

Standpoint, Cultural Competency and Australian Land

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ABSTRACT

Indigenous Australians have a very strong connection to land. Native title is the recognition by Australian law that Aboriginal and Torres Strait Islander people have rights and interests to land and waters according to their traditional law and customs. This paper is based on an assignment submitted for the Charles Sturt University (CSU) first-year undergraduate degree subject 'Indigenous Australian Cultures, Histories and Contemporary Realities'. Students were required to reflect on their standpoint with respect to Indigenous Australians and ascertain their degree of cultural competence. The assignment required students to examine Indigenist's perspectives in relation to selected pre and post 1967 referendum events in Australian history. The events were the Wave Hill Walk-Off (1966 to 1975), the Mabo v Queensland No. 2 (1992) case (Mabo case), the Wik Peoples v Queensland (1996) case (Wik case) and the Native Title Amendment Act 1998. These events relate to Indigenous Australians and their connection to their land. This paper outlines the author's learning experience, particularly highlighting how her standpoint limited her understanding of these events and their connection to land. It is hoped that the findings will be of benefit to surveyors when dealing with native title and places of significance to Indigenous Australians.

KEYWORDS: *Cultural competency, land, 1967 referendum, Indigenous Australians, native title.*

1 INTRODUCTION

Standpoints can restrict a person's understanding of events or other cultures. Most of my knowledge of native title and land rights was obtained when studying for a surveying degree at the University of Newcastle in the late 1990s. These topics were presented from a western perspective. Last year, while studying my second degree, I was given the opportunity to study native title and land rights using research material created from an Indigenists' perspective. This allowed me to gain greater understanding of the topics and empathy towards First Peoples.

When working cross-culturally, assessing our standpoint, and widening our worldview by using a cultural competency model as a guide, minimises the risk of harm to the people who are not part of the mainstream culture (Institute for Quantitative Social Science, 2018). This paper outlines my learning experience, particularly highlighting how my standpoint limited my understanding of these events and their connection to land. Hopefully, my example of considering different worldviews in relation to land will encourage other surveyors to examine their standpoint and approach to Indigenous Australians' land matters as well.

2 STANDPOINT

Our standpoints or “how we see the world” are influenced by historical, institutional, social and cultural experiences. Walter (2006, p.11) and Phillips and CSU (2022) state that where we are situated in society “enables and limits our knowledge” and “underpins the questions we see, the answers we seek, the way we go about seeking those answers, and the interpretation we make.” For example, my standpoint or worldview, or “who I am”, is influenced in part by my family history, schooling, media and conversations with friends and family.

Standpoint or worldview lenses differ between cultures. When working cross-culturally, our different worldview needs to be taken into consideration to ensure a harm-free environment (Taylor and Guerin, 2019). An example of lack of cross-cultural consideration is the displacement of First Peoples from their land by past governments. As Indigenous Australians’ connection to land is deeply rooted, some health issues in the Indigenous Australian community are caused by this displacement. Comparing the length of habitation in Australia by non-Indigenous Australians and First Peoples (Figure 1), the long habitation of their land by the First Peoples has resulted in a deep connection with their land (Australian Government, 2013, p.21).

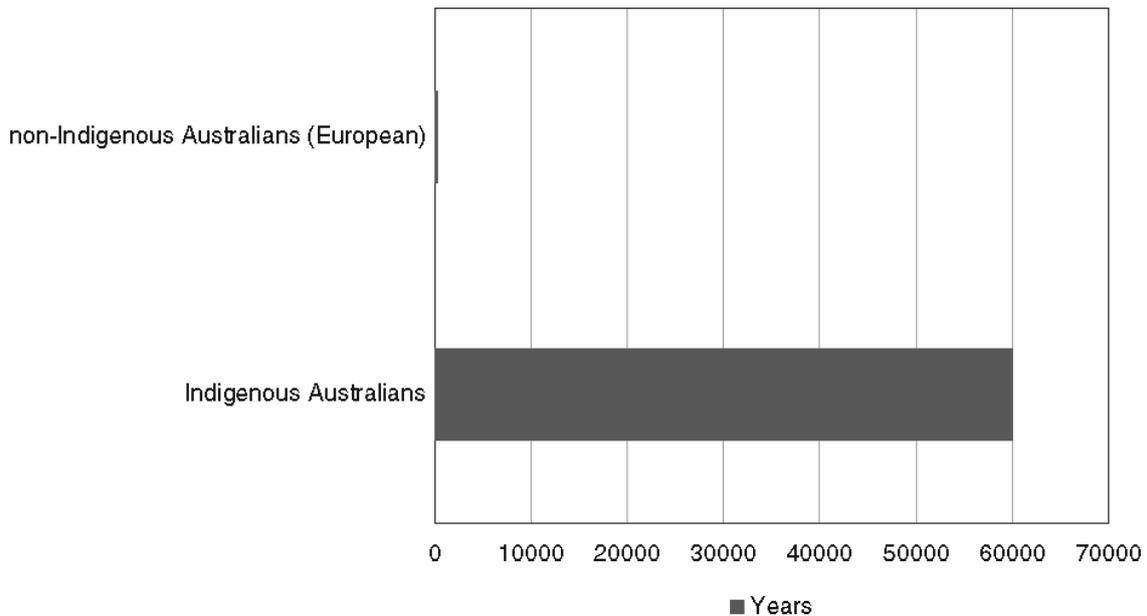


Figure 1: Length of occupation of the land now called Australia by Indigenous Australians and non-Indigenous Australians (Taylor and Guerin, 2019).

3 CULTURAL COMPETENCY AND INDIGENOUS AUSTRALIANS

Being aware of your worldview is a good starting point when adopting a cultural framework to help you work cross-culturally. Health services were one of the first industries to adopt and create cultural frameworks to ensure the best care was delivered to patients from different cultural backgrounds (Taylor and Guerin, 2019, p.12). The cultural competency framework used to assess my ability to work cross-culturally is shown in Figure 2. Descriptions of each of the categories listed in this cultural competence matrix are included in the Appendix.

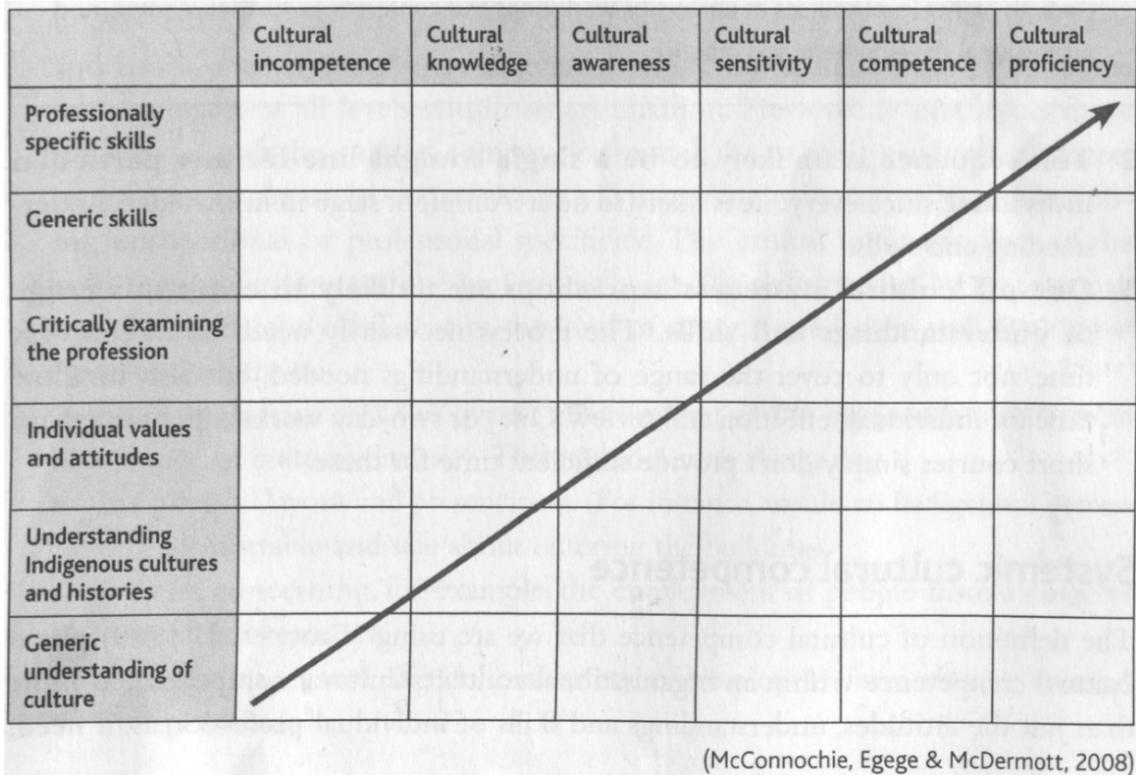


Figure 2: Development of cultural competency (Ranzijn et al., 2009).

When working cross-culturally, cultural competency can be a professional’s goal to aim towards to ensure the best workplace outcome is achieved. The Institute for Quantitative Social Science (2018) defines cultural competency as “the need to respect, understand and acknowledge the benefits, values and realities of Indigenous people and communities. This includes being mindful of Indigenous people’s right to have different values, norms and aspirations to non-Indigenous people ... [and] should recognise that Indigenous communities are diverse, with different languages, cultures, histories and perspectives, and acknowledge the diversity of individuals within these communities.” Even if a professional does not meet the cultural competence criteria, knowing where they are placed on the cultural competence matrix will encourage them to seek assistance from others when required.

4 EARLY CROSS-CULTURAL INTERACTION

Early surveyors, explorers, pastoralists, drovers and settlers were fortunate enough to work with and gain knowledge from First Peoples (Figure 3). This assistance helped them to easily travel across different First Nations land and to find water. Even when First Peoples were not included in the field party, Surveyors General John Oxley and Thomas Mitchell identified and followed Indigenous People’s traditional pathways during their field trips (Spooner et al., 2010). In the Snowy Mountains, due to the difficulty of the terrain, some of the traditional pathways were adopted as roads by early settlers and now form part of the Omeo Highway and Alpine Way / Snowy Mountains Highway (Spooner et al., 2010).

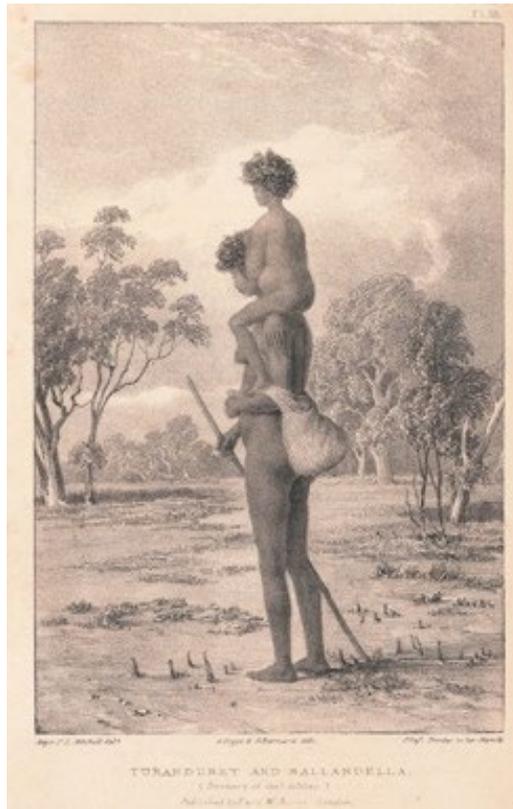


Figure 3: Surveyor General Thomas Mitchell's guide, Wiradjuri woman Turandurey, with daughter Ballendella, drawn by Thomas Mitchell in 1836 (Cadzow, 2022).

5 1967 REFERENDUM

The 1967 referendum was a turning point in Australian history when 90% of Australian voters agreed to the constitution being changed (ANU TV, 2017). Amendments to the constitution removed clauses that discriminated against Indigenous Australians and led to many changes in the future, including the establishment of the land rights legislation. The lead up to and the referendum also shone a light on the unfair treatment of Indigenous Australians (Figure 4).



Figure 4: Faith Bandler and daughter Lilon (right), campaigning for constitutional change (McGregor, 2017).

6 EXAMINING INDIGENOUS PERSPECTIVES THROUGH EVENTS IN AUSTRALIAN HISTORY

The pre and post 1967 referendum events selected were the Wave Hill Walk-Off (1966 to 1975), the Mabo v Queensland No. 2 (1992) case (Mabo case), the Wik Peoples v Queensland (1996) case (Wik case) and the Native Title Amendment Act 1998. These events both relate to Indigenous Australians and their connection to their land (Perera, 2009). They were affected by deficit discourse, especially when politicians chose to not discuss land matters and associated policies and laws with affected Indigenous Australians. Hegemony and institutional racism also occurred predominantly pre-1967, but institutional racism also occurred during the term of the Howard Coalition government when it was implied Indigenous Australians were ‘un-Australian’. Post 1967, the Howard Coalition government and industries reinforced cultural norms that made Indigenous Australians feel excluded from mainstream Australian society. As government and industry sentiments were portrayed as Australian cultural norms or values in the media, many non-Indigenous Australians would interpret that the sentiments were the cultural views of the day. With the native title at this time, Indigenous Australians may be portrayed ‘un-Australian’ by claiming land from mainstream Australians through the Native Title Act. However, the start of the land rights movement and the squashing of Terra Nullius is probably one of the defining moments of decolonisation in Australia.

6.1 Pre 1967 Referendum Events: Wave Hill Walk-Off

The Wave Hill walk-off happened at a very politically charged time with the civil rights movement, apartheid in South Africa and the 1965 Freedom Ride also occurring at the lead up to the referendum. Australians in the mid-1960s also wanted to be in step with the global human rights movement that emerged because of the World War II atrocities.

For example, the 1965 Freedom Ride (Figure 5), which travelled to regional New South Wales (NSW), exposed the treatment and living conditions of Indigenous Australians (AIATSIS, 2022). Media coverage of the 1965 Freedom Ride, changing school and university curriculum, religious views, life experiences and supporting an open mind, allowed the public to see that the race inequality that was being highlighted overseas also existed in Australia. To counteract this behaviour and to portray to the world that Australia is an advanced nation, empathy needed to be shown towards First Nations people by politicians and the general population. From an empathic standpoint, politicians can change legislation and worldviews to ensure Indigenous Australians are treated better.



Figure 5: ‘Student Action for Aborigines’ 1965 Freedom Bus Ride at Bowraville (Hazzard, 1965).

The original goal of the Wave Hill walk-off was for the Indigenous Peoples to receive better working conditions on the Lord Vestey owned Wave Hill Station (Hokari, 2000). Figures 6 & 7 illustrate the location of the property. Working conditions on many stations were poor with wages for Indigenous Australian stockmen less than their non-Indigenous work colleagues. Also, First Peoples received sub-standard treatment while living on the station. Underlying the request for better work conditions was the want from the Gurindji People for equal rights, better treatment and authority over their land (Hokari, 2000). These rights had been denied due to institutional racism.

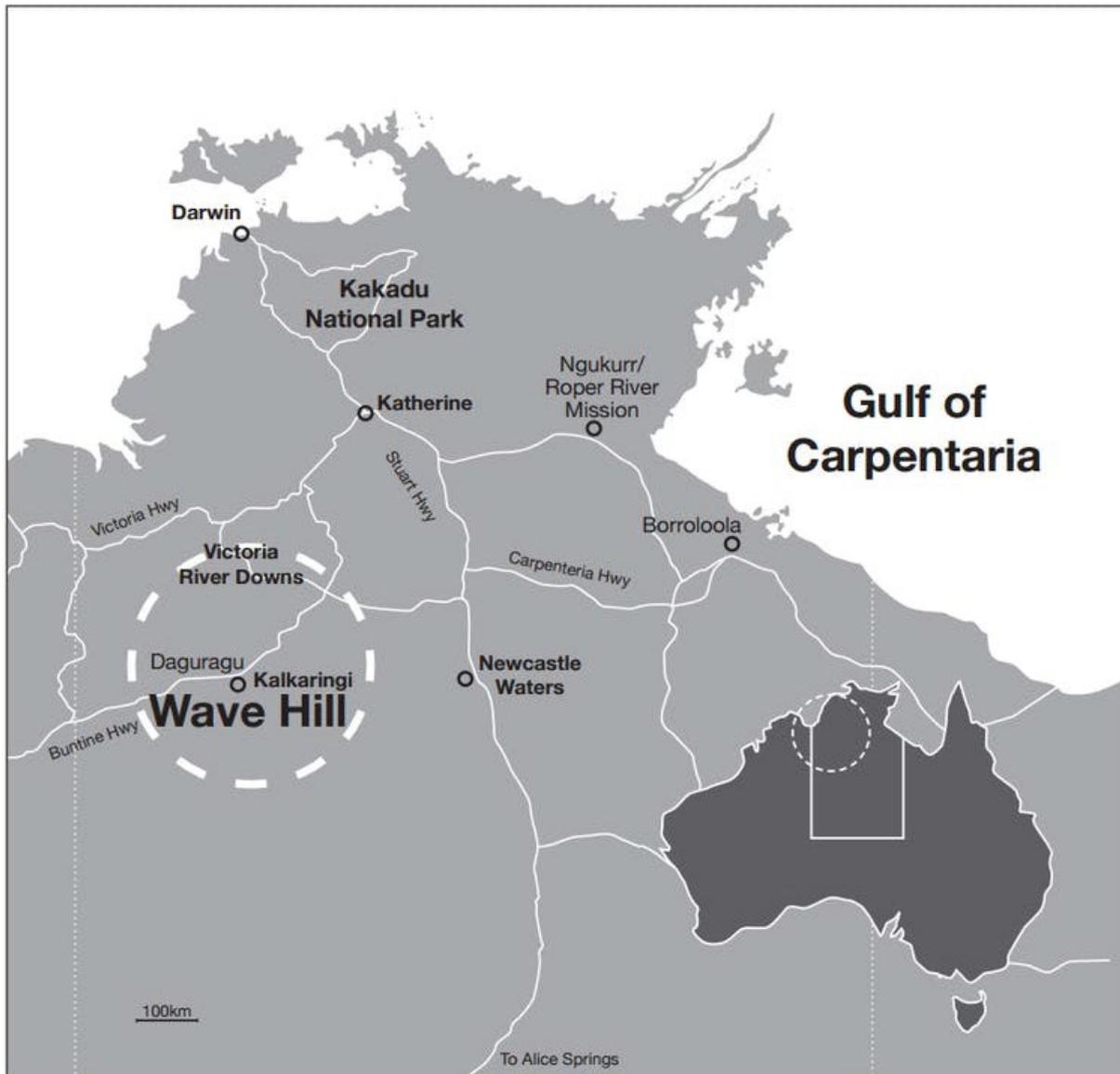


Figure 6: Map showing the location of Wave Hill Station, Northern Territory (Meakins, 2016).



Figure 7: Aerial view of Wave Hill Station in the 1960s (Hayes, 2021).

With respect to power relations, Lord Vestey (and some of his staff) and the Gurindji People did not have a very good or equal relationship. Thea Hayes, a non-Indigenous nurse on Wave Hill Station for many years, stated that the ‘two-tiered’ system of class, or hegemony, that existed on the station was accepted by the non-Indigenous staff at the time (Hinchliffe, 2020). This was one of the reasons the First Peoples wanted Lord Vestey to leave the property (Hokari, 2000).

Gurindji Elders investigated their people’s conditions prior to the Wave Hill walk-off and found that Gurindji and other Territorian stockmen were the lowest paid in the country. In addition, their rights were limited, and treatment of the Gurindji People by the colonists had been substandard for many years (Hokari, 2000). This included massacres, killings, stolen children, brutal treatment and using Aboriginal women for sexual gratification (Meakins, 2016). Figure 8 shows some of the stockmen from Wave Hill Station.



Figure 8: Wave Hill Station stockmen in 1964 (Hayes, 2021).

Prior to and during the walk-off, some non-Indigenous Australians supported the Gurindji People and helped publicise their plight (Hokari, 2000). Also, even though media coverage of the Wave Hill walk-off focused on Vincent Lingiari's efforts leading the Gurindji People, a group of elders would make the final decision in relation to the strike.

The cultural norm accepted by mainstream Australia at the time of the Wave Hill walk-off was that Indigenous Australians' connection to their land was severed at time of colonial settlement and, subsequently, all land then became the property of the Crown (Foley, 2017). However, the Gurindji People did not see that their connection to their land had been broken (ICSM, 2022). Today, similar sentiments exist as a land system based on the British land system is still being used in Australia. Also, due to the assimilation policy of the Northern Territory and protection laws, a deficit discourse existed around black inferiority and white superiority (Dodson, 1996; Wells and Christie, 2000). The Northern Territory Emergency Response introduced in August 2007 by the Coalition government is like previous policies and laws, which controlled Indigenous Peoples behaviours and reinforced existing deficit discourses.

6.2 Post 1967 Referendum Events

After the 1967 referendum, Prime Minister Harold Holt formed an all-white Council of Aboriginal Affairs (CAA) in which he showed great interest. Unfortunately, after Holt's sudden death, when John Gorton took over as Prime Minister, he showed he was not interested in the committee's work or Indigenous Australians (Foley, 2017). The committee members included Dr Herbert Coombes, Barrie Dexter and Bill Stanner (Figure 9), and together they created national policies for First Peoples, consulted with and encouraged leadership from Indigenous Peoples and the protection of First Nations heritage and culture. Also, through their direction, Dr Charles Perkins was appointed to the committee in the late 1960s (National Museum of Australia, 2022). Even though it was the committee's goal to create a just society, this was not created during the time of CAA, with politics or laws enabling the stolen generation, Northern Territory intervention and the destruction of Indigenous heritage during and after the existence of the committee (Dexter et al., 2014).



Figure 9: Council of Aboriginal Affairs in 1968, showing Committee members, left to right, Barrie Dexter, Dr Herbert Coombes and Bill Stanner (Foley, 2017).

Vincent Lingiari, Elder of the Gurindji People, did receive support from non-Indigenous Australians at the Wave Hill walk-off (Hokari, 2000). These talks happened pre and post the 1967 referendum and indicate how the attitudes of members of the community changed to show more empathy towards Indigenous Australians. Hence, by 1975, Prime Minister Gough

Whitlam, as the representative of the government, gave the Gurindji People title to their land (Figure 10). This was the first time the Commonwealth Government of Australia had handed land back to a First Nations community (McKeon, 2016).

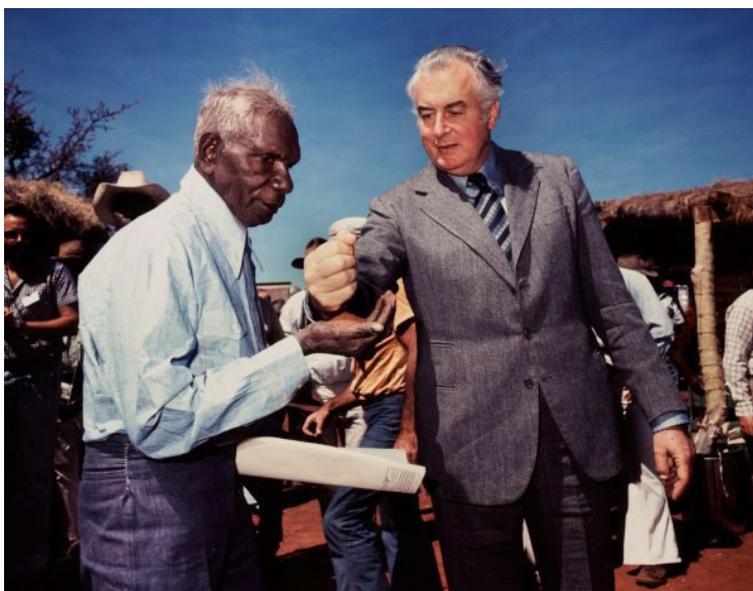


Figure 10: Vincent Lingiari, Gurindji Elder, and Gough Whitlam, during the transfer of land from the Commonwealth Government to the Gurindji People at Wave Hill Station, Northern Territory (Bishop, 1975).

In 1975, the federal government gave back 3,000 km² of land to the Gurindji People, in a ceremony between Prime Minister Gough Whitlam and Gurindji Elder Tommy Vincent Lingiari (James, 2015). The Wave Hill walk-off was one of the first successful and publicised land rights claims in Australia, which led to the creation of land rights legislation, other successful land rights claims and the education of non-Indigenous Australians about Indigenous Peoples treatment and connection to their land (James, 2015). Since the Wave Hill walk-off, First People's deep connection to the land and the effect of removal from land on Indigenous People's well-being has been highlighted in mainstream society. Segregation of Indigenous Australians, present at the time of the 1965 Freedom Ride, appears to have disappeared from Regional NSW towns.

Therefore, the worldwide civil rights movement, the land rights claim that stemmed from the Wave Hill walk-off, the 1967 referendum and the creation of the Racial Discrimination Act 1975 paved the way for native title and the ending of the doctrine of Terra Nullius (Pascoe, 2012). Despite this, opposition to giving land to the traditional owners has been fierce, with the positioning of Indigenous Australians being changed by different political parties, media outlets, ideology and political donors (Gibson, 2018).

By citing the Racial Discrimination Act, the Mabo case showed the property rights of all Australian people, including the rights belonging to Indigenous Australians prior to the colonisation of Australia by the British, needed to be protected (Hill, 1995). Figure 11 shows the location of the native title claim by Eddie Mabo. This meant that Indigenous People's connection to land was not ended when Australia was colonised and still exists. Further, the Wik case (Figure 12) helped the Mabo decision and native title to be recognised on the mainland and showed native title was not extinguished by leasehold land. The Native Title Act 1993 was created to manage the doctrine created by the Mabo and Wik cases (Gibson, 2018).



Figure 11: Location of the native title claim by Eddie Mabo, Murray Islands, Torres Strait Islands, Queensland.



Figure 12: Gladys Tybingoompa, Wik claimant from Camp York, dancing to celebrate her people's win in the High Court in 1996 (Nicol, 2018).

After the Mabo decision and when the Native Title Act was being formed, Paul Keating (Figure 13) and his government opened a consultation period for Indigenous Australians and other affected parties (Rowse, 1993). This was welcomed by many Indigenous Australians and was the most amount of input given by First Peoples on a piece of Australian legislation to date (Gibson, 2018).

Due to the political climate created by opposition after the Mabo case, Native Title Act and the Wik case, politicians, interest groups and the media portrayed a 'mainstream' Australia or a cultural norm that did not include Indigenous Australians (Gibson, 2018). This is preposterous, as Indigenous Australians are the original occupants or First Peoples of Australia. One of these politicians was John Howard (see Figure 13), who was elected as Prime Minister in 1996. Howard said, he will bring balance back into 'mainstream' Australia by changing the Native

Title Act (McCausland, 2004). Without consulting any Indigenous Australians, his party amended the Native Title Act and created the Wik ten-point plan (Gibson, 2018). This may have been done as the legislation was unworkable or due to immense political pressure. During this time, ‘scare tactics’ were used in the media to add support to the Howard Coalition government’s handling of native title and to show Indigenous Australians’ actions as a threat (Hill, 1995; McCausland, 2004). These tactics were used as it was thought native title would impact the property owners, stop or make it difficult to access minerals and lose pastoral leases. By inhibiting native title, mining companies, large landholders, developers, the government, and pastoral lease holders would benefit (Robbins, 2007).



Figure 13: Paul Keating and John Howard in 1996 (The Australian, 2018).

7 SURVEYING AND INDIGENOUS CULTURAL COMPETENCIES

A practical example of Indigenous cultural competency in the field of surveying is the Survey section of Transport NSW creating procedures relating to Aboriginal artefacts and threatened species after artefacts were inadvertently disturbed during two field surveys. One incident occurred when a surveyor placed a drill hole in a rock containing rock carvings, the other occurred during potholing in the vicinity of aboriginal artefacts. After these disconcerting situations, policies and procedures were changed to avoid this happening in the future (Lenton, 2014).

At a larger scale, Universities Australia published guiding principles to develop Indigenous cultural competency at Australian universities. One of the suggested guidelines is that “all graduates of Australian universities should be culturally competent” (Universities Australia, 2011). Charles Sturt University implemented a program that follows these guidelines and made “Indigenous perspectives and knowledge” part of the curriculum for all schools and faculties. The Appendix includes useful information for self-assessing one’s level of cultural competence.

8 CONCLUDING REMARKS

Due to the civil rights movement, many non-Indigenous Australians saw the inequality in Australian society and wanted First Peoples to be treated better. The Wave Hill walk-off and the Mabo case, the Wik case and the Native Title Act show that conditions and rights of Indigenous Australians have evolved since the 1967 referendum. This has not been without opposition, especially when First Peoples rights and ownership of land is debated.

This paper has shown that by looking at material created from an Indigenist perspective, a different understanding of a topic can be gained, which may help change one's standpoint and start an associated cultural competency journey. Also, understanding that an Indigenous Australian worldview in respect to land can differ from a surveyor's view of land will help if working cross-culturally in the future.

As a non-Indigenous Australian, I cannot fully understand an Indigenous Australian's connection to their land. Nevertheless, it was enjoyable and eye-opening to learn about these events in Australian history from an Indigenous Australians perspective. It is hoped that these findings will be of benefit to surveyors when dealing with native title and places of significance to Indigenous Australians.

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APPENDIX

Extracts from Ranzijn et al. (2009), describing each of the categories of the cultural competence matrix shown in Figure 2.

INTRODUCTION TO CULTURAL COMPETENCE 7

with the following sequence of stages along a continuum from cultural incompetence to cultural proficiency:

- **Cultural incompetence:** lack of knowledge of the cultural implications of health behaviour
- **Cultural knowledge:** learning the elements of culture and their role in shaping and defining health behaviour
- **Cultural awareness:** recognising and understanding the cultural implications of behaviour
- **Cultural sensitivity:** the integration of cultural knowledge and awareness into individual and institutional behaviour
- **Cultural competence:** the routine application of culturally appropriate health care interventions and practices
- **Cultural proficiency:** the integration of cultural competence into one's repertoire for scholarship (e.g. practice, teaching and research).

Exercise 1.2 Cultural competence continuum

Where do you think you sit on the cultural competence continuum?
What are some of the reasons why you placed yourself there?
What do you think you need to learn or do to move further along the continuum?

Content of cultural competence training

What should be included in cultural competence training? A focus group convened to identify the skills and attributes that Indigenous Australians think practising psychologists should possess provided detailed suggestions for the content of training. The main issues arising from the focus group were:

- the lack of awareness amongst professionals about Indigenous clients, cultures and contexts
- the absence of specific skills and strategies for working in Indigenous contexts
- the culturally specific nature of the assumptions and practices of professions and agencies
- the failure of the professions to engage in broader issues of justice and human rights—including an advocacy role and a role for the professions in developing understanding of, and strategies for challenging, prejudice, ethnocentrism and racism
- the need for individuals to be aware of their own values, assumptions and expectations, and how these impact on their interaction with Indigenous clients and communities.

(Ranzijn et al., 2007, p. 25)

8 SETTING THE THEORETICAL CONTEXT

In the area of understanding Indigenous cultures, histories and communities, the group thought that the content should include:

- the basis of Indigenous spirituality and belief systems
- the sources and contemporary characteristics of families and family structures
- relationships with land and the interconnectedness of land, family and spirituality
- the diversity of concepts of identity—different concepts of identity across cultures
- the importance of understanding the impact of historical processes
- the impact of historical processes on identity (colonialism, institutionalisation, discrimination, stolen generations, etc.)
- community and individual responses to colonialism
- the broad characteristics of contemporary Indigenous communities
- an awareness of relevant social indicators
- relevant national and international legislation and obligations.

(Ranzijn et al., 2008, p. 133)

Finally, the group felt that exploring the nature of the profession should include:

- critically exploring the major paradigms of professions and the impact of these paradigms on how the profession impacts on clients from diverse backgrounds
- analysing the extent to which professional activities are structured around unrecognised assumptions which are culture specific and recognise the need for the profession to identify and question these assumptions
- exploring issues of power relations within a range of contexts, including researcher-researched contexts, client-practitioner contexts and more general issues about cultural dominance
- examining the extent (or lack) of engagement of their professions in broader social-political issues as a significant issue
- examining personal values and belief systems within a context which is both supportive and challenging.

(Ranzijn et al., 2008, p. 133)

These points can be grouped into six categories, two for each of the three main attributes of cultural competence, namely, knowledge (steps 1 and 2 below), values (steps 3 and 4), and skills (steps 5 and 6). Developing cultural competence in relation to Indigenous Australians in a thorough and comprehensive manner involves progressing more or less in the following sequence from basic knowledge through to professionally specific skills:

- 1 obtaining a generic understanding of the nature and significance of culture
- 2 obtaining a general understanding of Indigenous cultures, histories, contemporary societies and issues
- 3 exploring individual and societal values and attitudes (individual, institutional and cultural racism)
- 4 critically examining the nature of one's profession or occupation

- 5 developing generic skills for working in Indigenous contexts
- 6 developing professionally specific skills for working in Indigenous contexts.

Mapping the development of cultural competence

Combining the previous six steps with the six stages of Wells’s (2000) cultural competence continuum produces a matrix (figure 1.1) which can be used to guide the development of cultural competence. The matrix encompasses many levels of experience, from those beginning higher education studies through to practitioners who may have been working in the field for many years. The model outlines a process or journey which commonly (but not necessarily, depending on experience) begins at the bottom left hand corner (in the case of people who are culturally incompetent), and progresses towards the upper right hand corner. (However, note the earlier comments about the need to revisit the basics.)

Any particular person could be located at any point in the matrix, or indeed at a number of points simultaneously, not necessarily on the arrow. In fact, it is unlikely that someone would be located right on the arrow, since people are likely to be at different levels of cultural competence depending on which content area they are proficient in. For instance, someone may be high on cultural proficiency in their generic understanding of culture while at the same time being culturally incompetent in the area of critically examining their profession.

Figure 1.1 Development of cultural competence

	Cultural incompetence	Cultural knowledge	Cultural awareness	Cultural sensitivity	Cultural competence	Cultural proficiency
Professionally specific skills						
Generic skills						
Critically examining the profession						
Individual values and attitudes						
Understanding Indigenous cultures and histories						
Generic understanding of culture						

(McConnochie, Egege & McDermott, 2008)