

Re-establishing Connection for First Nations People

Executive Summary

Disconnection is a very common experience in the lives of First Nations people. It comes from colonisation and influences all aspects of life. The extent, nature and intensity varies across individuals, but everyone is affected either directly or indirectly. This paper examines issues which influence the process of moving from disconnection to reconnection. In particular, it looks at issues which influence reconnection for people who have been cut off from mob and are seeking to reconnect.

The reestablishment of a connection to family, bloodlines and story is a fundamental step to re-establishing an identity as a First Nations person. However, there are many more steps to be taken to enjoy the full experience of being a First Nations person in this country. Some of these are alluded to, but require a fuller discussion at another time.

Key points raised in this paper include:

- The importance of identity
 - *Identity is the deepest core experience we have*
 - *Disruption to identity has a profound impact on most people*
- Processes which address the issue of reconnection and re-establishing identity must be sensitive to the intensity of the experience for the person going through it.
- Disconnected people, including all stolen generation individuals and their descendants are amongst the most traumatised of all of us. Families disconnected before the 'stolen generations' era are also traumatised and robbed of their rightful heritage and also need a loving approach to the issue of reconnection. These are often the ones with the poorest evidence.
- History of the invasion and impact on First Nations People.
 - *The diaspora of Aboriginal and Torres Strait Islander people which occurred across the entire country has varied in intensity and complexity. In some, family members have been deliberately dispersed to sever further contact and connection. In other cases tribes have almost been wiped out and have had to rebuild identity virtually from scratch.*
- Triggering incidents to seek First Nations identity
- The length of separation from cultural community
- Reconnecting challenges when country is a long distance away and there has been little or no contact with tribal members still on country or in the vicinity of country.
- Motivating Factors for Reconnecting with First Nation Identity
 - *Role of the spirit*
 - *Consideration of what Ancestors desire in terms of reconnection.*
 - *Establishing Blood Connection*
 - *The strength of blood connection in genes*
 - *Upbringing Circumstances and Names*
 - *Circumstances surrounding location of birth*
 - *Explanations for colour/features*
 - *False claims to seek financial remuneration or benefits as a First Nations person.*
 - *Claims/rumours of FN status*
 - *History of accepting dispersed tribes people*
- The Decision making process for reconnection applicants

- *Justification of rejections- should be packaged to include an articulation of the reasons for the rejection, outline steps for further research if required, offer options for counselling to the rejectee and offer instructions on how to learn more about First Nations values and thinking because of their intrinsic benefits .*
- *Arguments which espouse dubious motives for seeking confirmation as a First Nations person need to be put into context, be backed up by data and be cognisant of the problems stolen generation and stolen heritage people experience. The weight of evidence suggests false claiming occurs, but it is minor in comparison to people genuinely seeking reconnection for spiritual, emotional and social reasons.*
- *Acceptance of applications - a process needs to be established where their connection can be deepened and their life as a tribal member can be further enriched. The 7Cs of Connection is a recommended model or framework to use, which is based on the national Aboriginal and Torres Strait Islander Mental Health and Social Well-being model.*
- *Any process of assessment must give consideration to helping each applicant successfully establish their connection.*
- *Where there is insufficient evidence, guidance should be offered on ways to get the best information available before a decision to reject the application is made.*
- *Elders who take responsibility for making decisions on identity must take it from the viewpoint of representing the whole tribe and not any particular family group or clan.*
- *Processes used to review a person's identity journey must recognise the variation in circumstances that have resulted in disconnection.*
- *Benchmarks should be considered to establish levels of probability when documentary and other evidence does not exist because of the original circumstances of the disconnection*
- *Assessing cases of acceptance which rely on community with no blood connection.*
- Native Title
 - *Native title claim disputes*
- Successful Reconnection – Costs and Benefits
- The Reconnection Movement
 - *Calling of the spirit*
 - *Barriers for the past*
 - *Current momentum*

Introduction

It is assumed that the reconnection of all lost, disconnected or misplaced tribal members is a desirable outcome in any process which examines the status of a person seeking recognition as a tribal member. If this is not the case, it has to be clearly spelt out for all to know. It would appear that resistance to accepting late identifiers is based largely on sharing of resources.

Having to demonstrate or prove one's First Nations status, tribal identity and connection to country are colonial concepts aimed at controlling expenditure so that only the most disadvantaged are eligible for offered benefits and controlling stolen resources in the case of Native Title matters.

A decolonised perspective on assessing disconnected individuals needs further elaboration and the extent of false claims needs to be better quantified to understand the extent of the problem.

In one study commissioned by NSW Aboriginal Affairs, it examined why Aboriginal people did or did not identify and assumed it was a desirable thing for people with Aboriginal heritage to identify. This may not be

the case with Land Councils and other incorporated Aboriginal organisations who have a reputation of rarely recognising applications.

There is also evidence of lateral violence within the Aboriginal community through the 'outing' of people who cannot firmly establish their identity or blood lines. They are attacked, often very publicly and create a firm barrier to people seeking to identify. Facebook sites clearly demonstrate this with some being very supportive of misplaced mob and late identifiers and others being hostile stomping grounds for them.

It raises a series of questions:

Does mob want to know who the whole mob is?

Are we all cups of tea or are some so weak that we don't want them to come home?

Do we have a position on the difference between confirmed identity (comes with the goodies) and affirmed identity (no goodies)?

If this is the case do we go back to the good old caste system which served as so well or do we make up a new labelling system?

Do tribal members with established identity want late identifiers coming along and taking a share of the limited resources offered?

Are late identifiers worthy of the resources? Have they suffered enough to deserve them?

Should identity be based on bloodlines or suffering? Or some percentage of both?

It would be good to clear up these issues first, and back it up with policies and procedures which capture the full range of issues and consequences.

THIS PAPER ASSUMES WE WANT TO BRING THE WHOLE MOB HOME.

The importance of identity

Identity is the deepest core experience we have and disruption to identity has a profound impact on most people. Processes which address the issue of reconnection and re-establishing identity must therefore be sensitive to the intensity of the experience for the person going through it.

Disconnected people, including all stolen generation individuals and their descendants are amongst the most traumatised of all of us. Disconnected families from pre 'stolen generations' are also traumatised and robbed of their rightful heritage. They too need a loving approach to the issue of reconnection. People in this grouping are often the ones with the poorest evidence.

In the counselling context, the issue of identity comes in many forms:

- who am I
- what's my purpose
- where do I belong
- why am I not functioning well here
- what do I need to do to be connected, to be in balance, to feel good

A particular aspect of identity is cultural identity. This has many aspects:

- who is my mob
- who is/was my tribe/s
- where is my country
- what is my story/s

- where is my family now and
- where do and how can I fit within this context

For some this can be an easy question to answer. They have clear family connections, well remembered bloodlines, live on country, have their stories and have connections at many levels.

For others the picture is not so clear. For them, the details of their identity have been blurred. This can occur for a range of reasons and many of these reasons are particular to the person seeking clarification of identity. Hence, processes used to review a person's identity journey must recognise the variation in circumstances that have resulted in disconnection.

Triggering incidents for seeking First Nations Identity

When people go down the path of searching for their roots, for their cultural identity, for a fuller understanding of who they are, there is often a triggering incident. It may even be a series of incidents.

This triggering incident can amongst other things, be something coming from a family member, a photograph, an overheard conversation, a series of co-incidents, a feeling, a sense of calling, a delusion and/or a perceived opportunity. Whatever the trigger, it starts a process of searching and finding out exactly who they are in the context of their cultural identity.

Part of this search relates to what are the payoffs for being successful in affirming your cultural identity. Completing family histories and knowing where you come from is a popular and growing pastime. For people in Australia, family storylines have been disrupted for many reasons including penal servitude, being invaded, being invaders, being brought here as slaves, being from countries experiencing war and extreme torture and coming here with the hope of having a good life.

History of the invasion and impact on First Nations People.

The impact of colonialism has been totally devastating for every tribe in Australia. There is a big history of death by disease, deliberate poisonings, massacres and Frontier Wars. Everyone has had their lands stolen. Everyone has been denied the opportunity to create wealth in the new economy post having their lands stolen. Everyone has been subjected to a systematic undermining and destroying of language, culture and family. Many of the policies have changed, but the intention to undermine cultural identity has not. This makes reconnection very difficult for many First Nations people where children have been stolen, families broken up, slavery working conditions imposed on individuals, missions established as virtual prisons, and records have been destroyed.

This history reflects massive trauma. Research suggests this trauma lingers. It infiltrates the DNA and influences all aspects of life for generations.

This diaspora of Aboriginal and Torres Strait Islander people occurred across the entire country with varying degrees of intensity and complexity. In some places the relocation has been massive and complex in that family members have deliberately dispersed to sever contact. In some cases tribes have been virtually wiped out and have to rebuild identity virtually from scratch.

The history of colonisation has been white-washed (pun intended), to hide atrocities and avoid responsibility for redressing the wrongs perpetrated in the past. Many of these are continuing into the present. The response to the 'stolen wages' stolen off First Nations people in Queensland is a powerful and ongoing example of this.

Damaging myths have evolved about how European settlement occurred. The 'happy handover' of land in the Monaro and the 'extinction' of the local Ngarigo people as well as the total annihilation of the Tasmanian

First Nations peoples are examples of this. These myths add to the difficulty of displaced First Nations people re-establishing their identities.

Motivating Factors for Reconnecting with First Nation Identity

Some of the pay-offs for identifying as a First Nations person can include:

1. *False claims to seek financial remuneration or benefits as a First Nations person.*

These benefits are often quoted (by mainstream) as being quite substantial although on any reasonable investigation it turns out they are not. The issue of scholarships to university for example seems to be cited frequently. Some research into this would be worthwhile to get an accurate picture of what is going on and who would be better than the University sector itself to organise this. Given only 6% of First Nations people attend university compared to 24% from the general population, every correctly targeted scholarship is precious.

However, it is the perception and more importantly the feeling that people who do not deserve to get these benefits are getting them and taking them away from people who they were intended for that upsets people.

This is an important issue to address. *Exactly how much, where and under what circumstances this is really happening would be helpful.* Some research has identified institutions encouraging people to identify as First Nations people in order to attract more funding or to fill their quota of First Nations staff to satisfy existing funding. A report on Aboriginality and Identity by the New South Wales Aboriginal Education Consultative Group Incorporated. (Morgan, 2009) found evidence for this and made a series of recommendations to help manage false claimants (Appendix A). This type of behaviour needs managing for the sake of fairness and presumably for having competent people employed. How a person with no First Nations background can be successfully employed in a position demanding First Nations expertise suggests poor job design or other factors being in play.

The issue of benefits being a motivator for false claimants comes up continuously within communities and in mainstream and needs to be sorted because it is divisive, can be very vitriolic and can be a major deterrent for disconnected people seeking to reconnect for genuine reasons.

Other mainstream perspectives which have a particular resilience are the free cars, free housing and general freebies that come to First Nations people. This reappears like an annual flu leading up to Australia Day each year.

2. *Native Title*

A scenario which is common in the Native Title arena is the perception that false claimants will reduce an already seriously diminished pie for the clearly identified and the clearly deserved.

Native Title has been a mixed blessing with some claimants appearing to have made substantial gains (which can always be taken away) but for many it has been extremely divisive and damaging for the claimants and their communities. The author has direct experience of this.

“My first encounter with Native Title was in Yarrabah in 1996. I had the job to coordinate the establishment of a Training Centre in the community. The funds had been received (\$550,000), the plans drawn up, the purpose of the Training Centre agreed on, but there was no agreement on what land it would be built on. After 12 months of trying to find consensus, the project was abandoned and the money was returned to the government. There is still no Training Centre in Yarrabah today.”

3. *Calling of the Spirit*

Another driver is the desire to satisfy an inner calling or urging that a person has a strong connection to First Nations peoples.

This can arise from being associated with First Nations people and feeling a very strong connection. It can be:

- A longing that's always been with the person but never satisfied.
- A triggering by stories or circumstances within the family which suggest that there is a skeleton in the closet that needs to be released.
- An instinctive attraction to First Nations spirituality, thinking and cultural mores.

A study by Watt and Kowal (2019) examining the reasons why some people identify as a First Nations person later in life (late identifiers) found that a consistent reason was the attractiveness of First Nations values as compared to the values being enacted in Western society which are perceived to be barren of value. Their study concluded:

“By comparing “New Identifiers” with other groups who came to believe they had Indigenous ancestry late in life – those who we described (following Noble) as “Non-identifiers” and “In-betweeners” – we revealed important differences in these groups’ understandings of human difference, identity aspirations and social appraisals. While Non-identifiers tended to articulate a social constructionist view, seeing Indigeneity as something learned rather than inborn, New Identifiers and In-betweeners were more likely to believe their ancestors – known and unknown – played an active role in defining their identity. Both these groups were particularly drawn to Indigenous ancestors, it would appear, because they seemed to offer them a sense of deep belonging to the Australia continent, a holistic spiritualism, and a meaningful family history.”

Successful Reconnection Costs and Benefits

If an identity and re-connection is established, what are the costs and what are the benefits?

Some of the benefits can be:

- reuniting with blood kin and being warmly accepted
- regaining a whole story of family, culture, country and community
- personal healing through progressive reconnection to spirit, country, cultural thinking frameworks, family, body, mind and emotions and community
- a sense of completion
- the progressive reestablishment of the full tribe after the intervention of divisive and destructive colonial practices
- the inclusion of skills, knowledges and abilities which can contribute to the overall wellbeing of the community

Other benefits cited with a more cynical flavour can include:

- financial benefits
- job opportunities
- study opportunities
- cool image (deadly to be black)

Some of the costs can be:

- being treated with suspicion
- being publicly outed

- being constantly criticised when accepted as a 'lesser version' of a First Nations person because you have not had the fully lived experience from birth
- being an affirmed but not confirmed First Nations person
- being rejected by community

The Current Reconnection Movement

There are a lot of people who are in the process of clarifying their First Nations identity now, but this was not the case for a long time. Some reasons for this centre around the previous disadvantages of having no control over virtually all aspects of your life.

Barriers from the past

Disincentives have included:

- the vulnerability of having your children stolen,
- the vulnerability of being forced to live in Missions and other undesirable places,
- being told who you could and could not associate with
- being used as slave labour
- having meagre wage offerings stolen
- the risk of being murdered in or out of prison
- the long history of massacres and the denial of their existence
- the 'blaming the victim' and the racial pre-judging against getting employment, accessing hotels, accessing housing, health services and generally not having most of the benefits of being an Australian citizen and most importantly
- being considered a non-human being up until the referendum of 1967.

Current momentum

There has always been a First Nations movement to redress the horrors of treatment towards First Nations people. There are long lines of heroes and a pervasive, DNA driven resilience in everyone which has kept the most successful culture on the planet alive and active up to the present moment. The momentum seems to be continuously building, despite an ongoing mix of apathy, obstructionism, contempt and paternalistic sympathy from government, mining, media and other powerful players.

Role of Ancestors and Spirit

What Ancestors desire in terms of reconnection has been raised as a point for consideration. It has been proposed that Ancestors would have an attitude strongly supportive of reconnection and where the evidence is not completely clear, the procedure should be oriented to recommend acceptance rather than rejection.

A fundamental First Nations belief is that First Nations ancestors are active participants in the lives of every First Nations individual, family, clan, tribe and culture. This always has been, is now and always will be. First Nations ancestors communicate with us through everything that exists including our own individual spirits. Unbound by time and space, they occupy the eternal now, always with us.

Part of this belief is that ancestors are active participants in ensuring things always work out for First Nations people. In the short term things can be chaotic but in the longer term things always work out.

When we consider all Australian First Nations people and the long-term success of our civilisations, this becomes evident. This history has included times of intense stress such as the last ice age and First Nations

people in Australia are arguably the one people who have been most successful in maintaining the integrity of cultural knowledge through this period compared to the rest of the world.

The current circumstances of colonisation are another experience of catastrophic events descending upon First Nations Australians resulting in widespread decimation, dispossession, disconnection and diaspora.

The distribution of people to other places has been very intense but the move now to regain ground, knowledge and identity and the speed and momentum with which it is building is spirit driven with our First Nations ancestors being the major force in this process.

Culture always has been guided by our ancestors and the circumstances that we find ourselves in now are no different.

The old guided ways need to be adjusted to meet the same level of success in contemporary living circumstances that we have experienced in the past. This is a challenging task which requires substantial physical, mental and spiritual energy.

For example the amount of information available on the internet about First Nations culture compared to 20 years ago is enormous. The capacity to capture language, stories and knowledge to reconnect people to country and culture has been extraordinarily successful even though there is a long way to go.

In summary there is a movement to get balance back, to get connection back and to fine tune culture to suit the new environment to the same extent that it has always been.

The Decision Making Process for Reconnection Applicants

As previously alluded to, when an individual seeks to reconnect to his/her First Nations identity there is a fabulous payoff if the connection is fully realised, with connection to family, connection to country, connection to culture, connection to spirit and immersion into an ancient framework of thinking and relating to the universe. Life becomes rich and rewarding.

However, if it is not successful it can be an experience of rejection, frustration and a continued sense of incompleteness. What could have been an incredibly beautiful experience can turn into horror and people can be left more broken, more isolated and more devastated than before.

Because of this, a well thought out and well managed process is required.

Factors to be considered in the decision making process should include:

- A process of assessment that gives consideration to helping each applicant successfully establish their connection.
- Where there is insufficient evidence, guidance should be offered on ways to get the best information available before a decision to reject the application is made.
- Elders who take responsibility for making decisions on identity must take it from the viewpoint of representing the whole tribe and not any particular family group or clan.
- Processes used to review a person's identity journey must recognise the variation in circumstances that have resulted in disconnection.
- Benchmarks should be considered to establish levels of probability when documentary and other evidence does not exist because of the original circumstances of the disconnection
- Justification of rejections should be packaged to include an articulation of the reasons for the rejection, outline steps for further research if required, offer options for counselling to the rejectee and offer instructions on how to learn more about First Nations values and thinking because of their intrinsic benefits.

- Arguments which espouse dubious motives for seeking confirmation as a First Nations person need to be put into context, be backed up by data and be cognisant of the problems stolen generation and stolen heritage people experience. The weight of evidence suggests false claiming occurs, but it is minor in comparison to people genuinely seeking reconnection for spiritual, emotional and social reasons.
- Acceptance of applications - a process needs to be established where their connection can be deepened and their life as a tribal member can be further enriched. The 7Cs of Connection is a recommended model or framework to use, which is based on the national Aboriginal and Torres Strait Islander Mental Health and Social Well-being model.

Confirmation of Aboriginality

Factors to be considered in the process of Confirmation of Aboriginality include:

- When going through the process determining the status of a person investigating their First Nations heritage, the impact of acceptance and the impact of rejection as previously stated, needs serious consideration because of the impact it can have on an individual.
- Part of a consideration is what the ancestors want. Do the ancestors want everyone to be reconnected, do they want only people with a certain calibre of racial integrity to be reconnected or do they not have a position on who connects?
- Meeting the current definition of First Nations identity which has three fundamental steps:
 - *identify your blood lines and this means to find your apical origins*
 - *identify as a First Nations person and*
 - *be accepted as a First Nations person by a First Nations community that you are in actual fact a First Nations person*
- What is crucial is to establish a link or blood connection to an apical ancestor as the basis of your claim to First Nations identity.
- When this is difficult because of historical factors such as decimation of the tribal population, type and extent of dislocation to other areas (close and far away), falsification or destruction of records, lack of records, denial of First Nations status because of fear of consequences of family, certainty cannot be established and a judgement has to be made *based on probability*.
- The community that accepts you as a First Nations person does not necessarily have to be your country of origin because for many people of the diaspora that is not possible.
- In some cases guidance can be given to assist applicants to get better information from sources unknown by them at the time. This can make the probability of a correct decision much stronger.

Establishing Blood Connection

There are many factors which need to be investigated to have this verified. These include:

- The name of the apical ancestor
- Name of their father, their mother, siblings, extended family were possible
- Date of birth
- Location of birth
- Name of father

- Name of mother
- Birth certificate
- Sibling birth certificates

With *birth certificates* it's common for 'half-caste' or coloured children to have no birth certificate. This can make it very difficult in verifying your apical ancestor, however if the white siblings in an adopted family have birth certificates and the apical ancestor does not, this can be more indicative of a First Nations person.

The strength of blood connection in genes

The length of separation between the apical ancestor and the rest of the family is an issue for some people. If it goes back generations through parents, grandparents, great grandparents, great, great grandparents, great, great, great grandparents and great, great, great, great grandparents for example, at what point does the length of separation become an issue.

If the connection is there:

- is the person is still a genuine First Nations person?
- Is there a point where they no longer make the grade?
- Is there a point where they can have a lesser status than a full First Nations person?

One Canadian perspective is described by Susan O'Donnell in her article "Race-shifters: white people who identify as Indigenous" (2019). She describes race-shifters "as white people with no or a small amount of Indigenous ancestry who identify as Indigenous." She reports "the phenomenon is most common among people with French ancestry who base their self-identification on an ancestor born more than 300 years ago" citing research by Darrell Leroux who stated probably 75% of French descendants in Canada have a small amount of Indigenous ancestry however, crucially, that does not make them Indigenous. He also found many white people claiming Indigenous identity were not trying to also claim Indigenous rights, but simply "want to avoid being white by adopting other identities". Many of these people have family stories going back generations about an Indigenous ancestor. "They are interpreting what they were told in the past to shape what they want to believe about themselves today,".

The length of separation from cultural community

Another issue is the upbringing circumstances of the apical ancestor. The first movement of people dislocated from their families started occurring in the early 1800s where children were taken off their families for 'protection' or to be workers and attached to colonial families. In some circumstances these connections were in the form of adoptions, in others simply living on properties or living on the fringe of towns without much protection.

Later government policy formalised Stolen Generation policies where people were systematically taken off Aboriginal families if they were 'half-caste' to assimilate them into mainstream and annihilate their First Nations identity.

Upbringing Circumstances and Names

If a baby was born on a property the parents would often take the name of Station owners or managers. For many, working on a property was the only viable way to exist for First Nations people because hunting and gathering rights were completely removed on pain of death.

Circumstances surrounding location of birth

Some babies were absorbed into white families with no paperwork. In some cases churches would confirm the adoption by placing the names of the adoptive parents on the child's christening documentation. At other times, adoption papers were issued if a government agency was involved. There were also circumstances where there was no formal adoption, it was simply the acquisition of the child the colour.

Explanations for colour/features

The colour of the child can be important, particularly when there is a coloured child in a white family. The time and location of the child may have a First Nations explanation if the child was born in a place where the only the coloured people there were First Nations people. This can also apply to the ethnic appearance of a person, with or without the colour aspect.

Claims/rumours of FN status

Where the tribal remnants are living is important. Some tribal members may be living on country, some may have been shifted to another country close by and others may have been moved to places a long distance away. When there has been a massive disruption to tribal groups through epidemics, massacres and government policies such as taking children away, the links to different family lines can be seriously broken and in some cases totally disappear.

Family groups on or close to country may not be aware of these lost tribal family groupings and the confirmation of identity through recognition of the family line will not apply. Other methods are required.

The timing of the diaspora on the local First Nations population can influence where the Family Groups went. When individuals and families have gone to different locations over time, their identity as a tribal member can be challenged.

Some tribes have been far more devastated by colonisation than others, although all tribes suffered.

Reconnecting with country can also be problematic when it is a long distance away and there has been little or no contact with tribal members still on country or in the vicinity.

History of accepting dispersed tribes people

Identifying people or assisting people to identify their First Nation status relates to the capacity for objective decision-making. This has not always been the case. There is a sad history of dissension, division and frustration with the process of native title claims which can undermine the capacity for objective decision making.

Key questions about decisions made on people seeking confirmation of identity include:

- What are the supported claims and why
- What are the unsupported claims and why
- What possible political agendas are related to the decisions (e.g. active and disputed Native Title claims)
- What is the objectivity of the assessors

Conclusion and Recommendations

Given the importance of identity to all of us, a transparent process of assessing the First Nations status of a person seeking confirmation of their identity is required, an open and fair procedure needs to be put in place which is sensitive to the nature and intensity of the process.

It is recommended that:

- There be a clear declaration of intention as to what the preferred position of the assessing body is in relation to accepting misplaced persons back into the tribe.
- Processes which address the issue of reconnection and re-establishing identity must be sensitive to the intensity of the experience for the person going through it.
- Consideration of what Ancestors desire in terms of reconnection is needed.
- Justification of rejections- should be packaged to include an articulation of the reasons for the rejection, outline steps for further research if required and offer options for counselling to the rejectee and offer instructions on how to learn more about First Nations values and thinking because of their intrinsic benefits .
- Arguments which espouse dubious motives for seeking confirmation as a First Nations person need to be put into context, be backed up by data and be cognisant of the problems stolen generation and stolen heritage people experience. The weight of evidence suggests false claiming occurs, but it is minor in comparison to people genuinely seeking reconnection for spiritual, emotional and social reasons.
- Acceptance of applications requires a process where their connection can be deepened and their life as a tribal member can be further enriched. The 7Cs of Connection is a recommended model or framework to use, which is based on the national Aboriginal and Torres Strait Islander Mental Health and Social Well-being model.
- Elders who take responsibility for making decisions on identity must take it from the viewpoint of representing the whole tribe and not any particular family group or clan.
- Benchmarks should be considered to establish levels of probability when documentary and other evidence does not exist because of the original circumstances of the disconnection

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APPENDICES

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Executive Summary

Research purpose

In 2013, Aboriginal Affairs NSW undertook a study of the propensity of Aboriginal people in the state to identify as such when seeking or receiving a government service. The study sought to understand what affected this decision, and how more Aboriginal people might be encouraged to identify as Aboriginal. It was one of several initiatives intended to improve the identification of Aboriginal people in administrative data collections.

Overview of propensity to identify

A total of 499 Aboriginal people aged 15 years or older took part in the study. Just over 70 per cent of participants always identified as Aboriginal (the 'always-identify group'), a further 21 per cent sometimes identified (the 'sometimes-identify group') and eight per cent never identified (the 'never-identify group').

Propensity to identify varied with participants' age, gender and geographic location.

- Participants aged 35–44 had the highest proportion in the always-identify group (75.2%). The highest proportion in the never-identify group were aged 15–24 (11%).
- Just over 16 per cent more female participants were in the always-identify group compared with male.
- A greater proportion of participants living in major cities than in all other geographic locations were in the always-identify group.
- The proportion of the participants in the never-identify group living in remote and very remote locations was six times greater than that in major cities.

Barriers to identification

While there were some similarities in the barriers nominated by the sometimes-identify or never-identify groups, there were important differences. The barriers nominated by the never-identify group were mostly to do with the difficulty of tracing identity (41.9%); and concerns about the question and how it was asked (22.6%); and racism, discrimination and stereotyping (16.1%). While the sometimes-identify group also nominated these barriers, the proportions differed (13.1%, 18.2%, and 29.3% respectively). This group also nominated concerns about cultural safety (20.2%), the use and privacy of the information (12.1%), and the type of government service or its physical location (5.1%), as barriers.

Addressing the barriers

The solutions proposed included:

- addressing cultural safety and competence
- tackling or stopping racism, discrimination and stereotyping
- ensuring information is kept private, and used only by those collecting it
- increasing community cultural awareness and education
- asking about Aboriginal identity
- empowering Aboriginal people, and pride in culture.

The solutions varied between the propensity groups, as did the relative importance each group gave to them. Those who always-identified were the only group to propose 'resolving issues to do with asking the question' and 'empowering Aboriginal people' as solutions.

The sometimes-identify and never-identify groups focused exclusively on racism, discrimination and

stereotyping; information use and privacy; and community cultural awareness and education.

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Compared with the never-identify group, the sometimes-identify group gave greater weight to addressing racism, discrimination and stereotyping (33.8% compared with 20.8%); and cultural safety (33.8% compared with 29.2%).

In comparison, the never-identify group gave greater weight than the sometimes-identify group to clarifying how the information would be used and kept private, and increasing community cultural awareness and education.

The importance given to each solution varied according to the participants' age, gender and geographic location.

- For those aged 15–24, information use and its privacy were the most important solution; cultural safety and competency were at or near the top in importance for all other age groups.
- Female participants were 1.6 times more likely than males to propose resolving issues to do with asking the question.
- Participants living in major cities and outer regional areas tended to see cultural safety and competency as the most important solution while participants living in inner regional gave more weight to tackling racism, discrimination and stereotyping, and those living in remote and very remote areas to information use and privacy.

The way forward

The road to identification for our participants is complex. No single set of actions is likely to address all the issues, largely because the reasons for not identifying are different for different groups. Actions must address both attitudes and practices – the attitudes of individuals, communities and services, and the practices which services follow.

Fundamental values and beliefs about Aboriginality in general and Aboriginal persons in particular lie at the heart of an individual's decision to identify at any point. To address this, it is time that our country and our communities began a better informed and different conversation about Aboriginality.

We found the experiences of the participants in the study were often localised, which suggests that any solution must also be localised and informed by the local Aboriginal community. Such a localised response may have many facets, but as a minimum it will include specific changes to the way agencies' policies and procedures are implemented, and to the values and beliefs of individual staff and of each service centre as a whole.

Aboriginality and Identity – Perspectives, Practices and Policies. Morgan,B

Executive Summary

In the latter half of 2009 the NSW AECG Inc became increasingly concerned about the increased level of community concern regarding the issue of Aboriginal identity. Of particular concern to the NSW AECG Inc were allegations of possible fraudulent claims to Aboriginality by some applicants for the former NSW Department of Education and Training's (DET) targeted teacher training scholarships. Concerns were also evident relating to the veracity of some applicants for teaching positions and/or for promotions and transfers within the teaching service administered by the former NSW Department of Education and Training's (DET).

As part of its response to these concerns the NSW AECG Inc, at its 1st State Meeting of 2010 at Campbelltown and again at its 2011 Annual General Meeting (AGM) at the Novotel, Brighton Le Sands in February 2011, decided to commission a project to gauge Aboriginal community views on Aboriginality and identity and to receive recommendations relating to how the NSW AECG Inc could more effectively respond to the complex issue and challenge of Aboriginality and identity. The precise terms of reference for the project are provided below.

To assist with this process, the NSW AECG Inc decided to contract *Bob Morgan Consulting* to conduct a project of issues associated with the current definition of Aboriginal Identity and the current procedures by which individuals can claim or confirm their status as Aboriginal people.

Terms of Reference and Project Objectives

The terms of reference and objectives were to:

1. Identify the level of community awareness and satisfaction with the existing definition of Aboriginality as defined in the *NSW Aboriginal Land Rights Act 1983*;
2. Determine the nature and level of any community concerns relating to the procedures currently used by individuals, particularly within the DET system to confirm ones Aboriginality;
3. Investigate the nature of alleged abuses of the definition and current procedures associated with it, particularly within the NSW DET;
4. Define possible new processes and procedures to address alleged abuses;
5. Prepare a position paper on the issue of Aboriginal identity for the NSW AECG Inc;
6. Frame and submit recommendations to address any significant issues for the NSW

Key Findings and Recommendations

The findings of the project clearly illustrated that there is widespread community concern with the current method utilised to deal with the complex issue of Aboriginality and identity. This concern was manifest in all community visits and consultation gatherings and was present across the spectrum of concern ranging

from the need for greater clarity and understanding at one level to overwhelming distain for those who fraudulently claim Aboriginality and identity for the purposes of claiming a perceived benefit.

Notwithstanding the degree of community concern there was however general support for the current three pronged administrative definition. It was accepted that a definition was necessary to regulate the process of identification but the majority of respondents and stakeholders were concerned with both the lack of consistent application of the definition and the level of apparent indifference that some non-Aboriginal people applied during their involvement in applying the three pronged definition.

There was an overwhelming view that non-Aboriginal people had no role in determining Aboriginality and that government and their agencies should immediately move to adopt a policy position to reinforce this view.

There was also a general consensus that the special circumstance of Aboriginal people who were denied their Aboriginality and identity such as those who are members of the "Stolen Generation" requires careful and compassionate consideration. The various key positions on this matter are dealt with in greater detail in other sections of this report.

The notions of purpose and intent were identified as critical in determining Aboriginality and identity. A distinction between those who search for *affirmation*, whereby a claimant is simply seeking to have their Aboriginality and identity affirmed for the primary purpose of celebrating heritage and ancestry and those who seek *confirmation* of their Aboriginality and identity for the purpose of a perceived benefit should be a clearly defined component of the process of determining Aboriginality and identity.

Concern was expressed by many respondents that an ever increasing number of people who are "late identifiers" or who have recently "discovered or claim" their Aboriginality are being employed by governments to inform and shape Aboriginal specific policies and programs. Most respondents were totally against this situation because they argue that such people have little knowledge, understanding,

"There's nothing wrong with the definition. It's how it's applied."

"The problem is with the process, the procedure, not with the definition the process and the decision (on confirming Aboriginality) is often left to one person, sometimes even a white person."

experience or lived awareness of being Aboriginal and the circumstances that most Aboriginal peoples continue to combat in their daily lives.

Put another way this concern relates to Aboriginal people who can perhaps demonstrate Aboriginal ancestry or heritage but who lack personal experience or cultural knowledge of

what it means to be Aboriginal and therefore their role in shaping Aboriginal public policies and programs is seen as misleading, ill informed and problematic.

Recommendations

The following set of recommendations is submitted to guide the NSW AECG Inc in its critical work of attempting to bring clarity and a greater degree of understanding to the complex issue of Aboriginality and identity. The recommendations are listed here but also appear at various points throughout the report aligning them with the issue that they are designed to address.

Recommendation 1: That in the absence of a more suitable and effective definition that the NSW AECG Inc supports the current definition of Aboriginality as defined in the *NSW Aboriginal Land Rights Act (1983)* which states that:

An Aboriginal person means a person who:

1. **a) is a member of the Aboriginal Race of Australia, and**
2. **b) identifies as an Aboriginal person, and**
3. **c) is accepted by the Aboriginal community as an Aboriginal person**

Recommendation 2: That the NSW AECG Inc negotiates with the NSW Department of Education & Communities (DEC) a complete review of its policies and procedures relating to the confirmation of Aboriginality. Such a review should focus on issues including school enrolment procedures, applications for scholarships, applications for employment, promotions and transfer, and applications for identified positions.

Recommendation 3: That the NSW AECG Inc negotiate with the Director General of the NSW Department of Education & Communities (DEC) the adoption of a policy to exclude Principals from the process of confirming Aboriginality at the point of enrolment. Furthermore, that in circumstances where the issue of identity is uncertain or tenuous that Aboriginal Education Officers (AEOs) or Presidents of either Local or Regional AECGs in NSW are directly involved in resolving this matter.

Recommendation 4: That the NSW AECG Inc seek an urgent meeting with Link Up to negotiate and collaborate on the development of a set of protocols to assist with the processing of claims to Aboriginality by members of the Stolen Generations who seek to re-establish or reconnect with their Aboriginal culture and identity.

Recommendation 5: That the NSW AECG reconsider its decision to issue Certificates of Aboriginality to its members.

Recommendation 6: That the NSW AECG Inc, in conjunction with the CAPO negotiate and develop a process to standardise the procedures for establishing Aboriginality and identity in NSW.

Recommendation 7: That the NSW AECG Inc, negotiate with other members of the CAPO the establishment of a clear and unambiguous public statement of intent to initiate and pursue legal action against those individuals considered responsible for making fraudulent claims to Aboriginality and identity.

Recommendation 8: That the NSW AECG Inc advise the Director General of the NSW DEC of its concern at the extent of the reported abuses relating to the perceived fraudulent claims of Aboriginality and the inadequacy of existing procedures for verifying and applying all 3 criteria of the test of Aboriginality.

Recommendation 9: That the NSW AECG Inc request that the Director General of the NSW DEC immediately amend all departmental forms that require a statement of Aboriginality by:

- including a warning that false claims render the claimant liable to prosecution and penalties;
- replacing the simple *Yes/No, tick the box* format with a requirement and space for a written supporting statement for each of the 3 criteria;
- including a statement that additional information may be sought to verify the claims in relation to each of the 3 criteria; and
- declaring that *letters of confirmation of Aboriginality* may be submitted in support of a statement of claim to Aboriginality but that a Statutory Declaration supporting the claim may also be required.

Recommendation 10: That the NSW AECG Inc request that the Director General of NSW DEC to immediately amend all NSW DEC forms requiring a statement of Aboriginality by including a warning that false claims may render the claimant liable to prosecution and penalties; replacing the simple *Yes/No, tick the box* format with a requirement and space for a written supporting statement for each of the 3 criteria; a statement that additional information may be sought to verify the claims in relation to each of the 3 criteria; indicating that *Certificates of Aboriginality* may be submitted in support of statement but that these should also be accompanied by a Statutory Declaration supporting the claim.

Recommendation 11: That the NSW AECG Inc, in conjunction with DEC, develop a training module on the issue of *Aboriginality and Identity* and that this module becomes a compulsory part of the merit selection training for both departmental and NSW AECG representatives serving on DEC Selection Panels.

Recommendation 12: That the NSW AECG Inc work with the Coalition of Aboriginal Peak Organisations (CAPO) to convene NSW forums on Aboriginality and Identity with the express aim of developing a unified set of standards, policies, procedures and practices relating to the processing of claims to Aboriginal identity.

Recommendation 13: That the standards referred to in Recommendation 12, once established, form the basis of negotiations between CAPO and the National Congress of Australia's First Peoples regarding the development of a national uniform position on the definition of Aboriginality and identity.

Recommendation 14: That following the development and adoption of a nationally agreed Aboriginality position, as referred to in Recommendation 13, that it is used as the basis of negotiation with all Australian governments through the Coalition of Australian Governments (COAG) and other government agencies.

Alleged abuses associated with the current definition and procedures

A disturbing finding of the research was that there exist a very high number of allegations of abuse of the current definition and an ever increasing reporting of fraudulent claims to Aboriginality. These allegations were consistently raised at each of the community focus group meetings across the state and the volume of allegations suggest that there is a major problem that needs to be urgently addressed.

However, the extent of claims of identity fraud is difficult to quantify and certainly not possible at the community focus meetings of the sort undertaken during this project. Nevertheless, it was often asserted that the numbers of people lodging claims for Aboriginality has reached remarkable levels and that many of these claims appeared opportunistic and problematic at best and in some cases fraudulent.

The Aboriginal Employment Unit AEU of the NSW DEC Staffing Services Division reported that up to 3 or 4 such claims were brought to the attention of the Division's staff each week and that the volume of such claims had increased dramatically over the past 12-18 months.

The issue has also become a significant source of concern for Local Aboriginal Land Councils (LALCs) which, it was claimed, are being *inundated* with apparently opportunistic applications for *Certificates of Aboriginality* many of which appear motivated by the access to perceived benefits rather than by a genuine wish to reclaim identity or take pride in a family's Aboriginal heritage or the affairs of LALCs:

"We're inundated with phone calls saying: "I've just found out I'm Aboriginal what can I get?"

"There was a lady in Tweed who wrote to the Land Council she was 70 years old but she wanted a letter of Aboriginality. She had never identified. All she wanted was a housing loan."

"We get people coming in who are Pacific islanders but say they are TSI all they want is scholarships."

The reported volume and persistence of the allegations and claims of abuse is difficult to ignore as is the claim that it was often *too easy for non-Aboriginal people to simply 'tick the box' to establish Aboriginality*. Several people predicted that the temptation to do this would become even greater as the trend to online applications for employment, scholarships and other benefits are accelerated.

"It's a sad reality, what's happening. We need to develop a process that eliminates the risk of fraud and we (Aboriginal people) need to control the process."

"It's a very serious disease that's going around. And those people who are falsely claiming Aboriginality are actually selling their own identity - it's weird!"

Numerous motives were suggested for the making of false claims to Aboriginality. As well as the desire for personal gain that was said to motivate so-called *gammon blackfellas* or *five-minute blackfellas*.

There were also disturbing allegations that false claims were sometimes being made or encouraged by institutions such as schools and universities and even at the level of government and bureaucracy. Individuals making this claim suggested that this practice helps to create an illusion of progress against government equity and social inclusion targets and that a more stringent and rigorous process and procedure is needed, one that involves members of the Aboriginal community at all levels.

Some respondents saw the motivation of individuals to false claims to Aboriginality as merely a means of accessing perceived benefits. In education these benefits were seen as mainly gaining eligibility for the:

- enrolment in and reduced fees at State Pre-Schools
- Abstudy benefits (often imaginary rather than real)
- a range of scholarships, traineeships and cadetships
- the wavering of the TAFE administration fee payments
- accessing of Departmental Aboriginal Teacher Training

Scholarships

- priority in appointment to teaching service positions
- accessing of accelerated priority transfer, and/or
- promotion or transfer to identified positions

Similar motivations for *fraudulent* claims to Aboriginality were also seen to apply in relation to perceived benefits in other parts of the public sector. Additionally, there were repeated allegations of false claims of Aboriginality being made so as to access services and benefits provided by Aboriginal community organisations including:

- Accessing medical services provided through the Aboriginal Medical Services (a claim was made of a person gaining \$4000 worth of orthodontic treatment in this way);
- Obtaining Aboriginal housing and/or cheap Aboriginal housing loans; and
- Accessing Aboriginal business loans.

It was also suggested that some people falsely claimed Aboriginality because of the status it gave them in the broader community. On several occasions reference was

“I've seen people walk in white into (Aboriginal Land Council) meetings and they come out black. And the next day they're lining up for their home loans and scholarships to university like the medical school at Newcastle.”

identified, elderly people suddenly assuming the status of “Elders” and being accepted as such by NSW DEC and other public sector officials.

"I know a 73 year old man in my community who has only identified as Aboriginal in the last year or two but he now also assumes the position of an "elder". He does "welcomes to country" at \$300 a pop but everything he knows he has only learnt out of a book.

Feedback was also received to suggest that fraudulent claims to Aboriginality were sometimes encouraged by non-Aboriginal departmental officials so as to gain access to funding or resources that would otherwise not be available. The suggestion was made that some School Principals, TAFE personnel and other administrators were *ticking the box* (or encouraging parents and students to do so) in order to gain access to designated Aboriginal program funding or benefits for their institution or agency.

"Parents (at a Pre-school) are being told to "tick the box" so as to ensure funding and the funding body has told the school that they don't even need to have the Aboriginality forms. When we object we're told that: "we are all happy people here and we've got to get on together."

"In some TAFE programs funding is based on how many Aboriginal people are enrolled."

"If I don't challenge the doubtful ones then enrolments increase and I get more funding. But that means that program is not achieving much in terms of 'Closing the Gap'."

It was also suggested at several focus group meetings that this type of *fraud* at the departmental level was both stimulated by and fed into government and policy demands that Key Performance Indicators be met to demonstrate that the *Closing the Gap Policy* was working. This practice was seen as resulting in a distortion of the data because it erroneously demonstrated rapid improvements in outcomes in areas such as health and education for Aboriginal people and contributed to an overstatement of progress against the Federal Government's *Closing the Gap* agenda.

It was also argued that this practice undermined the intent of almost every targeted Aboriginal program to address community disadvantage. Targeted scholarships, identified positions, designated health and housing services are intended to both address disadvantage and promote community capacity building. Though these programs have encouraged the development of a small Aboriginal professional class and have, it could be

"Though colour and class are not part of the way identity should be defined, we have to admit that the majority of Aboriginal people are not part of the middle class. Most of us are severely disadvantaged and if we have gammon blackfellas ticking the box it distorts the statistics on Aboriginal disadvantage"

argued, given rise to the development of a growing Aboriginal middle class, the focus of the programs should remain, as was originally intended, on community capacity building and addressing social and political marginalisation rather than on personal benefits that was enjoyed by a small minority.

The disregard of community capacity building and strengthening by failing to more strictly apply the 3 part Aboriginal identity criteria was also seen as resulting in the appointment of some individuals to Aboriginal identified positions ranging from the humble AEO to the most

senior policy-making positions who in fact had little understanding of community issues or the day to day reality and experience of Aboriginal people:

“Look at these people in the Public Service who are now designing policies and supposed to be representing us. But they have no idea of what it's like because they have never lived in the community, never been with the grass roots like us.”

“We are seeing the effects every day of people claiming Aboriginality and getting into these positions and making decisions for us. But they know nothing about us there's so many wannabes in the universities they're leading the way and they know nothing about Aboriginality.”

“I know colour has nothing to do with Aboriginality but, look, it is an issue!!!”

“Around here in the schools with jobs like AEA. if you've got fair skin you get a job; if you've got dark skin, you don't”

“I don't want people taking a job on my behalf or getting to work with my kids and making decisions about me and them who have newly discovered that she's Aboriginal just because of some record, some piece of paper that she's found.”

One cause of this disregard of the need for community capacity building as the *raison de être* for Aboriginal targeted programs was that an assimilationist ideology continued to drive public policy. Essentially, most public sector bureaucrats are more at ease with Aboriginal people who are like them and so they encourage the appointment of people seen to be more assimilated and are sometimes prepared to overlook whether these people genuinely meet the 3 part Aboriginal identity criteria.

In recent years this approach has been accentuated by the establishment of quotas and the setting of *benchmarks* for Aboriginal employment and other outcomes in universities and the public sector. It was suggested that a more honest and more realistic policy approach needs to be developed because, when it is simply a matter of meeting quotas or benchmarks, it is often convenient to ignore the authenticity of the claims to Aboriginality of those applying for identified positions.

“They don't care because it's good for them to demonstrate that they have a whole lot of black faces in the university”

The disappointing outcomes that result were unfortunately noted by the late Nugget Coombs in the early 1980s when he bitterly concluded that, though the intent of many of the policies of the Whitlam era was to Aboriginalise the bureaucracy, they had unfortunately only succeeded in bureaucratising a small Aboriginal middle class. This assimilationist ideology is also encouraged by some media commentators who adopted an almost eugenics zeal in their reporting but intriguingly they are ever ready to ridicule policies that, in their opinion, seem to benefit *white or middle class* Aboriginal people.

The Confirmation of Aboriginality and “Fake Aborigines” Carlson, B.

“It’s not easy being Aboriginal, out there. It is not easy”
(Kickett 1999, p. 74)

As I recently sat at the airport waiting for my plane, I picked up a copy of The Australian to pass the time. On the front page was the headline ‘Push for Aboriginal ID tests by indigenous leaders’. It was no surprise to see such a sensationalised introduction to the issue of Aboriginal identity. Such headlines have become commonplace in recent years. Today, another headline, and again in The Australian, ‘Land council slams Aboriginality rorts’. All too often the process of obtaining proof of Aboriginality is framed by much mainstream media as an easy task. This is usually set against the sub-text that there are masses of people fraudulently claiming to be Aboriginal for all the perceived ‘benefits’. I have been doing several radio interviews of late and I have frequently been asked about the stories in The Australian. While I am not familiar with these ‘new’ iteration of mainstream media’s interpretation of this issue, I do claim some knowledge of this topic, having written about the Confirmation of Aboriginality in my new book.

The Confirmation of Aboriginality is a piece of documentary evidence. It is a form used by many of our organisations and most government departments and it states clearly that making a false declaration is a criminal offence. So on the rare occasion someone does make a false claim to Aboriginal identity, our organisations have a legal framework to deal with it. I worked for many years for our local Aboriginal Medical Service and while we did not provide confirmation documents to clients, it is the case that many of our organisations have been tasked with an extremely difficult job in determining and confirming Aboriginal identity. The establishment of community-controlled organisations in Australia is an outcome of a Federal government initiative in the 1970s, ostensibly to develop autonomy within and across all Aboriginal organisations and to establish community-based protocols and procedures. Any government agency, employer, service provider which requires proof of Aboriginal identity to allocate a service can accept a Confirmation of Aboriginality document from an individual. Usually the documentation must be verified by an Aboriginal organisation that has been formally incorporated under State or Territory legislation.

The Confirmation of Aboriginality is accepted as a pseudo-legal document by institutions and their officers. The few services or programs available exclusively to Aboriginal people meet the required exemptions to the Commonwealth Racial Discrimination ACT (1975) to positively discriminate in favour of Aboriginal people (despite over two centuries of negative discrimination). Although requirements may vary, they are usually satisfied with a signed statutory declaration from the applicant affirming the provision of factual information. The information required must verify Aboriginal descent, self-identification, and community recognition. This three pronged requirement constitutes the legal definition of Aboriginal identity in Australia. There are various ways of providing this documentation. The presentation of evidence is subject to the relative ease or difficulty of establishing lineage and the ability to have this recognised and / or sanctioned by Aboriginal people. Where community recognition is well established it is relatively easy to achieve an official sign-off in the formal process. In other cases, where individuals have to appeal to the organisation for community recognition due to a lack of required documentation, it is not an easy task.

Like any regulatory process, the Confirmation of Aboriginality document has both positive and negative implications. On the one hand, it supports the distribution of resources and the development of targeted programs for Aboriginal people. It can also act as a deterrent for fraudulent identity claims, and can assure that designated benefits are distributed accordingly and appropriately to Aboriginal recipients. On the other hand, Aboriginal people who cannot provide documented proof of Aboriginality may be refused

access to a range of services, including the fundamental needs of health, housing, and legal aid to which they may be legitimately entitled. An official refusal by an Aboriginal community organisation to confirm Aboriginal identity can have real, long-term material and social effects on those seeking verification of their cultural identity. Indeed, a formal refusal can be detrimental to mental and physical health, to social relations, and can cause inter-generational effects on families. What of the Stolen Generations who may for various valid historical reasons be unable to provide evidence such as legal documents or confirmed genealogy? And what of those individuals and families whose ancestors hid their identities as a survival strategy in the onslaught of colonial violence? And what of those who, due to enforced relocation, have no access to any form of identifying documentation? Being denied Confirmation of Aboriginality in these not uncommon instances, all brutal effects of colonial domination, can set in motion an extremely painful process that is arguably counter-productive to the very notion of a requirement for confirmation of identity.

The case of Aboriginal man Dallas Scott exemplifies these complexities. The Weekend Australian Magazine (March 24-25, 2012) published an article entitled, 'Not so Black and White' which relayed the experience of Dallas Scott's application for a Confirmation of Aboriginality certificate and the subsequent denial of his request. Scott stated he has identified as Aboriginal all his life but claimed that when he wanted to access a service specifically designated for Aboriginal people, he was asked to provide proof of his identity. Scott was shocked by the rejection of his application for a Confirmation of Aboriginality document claiming, "every time I walk out the door I'm Aboriginal, and suddenly I'm not". Of course in this case, yet again, the media reporting was sensationalised and intentionally divisive in the way it framed Aboriginal identity as an issue of skin colour, (similarly to the infamous Andrew Bolt rantings). However, my own research and lived experience indicates that Scott's experience is far from uncommon.

The Confirmation of Aboriginality is a topic of some interest, both for Aboriginal and non-Aboriginal people. Clearly it is of interest to mainstream Australian media. It seems that much media coverage of this topic alludes to the proposition (again, like Bolt's public claims) that Aboriginal people identify as Aboriginal for the sole reason of claiming 'benefits, most of which do not exist. I discuss the Confirmation of Aboriginality in some detail in my book. The following is an extract that sums up some of the problems and questions that continue to accrue around the issue of Confirmation of Aboriginality:

In all this busy-ness and surveillance about who counts as Aboriginal today, we witness also the inculcation of our younger generations into a divisive politics that will surely guarantee many more years of squabbling over the morsels the governments keep throwing at our feet as we tear ourselves apart for a share, rather than return our younger generations to our former political agenda of addressing the legacy of dispossession and disenfranchisement of all Indigenous peoples in Australia.

I suggest there is room for Aboriginal people to reflect on and examine our own practices and our compliance with a de facto government regime that insists on applying definitional criteria for access to government resources as the complete 'truth' of what it also means to be Aboriginal in all aspects of our daily lives. There is also room for reflecting on and extending our analysis of the discursive constraints that shape the possibilities and the limits of what it means to be Aboriginal. In what other ways can we express ourselves and conduct a community discourse that is open to all Aboriginal experiences? What can we achieve in our relations with the wider nation-state if we are not so pre-occupied in our own community with regulating and surveilling each other for a few crumbs thrown under the master's table?

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Bronwyn Carlson is an Associate Professor of Indigenous Studies at the University of Wollongong. Her book [The Politics of Identity: Who Counts as Aboriginal Today?](#), from which this article is adapted, is published by Aboriginal Studies Press.

Race-shifters: white people who identify as Indigenous

by Susan O'Donnell November 22, 2019

The number of people across Canada who self-identify as Indigenous is growing rapidly. Some of that growth can be explained by the Indigenous children of the Sixties Scoop and residential school survivors re-discovering or accepting their Indigenous identities. However an entirely different group of Canadians has emerged. "Race-shifters" are white people with no or a small amount of Indigenous ancestry who identify as Indigenous.

Race-shifters live in every province, mostly in communities with large populations of French ancestry. In this province, for example, in 1996 and 2016, the population of New Brunswick was roughly the same. However in the 1996 census, only 950 people self-identified as Métis, but in the 2016 census that number jumped to 10,200. How is this possible?

The confusion includes the misconception that anyone with Indigenous ancestry can call themselves Métis. On the contrary, "Métis" has a specific definition in Canadian law. In 2003 the Supreme Court Powley decision described a Métis person as "one who self-identifies, has an ancestral connection to a historic Métis community, and is accepted by that community." Anyone can self-identify as "Métis" when answering a census question, but not everyone of them is a member of the historic Métis Nation that originated in the Red River Valley of Manitoba.

Darryl Leroux has been exploring the race-shifting phenomenon for more than two decades. The social scientist from St. Mary's University was in Fredericton Nov. 20 to speak about the process he has called "white settler revisionism," a new wave of colonialism and to launch his new book, *Distorted Descent: White Claims to Indigenous Identity* published by the University of Manitoba Press.

His book, engaging with critical theories from Indigenous studies and genealogy studies, is based on his virtual ethnography research on social media forums. Leroux analyzes how white power and white settler colonialism gets "reconfigured into white settler indigeneity."

The motivations of some race-shifters can be perverse. In Quebec for example, a group of white supremacists created a "Métis" group to increase their access to hunting and fishing territory. The first action of this new "Metis" group was to file for an injunction against a local Indigenous land claim. In his book, Leroux analyzes this kind of race-shifting as anti-indigenous politics. The largest self-identified "Métis" organization in Quebec, the Metis Nation of the Rising Sun, claims to have about 15,000 members.

In other instances, the white people claiming Indigenous identity are not trying to also claim Indigenous rights, they simply "want to avoid being white by adopting other identities," Leroux explained. Many of these people have family stories going back generations about an Indigenous ancestor. "They are interpreting what they were told in the past to shape what they want to believe about themselves today," he said.

As an example, Leroux described the "Mothers of Acadia Mitochondrial DNA Project" that claims to be about finding the truth but in reality is finding a way to confirm Indigenous identity.

Darryl Leroux at the Fredericton launch of his new book, *Distorted Descent: White Claims to Indigenous Identity*, at the Provincial Archives of New Brunswick on Nov. 20, 2019. Photo by Susan O'Donnell

For his book, Leroux analysed five online forums hosting discussions on many different genealogy topics, including white people exploring their Indigenous ancestry. In Canada, the phenomenon is most common among people with French ancestry who base their self-identification on an ancestor born more than 300

years ago. More than four million people today could create a family tree that would include one of three particular Indigenous women from the 16th century. What does that mean for them?

According to Leroux, probably 75% of French descendants in Canada have a small amount of Indigenous ancestry however, crucially, that does not make them Indigenous. In fact, he says, most French-heritage race-shifters have more English ancestry than Indigenous ancestry but they are not making the claim that they are English.

Most Canadian race-shifters live in Quebec but the percentage of the population claiming Indigenous identity is larger in Nova Scotia. Although the number of race-shifters has grown significantly in New Brunswick during the last two decades, Leroux pointed out that the percentage of race-shifters in the New Brunswick population is less than in neighbouring Nova Scotia, a fact he believes might be related to the stronger Acadian identity in this province. With a strong cultural identity, there is less incentive to seek out and adopt other identities.

However even in New Brunswick, the number of race-shifters has become a nuisance for some First Nations people in the province. It is more of a problem north of Moncton, in Miramichi and especially around Bathurst, he said. The race-shifters are “looking for Mi’kmaq people to confirm their identity, which can be very offensive.”

The website Race-Shifting created by Leroux with University of New Brunswick graduate student Stephanie Pettigrew has mapped hundreds of groups across Canada and court cases fought – and lost – by race-shifting groups claiming to have Indigenous rights.

The website shows the locations of, and information about, the five active organizations in New Brunswick: the “Communauté Wik-Wam-Sun-Oté” near Edmundston, the “Canadian Métis Council – Intertribal /Métis Genealogical Centre of Canada,” based in Oxbow NB near Grand Falls, the “Conseil Autochtone de la Côte-Est/Tribu Muis,” in Laplante, NB on the Baie des Chaleurs, the “East Coast First People Alliance/Alliance du premier peuple de la Côte-Est,” in Lameque and the “Metis Nation of Saint John,” in that city.

Leroux’s work has been praised by well-known Indigenous scholars, including Mi’kmaq scholar Pam Palmater, a professor at Ryerson University from Eel River Bar First Nation in New Brunswick. In her review, Palmater wrote that Leroux’s book is “a brave, original piece of scholarship,” that “exposes the extent to which white settler colonialism undermines Indigenous rights through the theft of Indigenous identity.” Palmater adds that the book is “a real wake-up call.”

Susan O’Donnell is a member of the NB Media Co-op editorial board and a member of the RAVEN project.