

LEGAL STUDIES

Essay: Explain how equality, fairness and justice for Australia's indigenous peoples have improved in Australian law?

a) Explain how equality, fairness and justice for Australia's indigenous peoples have improved in Australian law?

There have been many improvements in Australian law relating to the equality, fairness and justice for Australia's indigenous people. These improvements relate to many aspects of their life, such as land rights, self-determination, deaths in custody and the forcible removal of children from their families. ~~there have been many amendments through the law~~ ^{Good intro}

Indigenous people were treated unfairly in the beginning, when Australia was found in 1788. The Europeans stated that the land was terra nullius (land belonging to no one) since they found that the Aboriginal lifestyle was primitive and had no legal system.

This term "terra nullius" meant that they were able to ~~take~~ claim the land as theirs, ^{thus} neglecting the indigenous people.

This resulted in massacres of indigenous people, where they were shot, taken away from ~~their~~ their land and exposed to diseases such as smallpox. This demonstrates how unfairly and unjust the Aborigines were treated because they were looked down upon ^{and treated differently because of their race}. The Europeans did not look at them as 'equals', therefore did not treat them equally.

However, over the next hundreds of years, laws protecting the indigenous people began to be established. This began ~~the~~ with the Protectionism ^{policy} where Aborigines were put onto reserves and ^{treated as children} ~~can feed~~. Even though this was done to the Aborigines to protect them, they were taken away from their lands and forced to live in a specific

~~way~~ ^{way}. This ^{good} illustrates that ~~the~~ the Aborigines were still treated unfairly and seen as primitive ^{because} ~~because~~ the Europeans controlled their lives. ^{good cause & effect}

At this time, Aboriginals were given little rights and treated differently compared to the rest of society. They were unable to vote, be counted in the census or associate with the white society. This shows the limited success the government had in enforcing the race protectionism policy as Aboriginals were still ~~not~~ ~~treated~~ dying out and treated unfairly.

When the Europeans took away ~~their land~~ ~~thus~~ the Aboriginals land, they took ~~away~~ away their identity. The Aboriginals depended on their land and many customs and beliefs were linked to the land.

When the Aboriginals lost their land, they lost their identity and eventually, ~~the Australian government~~ ~~found~~ ~~the importance of the land~~ and ~~an~~ ~~people~~ began to protest and fight for their land rights. ✓

This is shown through the Mabo case (1992) where Eddie Mabo ^{Ms Ryan} fought for Aboriginal land rights and wanted justice for the Aboriginal people. Many other cases such as the Wik decision, the wave hill protest and many other protests that aimed to give Indigenous people equality, fairness and justice ^{contributed} to the ~~amendments~~ ^{improvement} in Australian law. With this, the amendments to the Protection of Aboriginal Relics Act were made to give Aboriginals more freedom and justice. This includes the establishment of the assimilation policy where Aboriginals were to be part of the Australian society. However this was not successful due to the fact the Aboriginals were still not being treated equally ^{to} Europeans. This ^{then} led to the formation of the integration policy ^{and} self determination where they were allowed to keep their ~~own~~ culture and practice their beliefs. This was a major improvement to Aboriginals equality, fairness and justice as the Australian law began to accept Aboriginals into society, thus allowing them to live ~~according to~~ ^{freely} their desires, without being controlled.

The range of improvements also involve the ~~best~~ deaths in custody ^{from} the 1980s. The formation of the Royal Commission to investigate 99 Aboriginal deaths and provide recommendations allowed Aboriginals to be treated with justice. The establishment of boards and programs such as the watch committees ~~and~~ then the Racial Discrimination Act 1977 (NSW) were actions taken place to treat Aboriginals fairly. ~~With this,~~ so Aboriginals are treated with much more respect in the 21st century ~~and~~ than in the 1800s as they have been given many rights and laws that protect them.

IPTO

since 1788, there have been many improvements in Australian law to achieve equality, fairness and justice for Indigenous people. These are shown through the ~~was~~ changes in the policies, from the protectionism policy, to the assimilation policy, integration, then self determination. These changes were made to promote fairness for Indigenous people ~~and~~ so that they can be accepted into society.

These improvements have allowed Indigenous people to live with freedom and live according to how they desire to live. These improvements have allowed Aboriginals to own land, vote, be counted in the census and other rights that the white society has. ~~They are~~ They are no longer allowed to be discriminated against due to the Racial Discrimination Act (1977) (NSW), therefore they have more freedom and rights.

✓ Have formal equality but are still disadvantaged & discriminated against