of other minorities within the Australian community.

If one is aware of the intentions and the attitudes held by the drafters of the Constitution then it comes as no surprise that it is a document that offers no protection against racial discrimination today. It was never intended to do so and the tolerance for discrimination on the basis of race and gender that was so prevalent in Australian society at the time the Constitution was drafted has left a legacy in which our contemporary prejudices can find some comfort.

And it is Aboriginal people, as a vulnerable group within the community, who have borne the brunt of this failure to protect rights. This explains why the 1967 amendments did not create the mechanism to achieve social justice that the proponents of the “yes” vote thought. It is often mistakenly believed that the 1967 referendum gave Aboriginal people citizenship rights, what it actually did was give the federal government the power to make laws in relation to Aboriginal people rather than leaving it as the domain of the states. Even though it was thought that this would mean that the federal government would use those additional powers to protect Indigenous people, this has not been the case – whether it was the policy to remove Aboriginal children from their families or to extinguish native title.

And we continue to see evidence of the legacy of the failure to protect rights and to simply rely on government benevolence and its disproportionate impact on Aboriginal people. The 1997 High Court case of *Kruger v The Commonwealth*¹ assists in making this point. This was the first case to be heard in the High Court that considered the legality of the formal government assimilation-based policy of removing Indigenous children from their families. In *Kruger*, the plaintiffs had brought their case on the grounds of the violation of various rights by the effects of the Northern Territory Ordinance that allowed for the removal of Indigenous children from their families. The plaintiffs had claimed a series of human rights violations including the implied rights to due process before the law, equality before the law, freedom of movement and the express right to freedom of religion contained in s.116 of the Constitution. They were unsuccessful on each count, a

¹ *Kruger v. The commonwealth* (1997) 190 CLR 1

result that highlighted the general lack of rights protection in our system of governance and the ways in which, through policies like child removal, there was a disproportionately high impact on Indigenous people as a result of those silences.

What we can see in the *Kruger* case is the way that the issue of child removal – seen as a particularly Indigenous experience and a particularly Indigenous legal issue – can be expressed in language that explains what those harms are in terms of rights held by all other people – the right to due process before the law, equality before the law, freedom of movement and freedom of religion. *Kruger* also highlights how few of the rights that we would assume we inherently hold are actually protected by our legal system. It reminds us that there are silences in our Constitution about rights, that these silences were intended, and it gives us a practical example of the rights violations that can be the legacy of that silence.

4. Finding A New Pathway

Achieving social justice for Aboriginal people will be a multi-faceted project that will include three important steps:

- Rethinking our approach to Indigenous policy;
- Strengthening the legal protections within our system; and
- Overcoming the racism within our community.

A. Rethinking Indigenous Policy

Overcoming Indigenous disadvantage means governments have to take responsibility for the provision of three things as a matter of right:

- Adequate standards of essential services;
- Adequate provision of infrastructure, and
- Investment in human capital.

This is a simple formula and it has been shown in numerous reports into issues such as the high levels of sexual assault within Indigenous communities. As the social fabric unravels, the result of decades of neglect in under-funding on essential services and infrastructure, and no investment in human capital, compound to create dysfunction in some communities.

In addition to these three goals, Indigenous policy needs to move away from its current drivers – the ideologies of assimilation and mainstreaming. The ideologies of assimilation and mainstreaming have re-entered the approach to Aboriginal issues at the national level. The pursuit of these ideologies has seen the agenda to dismantle the national representative structure that was part of the Aboriginal and Torres Strait Islander Commission (ATSIC) and it has seen the major programs for Aboriginal people shifted from Aboriginal and Torres Strait Islander Services into mainstream departments. No doubt these moves will appease the constituency who has always resented special attention given to Aboriginal issues and has interpreted the need for targeted programs as “welfare bludging” or “getting something for nothing”.

But the real danger with the move is that the ideologies of “mainstreaming” and “assimilation” have failed in the past to shift the poorer health, lower levels of education, higher levels of unemployment and poorer standard of housing that Aboriginal communities have experienced. These ideologies have not offered ways to protect Aboriginal cultural heritage, interest in land, or language. And they have not offered a way in which Aboriginal people can play the central role in making decisions that will impact on their families and communities.

In the past, the failure of mainstreaming has stemmed from its inability to target specific issues that arise in Aboriginal communities in relation to health, education, housing and employment. This is because mainstream services need to develop specific mechanisms and strategies for Aboriginal clients and they have to do this with stretched resources. In addition to these challenges, Aboriginal people claim that they are often subjected to racism within those mainstream services. Those claims of racism, particularly in relation to the delivery of health services, were well documented in the Royal Commission into Aboriginal Deaths in Custody.

There is no evidence to show that the ideologies of mainstreaming and assimilation that failed so dismally in the past will work now. This new shift in the delivery of Aboriginal policy and programs does not offer any new insights or any promise of more effective policy-making and program delivery. In fact, it must be emphasised that there is nothing “new” about this ideological thrust that will shape the thinking behind Aboriginal affairs in the next few years. It should also be added that the approach to Indigenous policy should not be ideologically led, it should be directed by research-based policy so we are not the perpetual guinea pigs for government.

The focus on the ideological has blinded us to what we can learn from the many successes that go unnoticed. In the face of government neglect and failed policy, many Indigenous communities continue to flourish, creating successful and viable institutions and continue to keep their cultural values strong and their children safe. We could learn much from what it is that successful organisations do to ensure their effectiveness and viability in this climate and use that information as a basis for developing similar conditions in the communities that fail. And we can look at research in Australia and North America that has detailed that better socio-economic outcomes are achieved when Indigenous people are involved in the setting of priorities within their community, the development of policy, the delivery of services and the implementation of programs.

B. Improving the Rights Framework

We inherited our legal system from the United Kingdom which has now passed a Charter of Rights to bring it up to the same contemporary standard that all other Commonwealth nations – except Australia – have recognised as necessary to bring the legal system in line with a new world view that developed in the post-WWII era and the influence of the notion of inherent human rights. Australia has the only legal system that has failed to incorporate those standards. And this is especially pronounced in the “war on terror” era that has seen every other country that has similarly introduced anti-terrorism legislation mark a line in the sand through their human rights charters or bills of rights that say to the government: “this is the line that you cannot cross.”

Bills of Rights are not about curtailing the rights of the majority. And they are not about giving more power to judges. Bills of Rights are aimed at ensuring a better balance between the rights of individuals against the state and as such are more often an infringement on the rights of governments than the rights of people. This is why governments are often the strongest opponents.

Popular arguments against a Bill of Rights often seem hollow to those who have been at the receiving end of rights violations. For example, the claim that a Bill of Rights should be rejected because it creates "a lawyer's picnic" seems to value a dislike of the legal profession above the rights of people, and ignores the unfettering of the power of politicians. The experience in the ACT with its new Human Rights Act also shows how shallow are these claims of increased litigation. Under that legislative Bill of Rights, there have been few cases where the rights have been referred to under the Act, and the overwhelming impact has not been on the hip pocket of lawyers, but on bureaucrats who are now required to think about the rights of the citizens of the ACT when they implement policies and programs. That is, the greatest impact has been to make government more accountable to the people in the way it does business.

Thomas Jefferson wrote: "... the natural progress of things is for liberty to yield and governments to gain ground." It is as true today as when he penned those words in 1788, the year in which the colonisation of Aboriginal Australia began. And in recent years, Aboriginal people have experienced the infringement of human rights that cannot be rectified. Native title that has been extinguished will never be regained; cultural heritage that has been destroyed will never be recovered; and failure to access adequate health services and opportunities for basic standards of education are difficult, sometimes impossible, to rectify. In fact, these losses are a reminder of why it is important to have rights protections in place when society moves away from valuing the importance of the rights of the vulnerable.

And it is these experiences of the infringements of the rights of the vulnerable that need to remain our focus. It is not enough to say that our human rights standards are better than other countries that have more brutal and systemic abuses of rights than those that occur on Australian soil. I firstly question why it is worse for an Aboriginal child to experience third world levels of health care than

for the child actually living in the third world. And secondly, it is not enough that we are better than the worst offenders on a human rights report card; we should be the best society that we can be.

As has been attributed to Thomas Paine:

When it shall be said in any country in the world, "My poor are happy; neither ignorance nor distress is to be found among them; my jails are empty of prisoners, my streets of beggars; the aged are not in want, the taxes are not oppressive; the rational world is my friend, because I am the friend of its happiness": when these things can be said, then may that country boast of its constitution and its government.

In this way, a human rights framework can be a benchmark. And while there is more acceptance of a rights framework that protects civil and political rights, there has been less support for economic, social and cultural rights. The latter have often been deemed too difficult to legislate into a rights framework. But is it too difficult? I would estimate that eradicating illiteracy from Australia would be a harder task than erasing it from India. The Indian Constitution was recently altered to include a right to education and, during my recent visit, their highest court deemed that this meant that the states, regardless of their economy, were required to put adequate resources into the education system and ensure that all children had an education (there are an estimated 10 million children who do not go to school!). This gives states in India a duty to put more resources into education and so prioritise it over other things. If countries facing much larger socio-economic challenges than us can use human rights as a way to protect the life chances of the most vulnerable in their community, the protection of human rights must hold out the same promise for us.

C. Fighting Racism

Laws do not occur in a vacuum. They are a product of the society that makes them. And for that reason we need to understand and appreciate that the changes in the law will not come unless, as with the 1967 referendum, society begins to request it. And we also have to appreciate that any law needs to be able to operate in a society that also embraces the notion of social justice.

In her novel, *The Secret River*, Kate Grenville² tells the story of a family who move from England to the new penal colony in New South Wales when the husband is convicted of stealing. At the end of the book, when the family has staked its piece of land and made a small fortune from trade, they build a colonial mansion as a testament to their wealth. Grenville understands that this wealth amassed by her fictitious family was achieved with stolen land and resources. To capture this, the stone foundation upon which the house is built covers a large fish carved into the stone. This special stone was used during ceremonies performed by the Aboriginal clans who lived in the area for the previous thousands of years, but have since been pushed away, massacred, or have died from illness.

Grenville's metaphor is a striking one for modern Australia's relationship with Indigenous people. The large house, splendid in its opulence, is built on the resources taken from the Aboriginal people and then covers up the evidence of their existence. It is a vision that is a striking reminder of the history that lies beneath our modern Australian state. And, just as importantly, it is a metaphor for ways in which history has sometimes been deliberately written out to give the impression of more noble beginnings. History is a contested story that we tell about ourselves and for this reason it is hardly surprising that there is a tendency to romanticise it. But we pay a high price each time we seek to silence a voice that plays a part in the building of our community.

An example of that attempt to silence can be seen in the "history wars" or "culture wars" as they have been called. These are fierce debates about the telling of history, the squabbling about numbers killed on the frontier and the debates over the proper legal definition of "genocide" are not about Aboriginal history. The experience and perspectives of Aboriginal people remains unchanged by semantic and numerical debates by academics. They are, instead, a battle about white history and, more importantly, white identity.

As the proverb goes: "When war is declared, truth is the first casualty." But it is within this "war" that White Australians have the most at stake and it is within this "war" that they cannot afford to remain silent. The result of this debate will have a profound influence on the values of our society for years to come and will

² Kate Grenville. *The Secret River*. Melbourne: Text Publishing, 2005.

determine whether we move towards tolerance, acceptance, co-existence and diversity or whether we continue to move towards intolerance, suspicion, fear and conformity. It is because the stakes are so high that the debate has been waged through so many of our cultural institutions, including the Australian Broadcasting Commission and the National Museum of Australia.

If this “war” is lost to those who take an insular, xenophobic and exclusionary view, White Australia will not have the generosity of spirit and the necessary civic responsibility in its heart to be the type of society that can treat all of its members – regardless of race, socio-economic background and religious belief – equally, justly and fairly. And non-Indigenous Australia will be unable to take a place beside Aboriginal Australia. It will be unable to look us in the eye while it refuses to acknowledge our past and current experiences. An inability to acknowledge and respect will be a continuing barrier to the creation of an honest and trusting relationship.

Of course, the racism that permeates Australian society is often more subtle than it was two decades ago. But I will give just one example of how it can still profoundly affect the life chances of Aboriginal people. At the centre where I work, we undertake the pastoral care of more than 360 Indigenous students who are enrolled across our campus. Many times we have gifted students approach us for entry into University only to find that at High School they were persuaded away from subjects that would give them such a path way. They tell us that, along with the other Aboriginal children in their school, they were encouraged away from the sciences and other subjects that are prerequisites to degree courses. This means that the student has to do bridging courses and is stigmatised as not being as clever as other students, as though they gained entry just because they were Aboriginal rather than because they were assessed as being competent to do the course, but were not prepared for it. It can affect a student’s confidence. And those are just the students who were not deterred from entering higher education by the negative assumptions that had been made about their capacity.

Conclusion

In closing, it is noticeable that the three issues that I chose to highlight as necessary steps towards improving the social fabric of our community and creating better outcomes and more protection for the most vulnerable amongst us are all aspects of the vision that Don Dunstan had articulated. He also appreciated that achieving social justice is a multi-faceted, multi-pronged project and process. But he also understood that a central aspect was the importance of recognising and protecting the human rights of all Australians, but particularly the most vulnerable.