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## Indigenous family life in Australia: A history of difference and deficit

### Abstract

Indigenous family life has been a key target of family and child policies in Australia since colonisation. In this paper we identify four main policy eras that have shaped the national and state policy frameworks that have impacted Indigenous families: the protectionism, assimilation, self-determination and neoliberalism eras. Our analysis of these national and state policy frameworks reveals an enduring and negative conceptualisation of Indigenous family life. This conceptualisation continues to position Indigenous families as deficient and dysfunctional compared with a White-Anglo Australian family ideal. This contributes to the reproduction of paternalistic policy settings and the racialized hierarchies within them that entrench Indigenous disempowerment and reproduce Indigenous disadvantage. Further, it maintains a deficit paradigm that continues to obfuscate the positive aspects of Indigenous family life that are protective of Indigenous wellbeing.

### Key words

Indigenous family, Australian family life, family policy, child policy, deficit paradigm, wellbeing

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## Introduction

In Australian policy, the ideal Australian family has been constructed as a white, Anglo, Christian, nuclear family. Indigenous ways of doing family that value extended family households and community networks, cultural connection, community child-rearing practices that foster child independence, all shaped by complex structural disadvantage, depart from this ideal (Lohoar, Butera, & Kennedy, 2014; Walter, 2009, 2017). In departing from idealised family life practices in Australia, a discourse of Indigenous family dysfunction and comparative deficiency has been produced that defines Indigenous parents as ill-equipped to provide a stable and healthy family environment. This discourse has been longstanding in its continued objectification of Indigenous families as a policy problem in need of intervention (Fforde, Bamblett, Lovett, Gorringe, & Fogarty, 2013; Walter, 2017).

This article contributes an analysis of how Indigenous family life has been produced *as a problem* through a range of state and federal policies *required to solve them*. We identify four policy eras that have sustained this discourse over time: protectionism, assimilation, self-determination and neoliberalism (Haebich, 2000; Strakosch, 2015; Swain, 2016; van Krieken, 2005). By detailing the way Indigenous families have been positioned and understood throughout these policy eras, this article highlights how Australian family policy frameworks continue to view Indigenous family life as deficient and dysfunctional. We present a picture of historical continuity in policy processes despite purported shifts in the justifications for the policy frameworks. We argue this continuity obscures deeper understandings of Indigenous family life, including understandings of how it may be associated with the wellbeing of its members.

Colonisation had a devastating impact on Australian Aboriginal and Torres Strait Islanders peoples. As such, it is difficult to describe with any certainty through academic sources how Indigenous family life across hundreds of distinct clans and nations was conducted. What we can be more certain of is that since colonisation, government policies have sought to manage and control Australia's geographic territory and the Indigenous population, by restricting freedom of movement, removing Indigenous Australians from traditional lands, and separating children from their families. These policies and associated reserves, missions, and other imposed institutional structures significantly altered family life and the economic capacity of Indigenous peoples to sustain themselves (Babidge, 2010; Commonwealth of Australia, 1997; Kidd, 2000). Nonetheless, many aspects of Indigenous family life remain. For example, the importance extended family ties and kinship networks

have survived colonisation and underpin shared and community-oriented responsibilities, encouraging a more multi-levelled idea of family that overlies nuclear relationships (Lohoar et al., 2014; SNAICC, 2011). Additionally, we know that Indigenous households are more likely to be multi-family and have a higher occupancy level than non-Indigenous ones (Australian Bureau of Statistics, 2010, 2012). Research shows that contemporary Indigenous families continue, to varying degrees, to be connected to their Indigenous cultures, with identifiable values and practices of interdependence, group cohesion and community loyalty (Lohoar et al., 2014; Martin, 2017). This is reflected in some communities with strong eldership practices, and child rearing practices that emphasise independence, exploration, sibling care, and cultural knowledge (Lohoar et al., 2014; Malin, Campbell, & Aguis, 1996; SNAICC, 2011).

This article argues that since colonisation, Anglo-Celtic constructions of Indigenous family life as deficient has limited how Indigenous family life can be known and understood in the Australian policy landscape, and obscures evidenced associations between Indigenous family life practices and wellbeing. Pertinently, it obscures the positive aspects of Indigenous family life that may improve outcomes and enhance wellbeing. By revealing the limiting effects of this deficit discourse, this article seeks to produce space for research that better understands the important relationship between Indigenous family life and the health and wellbeing of Indigenous Australians.

## Methodology

This paper critically examines a range of Australian State and Federal policy documents, policy conferences and policy frameworks that have resulted in interventions into Indigenous family life. We examine the conceptualisation and positioning of Indigenous families and children in these documents, as well relevant secondary literature across four major policy eras: Protectionism, Assimilation, Self-Determination and Neoliberal. This paper critically reflects on the commonalities embedded within the conceptualisations of Indigenous families across each of these eras. Where previous work has identified deficit discourses and the ways in which those discourses have affected Indigenous lives throughout colonial Australian history, this article unites this literature with an examination of policies across each stage of this history. In doing so, we unveil a singular, enduring frame through which Indigenous families have come to be viewed and positioned: as deficient and unsuitable; that continues to shape policy and limit our understanding of how Indigenous families operate and impact the wellbeing of their members.

## Protectionist policy era: origins of Indigenous family deficit

Prior to and following Australian Federation, a range of legislation emphasized the protection and care of Indigenous peoples but in practice were largely fixated on producing and protecting a white Anglo Australian nation. These 'Protection Acts' in each Australian state legitimised the near-total control of the Indigenous population (Commonwealth of Australia, 1997). These Acts intensely regulated Indigenous families through enforcing living, marriage and work arrangements, establishing Aboriginal-only reserves, Christian missions and tightly controlled stations for living and education, assuming guardianship of Indigenous and mixed-race children, and providing the state power to remove children from their families (*Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, Qld; *Aborigines Protection Act 1886*, WA; *Aborigines Protection Act 1909*, NSW; *Act for the Protection and Management of the Aboriginal Natives of Victoria 1869*, Vic; *An Ordinance for the Protection, Maintenance and Upbringing of Orphans and other Destitute Children and Aborigines Act 1844*, SA; *Youthful Offenders, Destitute and Neglected Children's Act 1896*, Tas). As argued in Aboriginal Protection Associations' reports to the New South Wales Legislative Assembly, these mechanisms of protection were enforced to ensure Indigenous peoples' compliance with white 'civilisation' and 'useful' ways of living; implying that Indigenous peoples' survival lay in achieving these outcomes (NSW, 1883).

This legislation formalised the racialised logics that viewed Indigenous family life as incompatible with a new (white) Australian national identity. As Haebich (2000) argues, the double-speak of protectionist policies was that it was not protecting Indigenous families or children, but protecting the nation from a lesser civilisation. Thus, the 'Aboriginal' problem of the protectionist era concerned the incompatibility of Indigenous peoples' existence with Australian nationhood (Read, 2006). Protection Acts responded to the 'doomed race' theory which envisioned Indigenous peoples eventually 'dying out' (McGregor, 1993). This theory determined both the biological and cultural racialisations of Indigenous inferiority that manifested in Protection mechanisms impacting families. Racial stratifications were employed to ensure Indigenous peoples would eventually 'disappear' from the national complexion, either by dying out or becoming assimilated, both ends working to prevent the inferior racial characteristics produced by Indigenous families from being transmitted to the idealised, white Australian nation (Grimshaw, 2002; McGregor, 2011; Read, 2006). In cultural terms, the protectionist era centred the nuclear family structure, not by maintaining relationships between parent and child but by inculcating Christian values, static housing, and

institutionalised work and education (Read, 2006). Indigenous ways of doing family, including seasonal movement for land care and cultural practices (nomadic), communal camp living, and kinship structures, as well as their conditions of destitution and reliance on exploitative work and poor rations on pastoral settlements and missions resulting from their displacement from traditional lands (Babidge, 2010; Kidd, 2000; van Krieken, 1999) were considered incompatible with the Anglo nuclear family ideal which came to operate as an informal ‘benchmark’ for acceptable practices of family life that Indigenous peoples were already deemed unable to meet unless they assimilated into the white Australian nation. Protectionist policies, then, were primarily aimed at disciplining Indigenous children and families towards this benchmark and ensure their compliance with the white national interest (Haebich, 2000).

The removal of Indigenous children (especially those with a white parent) was a leading means of controlling Indigenous families and producing a white Australian nation. The reasons for the removal of children were based on white notions of poverty and neglect that were applied to Indigenous family life, and underpinned by racial perceptions of their cultural deficiencies (Haebich, 2000). For example, in South Australia in 1844, the Protector of Aborigines was made the legal guardian of every ‘Aboriginal and half-caste’ child deemed destitute or without ‘proper means of support’ (*An Ordinance for the Protection, Maintenance and Upbringing of Orphans and other Destitute Children and Aborigines Act 1844*, SA). Similar legislation was introduced across Australia: in 1869 in Victoria (*Act for the Protection and Management of the Aboriginal Natives of Victoria 1869*, Vic); in 1883 in New South Wales (NSW, 1883; Read, 2006); in Queensland in 1897 (*Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, Qld); and in Western Australia in 1905 (*Aborigines Act 1905*, WA). Preceding these acts, Queensland legislation established the grounds of neglect as including wandering in public, sleeping in the open air, not appearing to have a fixed abode or subsistence, associating with known vagrants, prostitutes<sup>i</sup> and drunkards, and being the child of an Aboriginal or mixed-race mother (Queensland, 1865). Excepting this final condition, similar conditions of neglect were present across all State protection legislation. Some of these conditions - independence, freedom of movement, sleeping in the open air – may very well have reflected ordinary, healthy, Indigenous family ways of living. Others – associating with vagrants, drunkards – may well have arisen from the destitution and abuse produced by the conditions of tightly controlled, but often poorly provisioned missions (Kidd, 2000). Further, association with prostitutes (also, unwed mothers), or a ‘mixed-race’ mother were characterisations that directly arose from the

regulation of Indigenous family life, in which marriages were prevented by anti-miscegenation laws whereby only Protector's held authority to approve marriages across 'racial' lines. In these ways, Indigenous family life came to be constructed as synonymous with definitions of child neglect, undesirability, and unsuitable family life in Australian protectionist legislation (Bamblett & Lewis, 2007). Legitimised across all states by 1915, it is well established that such policies led to the removal of thousands of Indigenous children now known as the Stolen Generations (Read, 2006).

The double-speak embedded within the colonial and post-Federation Protectionist child removal and Indigenous family regulations is highlighted in Swain's (2016) analysis of their justifications. Swain (2016) details a legislative context which focused on children's futures as productive citizens and the need for their protection from inadequate parental provisions. Beginning in South Australia, Western Australia and Queensland, family interventions were prefaced on the uncivil and unsuitable upbringing provided by Indigenous families (Haebich, 2000; Swain, 2016). Youth, and particularly girls, were removed from their families and placed in white and missionary schools to educate them in domestic training. The purpose of this was twofold, to control and reduce Indigenous fertility and thereby prevent the biological reproduction of Indigenous families, as well prevent the cultural Indigenous influence and thereby prevent the cultural reproduction of Indigenous family life (Anderson, 2005). In Western Australia, legislation also highlights the intention to introduce civilisation and Christianity into the 'Aboriginal race' (*An Act to prevent the enticing away the Girls of the Aboriginal Race from School or from any Service in which they are employed 1844*, WA). These colonial Acts vested the racialized distinction between suitable and unsuitable family reproduction in the early legislative frameworks of Australia. In collectively and cumulatively contrasting Indigeneity with the intended (white, Christian) socio-economic and political structure of Australia, they established a view of Indigenous family life that was unacceptable for the nation and the children who were the nation's future citizens.

After Federation, States were granted the right to continue enacting and regulating special laws for Indigenous peoples, which remained underpinned by their racialisation as primitive, illegitimate and 'other' to progressing the white Australian national identity agenda (Langton, 1999; McGregor, 2011). In New South Wales, as in most states, child removal was considered in the best moral and physical interests of children and did not necessarily require proof of neglect (*Aborigines Protection Amending Act 1915*, NSW; Haebich, 2000; Read, 2006). In the *Queensland State Children Act 1911*, conditions of Indigenous family life were

described as providing ‘unfit guardianship’ (*State Children Act 1911*, Qld), and described as ‘disgraceful’ and neglectful due to unhygienic and improper housing shared by large customary kinship groups in the 1935 Western Australian report on Aboriginal Protection (Western Australia, 1935). Protection Acts emphasized ‘sanitary conditions’, ‘moral control’, ‘proper upbringing’ and suitable care by placing mixed-race children and adolescents within white schools, training institutions, and families (Bessant, 2013; Commonwealth of Australia, 1937; Read, 2006). In Western Australia and Queensland, Acts repeating the aim to reduce the Indigenous birth rate and sought their identification as lesser-grade white Australians; a characteristic of the period discussed more broadly (*Aborigines Act 1905*, WA; Commonwealth of Australia, 1937; Read, 2006; *State Children Act 1911*, Qld). Notably, AO Neville, the Chief Protector of Aboriginal children in WA claimed the replacement of Indigenous environments with white environments was turning raw material into something better; into someone better placed for earning a living in white society (AO Neville cited in Western Australia, 1935). Protectionist frameworks were, in these ways, deliberately and increasingly over time, assimilatory in their intent. This protectionist era produced a racialized conceptualisation of Indigenous peoples and their family life as inherently deficient; unsuitable for raising children who could form part of the future white Australian nation.

## Assimilating the family, producing good citizens

The Assimilationist era emerged as States responded to the fact that Indigenous Australians were not ‘dying out’ as had been expected by some (McGregor, 2011). Thus, the ‘Aboriginal Problem’ persisted and policy efforts to ‘solve’ this problem continued. In 1937, the first Commonwealth/State Conference on ‘Native Welfare’ marked the official and uniform shift to Assimilation policies regulating Indigenous families across the country (Commonwealth of Australia, 1937). This conference made explicit the effort to cement a stable, modern and homogenous national identity and spoke more broadly to the continued interest in securing Australia’s national identity and global position following World War 1 (Haebich, 2008). Shifting away from the ‘doomed race’ theory of protectionism, assimilationist policies envisioned the dissipation of Indigenous culture and society through the biological absorption through ‘mixed-race’ relationships, whose children were especially well-placed for cultural assimilation as they progressed from uncivilised primitives to a civilised white, Anglo Australian culture (Aborigines Welfare Board, 1946; McGregor, 2011; Moran, 2005).

Families were the main vehicle for cultural assimilation and for producing good citizens for the imagined nation that was being built (Goodall, 1995; Haebich, 2000). Government policies maintained a conceptualisation of Indigenous family life as uncivilised, unsuitable and unable to reach the benchmark of Anglo, Christian, nuclear family structures. This reinforced policies emphasizing white, nuclear family structures as those assumed to produce good citizens for an increasingly modern, white and culturally homogenous Australia (Haebich, 2008; McGregor, 2011). Legislation across the states enacted a range of coercive welfare, family and household surveillance and ongoing child removal measures to enforce this shift (*Aborigines Act 1971*, Qld; *Aborigines Protection (Amendment) Act 1940*, NSW; *Aborigines' and Torres Strait Islanders' Affairs Act 1965*, Qld; *Native Welfare Act 1963*, WA). This entrenched the policies and practices that produced the Stolen Generations over the course of generations. As in the Protectionist era, the States remained in control of both the benchmark of family life and the means of achieving it.

Coercive welfare that tied welfare benefits (and therefore household survival) to compliance with citizenship practices aligning with nuclear family life and child rearing was one arm of assimilationist control. For example, State controlled 'Exemption Certificates' could grant Indigenous families the right to live outside the control of the assimilationist Acts and gain access to Commonwealth welfare benefits on the condition they demonstrate conformity to White standards of living and home life and severance with their Indigenous families (*Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, Qld; *Aborigines Act 1905*, WA; *Aborigines Act 1934-1939*, SA; *Aborigines Protection Act 1909*, NSW; Aborigines Welfare Board, 1945, 1953, 1954). Similarly, The Native (Citizenship Rights) Act 1944 in WA could also grant (and revoke) citizenship from an Aboriginal person if they demonstrated that they had severed all ties to 'tribal and native' associations with extended family and friends (biological parents, siblings and children excepted), that they were fit, proper, industrious and had "adopted the manner and habits of civilised life" (*Natives (citizenship Rights) Act 1944*, WA). 'Good citizenship' and access to welfare required living as law abiding nuclear families, with married parents, male breadwinners, mothers as domestic carers, the maintenance of clean homes, material possessions, and healthy and educated children (Department of Native Welfare (Western Australia), c1964). Effectively, conforming to white family standards required the wholesale denial of Indigeneity as States retained comprehensive control over welfare, income, surveillance and child removal interventions that sought to enforce these standards. This reinstated the damaging positioning of Indigenous families (including their kinship networks, identities, and

conditions of living) as unsuitable and uncivil, and the regulation of families towards unattainable benchmarks of 'civilised' White, Anglo family and home life (Haebich, 2000).

Additionally, intensified moral surveillance of households and child outcomes was administered by Welfare officers through house inspections, domestic training and monitoring of children's school attendance and appearance in new urban settlements (Babidge, 2010; Kidd, 2000; Morgan, 1999). The non-uniform closure of regional missions and stations forced thousands of Indigenous families (exact numbers unknown) into urban settlements which often had inadequate alternative housing and which were closer to white communities (Kidd, 2000; Manning, 2005; McDonald, 2005). Despite living in conditions of severe socio-economic disadvantage, discrimination and substandard housing, any failure to comply with mainstream socio-economic and nuclear family conditions risked the removal of housing assistance, and forced adoptions and the placement of children in institutional homes to assimilate them directly into white families and white society (Babidge, 2010; Goodall, 1995; Morgan, 1999). As Kidd demonstrates (2000), the limitations on Indigenous families and housing remained distinctly racial, and had a profound effect on the ability of Indigenous people to reproduce themselves culturally, socially and physically. This was the express aim of welfare policy and practice for reducing the 'Aboriginal problem' by enforcing Indigenous family cultural compliance with white, nuclear notions of domestic, moral order (Haebich, 2008; Morgan, 1999). Despite the shift to assimilationist policy, the essential difference and cognate Indigenous deficit remained a consistent focus of welfare and family policy and interventions.

Assimilation policies targeted Indigenous mothers, who were seen as the primary agents of cultural change within the home and the driving force for family transition toward white, nuclear family patterns and producing suitably assimilated children (Goodall, 1995; Haebich, 2008; Huggins, 1995). These policies leveraged racist attitudes towards Indigenous women, describing them as irretrievably fallen, 'other', and racially unfit, undesirable and dangerous mothers (Commonwealth of Australia, 1937; Goodall, 1995). In order to be fit mothers able to produce assimilated children, Indigenous mothers were required to both demonstrate and enact assimilation in their homes (Goodall, 1995). Welfare inspections, including family and household surveillance, were directed at mothers' effective management of the home economy, their housekeeping (particularly if families lived on stations or reserves and irrespective of the living conditions on them, but also of those living in private rentals irrespective of the standard of housing provided to them), their interest in the nuclear style and 'morality' of the home and their prevention the presence of kin relations

(Aborigines Welfare Board, 1953; Babidge, 2010; Goodall, 1995; Haebich, 2008). Mothers' perceived failures to achieve these standards of family life and homemaking were commonly classified as neglectful; seeing the threat of, or actual, removal of children and welfare penalties (Commonwealth of Australia, 1937, 1997; Goodall, 1995). Furthermore, the legislation, and discussions thereof, indicate that the removal and Christian instruction of girls in particular sought to equip them, as future mothers, with desirable domestic and hygiene skills to ensure an intergenerational cultural shift toward nuclear family organisation (Aborigines Welfare Board, 1945, 1953, 1954; Goodall, 1995; Jaggs, 1991). This saw the continued use of child removal as a socialising and moralising force targeted particularly at mothers; present and future (Jaggs, 1991). In their enhanced focus on mothers, these policies fundamentally regarded the white family environment, free from Indigenous cultural influence, as the only appropriate environment for ensuring the welfare of future citizens.

In 1961 the Policy of Assimilation was adopted nationally by Commonwealth and State Ministers, with the aim that Indigenous peoples attain 'the same manner of living as other Australians' (Commonwealth of Australia, 1961). This both formalised and unified national expectations of Indigenous Australians' compliance with white-Anglo, Christian social values and responsibilities by being effective members of the national cash economy and community and living in a suburban nuclear family (Haebich, 2008; Rowse, 1998). As Anna Haebich's (2008) account of the impact of these policies highlights, their enduring goal was to ensure and present a proud and prosperous nation bound to a common, but solely white, Anglo Australian way of life.

Assimilationist policies, whilst shifting from the protectionist goals of isolating Indigeneity from Australia and its children towards intending the absorption of Indigeneity into white Australia, held fast to the fundamental and racial contrast between white and Indigenous families (Goodall, 1995; Kidd, 2000). Assumptions of Indigenous family deficit drove altered, but ongoing, policy practices of surveillance, welfare restriction and child removal as family was seen as the core site for assimilation. In doing so, the Assimilationist era further entrenched Indigenous poverty, racial discrimination and disrupted families.

## Self-determination, and the unrealised promise of change

Following the 1967 referendum<sup>ii</sup> and the election of the Whitlam government in 1972, the assimilation era was briefly replaced by self-determination. The inclusion of Indigenous Australians in the national census and the introduction of the 'race power' (s 51(xxvi)) in the Constitution to allow the Commonwealth to legislate uniformly across the nation with respect

to Aboriginal peoples and Torres Strait Islanders for the first time, alongside an explicit commitment from the Whitlam government to self-determination and reconciliation heralded the promise of great change. These national commitments were embedded in a changing international order, in which the principle of self-determination for Indigenous peoples was part of an international movement. In addition, a wave of anti-discrimination legislation and emerging recognition of human rights and land rights helped to consolidate formal civil and political rights of Aboriginal and Torres Strait Islanders. These efforts sought to redress the homogenising and paternalistic aspects of assimilation by supporting Indigenous decision-making and policy input (Rowse, 2005). Indigenous affairs became a Federal Government portfolio although states (not territories) retained control over the implementation of Indigenous policy (Behrendt, 2007; McGregor, 2011). This gave rise to a range of new Aboriginal controlled organisations, across health, law and land governance. This included, from 1990-2005, the Aboriginal and Torres Strait Islander Commission (ATSIC) that sought to entrench a national elected representative body in Federal government policy decisions and implementation. In 1994, the Torres Strait Regional Authority was established to specifically progress Torres Strait self-determination (and has survived beyond the abolition of ATSIC in 2005).

However, the success of this 'era' of self-determination has been subject to a great deal of debate. While much of the legislative apparatus remains intact, the commitment to self-determination has largely been dismantled. The abolition of ATSIC in 2005, was less a 'failure' of self-determination and more a failure of the Commonwealth government to sustain its commitment to self-determination (Behrendt, 2005). In the case of remaining family and child welfare policies introduced at this time, such as the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), the policies have been disingenuously and paternalistically implemented removing any traces of self-determination that underpinned their introduction (Commonwealth of Australia, 1997; Murphy, 2000; Tilbury, Burton, Sydenham, Boss, & Louw, 2013). As many scholars have observed, there has not been a demonstrable end to assimilation, rather it is reiterated in expectations of social administration and mainstreamed welfare in the identification and management of dysfunctional Indigenous families (Haebich, 2008; Rowse, 2005).

## Neoliberal policy and continued Indigenous family marginalisation

Following the brief period of self-determination the contemporary policy context has entailed the consolidation of a neoliberal approach to Indigenous policy (Durey & Thompsom, 2012; Howard-Wagner, 2015/16, 2018; Strakosch, 2015). Strakosch (2015) characterises this approach as one that incorporates a concentrated focus on the economic sphere, individual subjectivities, the maintenance of state-intervention and circular logics that both demand individual autonomy and reformation. To consolidate a whole-of-government approach to Indigenous welfare, principles of shared responsibility and priorities in Indigenous service delivery were adopted, and the management of mainstream welfare and health targets was placed into existing social policy departments (Libesman, 2015/16; Strakosch, 2015). The focus on individual responsibility and market-driven, socio-economic benchmarks in this context transforms social citizenship towards seeing individuals as partners in becoming market-ready citizens, and welfare towards intensive, individualised and stigmatised services that concentrate on reforming disadvantaged or ‘problem’ populations (Howard-Wagner, 2018; Stanton, Adachi, & Huijser, 2015; Strakosch, 2015; Wacquant, 2009). Reviews of Indigenous policy in the Australian neoliberal governance context highlight how the mainstreaming of Indigenous affairs has produced contradictions where some policies demand autonomy in achieving a homogenous, and historically non-Indigenous benchmarks of individual welfare, whilst intervening in intensive ways to ‘reform’ Indigenous lives (Durey & Thompsom, 2012; Howard-Wagner, 2015/16, 2018; Strakosch, 2015). In addition, neoliberal regulatory frameworks within child welfare and health service programs in particular mimic historical welfare structures in requiring Indigenous populations to comply with mainstream (non-Indigenous) and market-driven targets (Durey & Thompsom, 2012; Howard-Wagner, 2015/16). In a neoliberal policy era, it has become increasingly incumbent upon individuals to demonstrate their alignment with the ideal structures and indicators of a healthy family life.

### ***One size fits all: The neoliberal approach to family***

In this context, welfare is directed toward closing ‘gaps’ between groups. Instead of ensuring self-determination, these policies transform Indigenous Australians into partners in governing Indigenous ‘problem populations’ (Rowse, 2005). Howard-Wagner’ (2018) argues the prevalence of these processes in the ‘Closing the Gap framework’ (CTG), in which success is predicated on the expected compliance of Indigenous people with the mainstream socio-economic targets of formal education and paid employment. Closing the gap of

disadvantage is forecast as citizens who are economically unproductive becoming active participants in the mainstream economy; ensuring less government investment over time and disadvantage overcome with Indigenous citizens' assimilation into the mainstream economy and society (Howard-Wagner, 2018). These targets designate Indigenous citizens who are disadvantaged, economically unproductive, or who live 'unviable' ways of life (for example in remote homelands) as dysfunctional (Howard-Wagner, 2018). Self-determination has given way to individual responsibility, but the conceptualisation of Indigenous people as deficient and dysfunctional has been maintained.

An example of mainstreaming family ideals in this policy period is in the *Family Law Act 1975* (Cth). This Act reifies the nuclear family structure as the ideal context to facilitate intensive parenting (which includes the primacy of a mother's ongoing, concentrated and expert-advised child nurturing and care) (Hays, 1996) and ensure child welfare. Sections 61b and 60cc on 'determining a child's best interests', states that consideration must be given to (1) a meaningful relationship with both parents and (2) are protected from harm and neglect (*Family Law Act 1975*, Cth). Section 61F of the Act also requires that a court must consider 'kinship obligations, and child-rearing practices, of the child's Aboriginal or Torres Strait Islander culture'. However, a child's right to enjoy and maintain their Indigenous culture through aspects of kinship and child rearing are a secondary measure after determinations of the child's best interest and harm minimisation have been made. As such, children's 'best interests' in terms of family functioning and parental responsibility in court processes do not necessarily include Indigenous ways of doing family. Instead, the nuclear family remains the legitimate standard family type underpinning national legislation that governs family. The safety and wellbeing of Indigenous children is understood in contrast to the assumed strength and support of the white, Anglo nuclear family structure, not Indigenous ways of doing family.

The current National Framework for Protecting Australia's Children 2009–2020 (NFPAC) was developed in response to high rates of child abuse and neglect and a growing concern for the wellbeing of vulnerable Australian children (Babington, 2011). Though some need to develop specific strategies for Indigenous families is acknowledged (Babington, 2011), the overarching aim is to ensure families meet national standards of family stability, safety and wellbeing. Together, with the Closing the Gap frameworks' emphasis on child health and wellbeing, the NFPAC maintains the family as the principal environment for providing individual support and opportunities and preventing neglect and disadvantage. The frameworks present the appropriate family environment for achieving this as primary parent-

child and in-home relationships that, in ensuring child wellbeing and socio-economic welfare, adhere to ‘Australian society values’ (COAG, 2009; Department of the Prime Minister and Cabinet, 2017). In short, the nuclear family ideal continues to inform, shape and limit the policy settings and context surrounding Indigenous family life.

These policies overwhelmingly centre standardised national expectations of family stability, health, and education access to measure improvements in family wellbeing (COAG, 2009; Department of the Prime Minister and Cabinet, 2017). Maintaining the emphasis on interventions into mother-child relationships, Indigenous parent and child engagement with expert and perinatal health and family support services, as well as child school attendance and academic capacity are regularly audited and tracked to evaluate individual and policy success (COAG, 2009; Department of the Prime Minister and Cabinet, 2017). Comparatively, there is little provision for Indigenous cultural ways of doing family beyond nuclear family conceptualisations in the policy aims (COAG, 2009). This sustains historical expectations of Australian family wellbeing and stability ideals that work to either disrupt or transform Indigenous family life in the pursuit of protecting and producing appropriate Australian citizens.

### ***Ongoing framing of Indigenous family deficit in neoliberal policy***

Without a critical account of the policy history that has conceptualised Indigenous peoples and families as deficient and dysfunction, both the CTG and NFPAC risk reinvigorating an understanding of neglect that produces continued harm to Aboriginal peoples and Torres Strait Islanders. The risk factors of neglect are socio-economic disadvantage, poverty, and unstable family and housing conditions, these restrict the capacity for stable family wellbeing, an appropriate family environment and household productivity (COAG, 2009; Department of the Prime Minister and Cabinet, 2017). As Swain (2016) indicates, these grounds of neglect have been reiterated throughout Australian history and remain relatively unchanged in present child welfare and protection legislation from their iteration in Protectionist era of policies and state protectionist legislation. The conditions of neglect are disproportionately found in the Indigenous Australian population as a result of the historical and ongoing trauma from discriminatory family interventions and the Stolen Generations (Newton, 2019). With neglect still a core reason for Indigenous children being removed from parental care (AIHW, 2018, 2019; COAG, 2009; Dean, 2016), Indigenous children are currently removed from family and placed in care at a rate 8 times higher than that of non-Indigenous children (AIHW, 2019). Thus, even under the neoliberal policy regime Indigenous peoples and families are entrenched in a cycle that perpetuates ongoing

trauma, disadvantage and risk of neglect, whilst the links between Indigenous families' intergenerational trauma, historically discriminatory family policies and systemic disadvantage are obscured or ignored (Fforde et al., 2013; Newton, 2019; Scott, Higgins, & Franklin, 2012; Walter, 2009).

These frameworks also require Indigenous families themselves to remedy these structural, cultural and complex conditions of disadvantage that have directly resulted from these to ensure that they are not 'neglectful'. In striking similarity to the policy frameworks throughout the Protectionist and Assimilationist eras, Indigenous families are required to be policy actors in ensuring they actively 'close the gap' between their position and the mainstream benchmarks of socioeconomic status and appropriate family life. Importantly, the Closing the Gap framework, designed to engage Indigenous family in closing the gap, has as predicted (Altman, Biddle, & Hunter, 2009), largely failed in its targets; due largely to poor or non-existent implementation of partnership and engagement strategies (Holland, 2018). Instead of acknowledging the diversity and complex position of Indigenous families in contemporary Australia, what we see is a repeated inculcation of a framework for identifying family life in which the appropriate family environment, or the mainstream Australian family ideal, remains aligned to white, Anglo-Celtic nuclear family formations and practices in the contemporary context. Indigenous ways of doing family and family environments occupy a comparative position defined by deficit and neglect. These discourses in policy frameworks inform and limit our understanding and identification of Indigenous family life.

## Understanding Indigenous families: new perspectives

Indigenous family life has been shaped by state and Federal policies since colonisation. Throughout Protectionist, Assimilationist and contemporary neoliberal policy eras, legislation has consistently identified Indigenous family life as deficient and unsuitable compared with the dominant ideal of Australian family life, Anglo-Celtic and Christian sensibilities, and nuclear family practice. Protectionist and Assimilationist policy was explicitly racial, crafting an Australian family ideal in line with a homogenous, white national benchmark of family structure and practice to ensure an appropriate and stable family environment for Australia's future generations. The mainstreaming of national family benchmarks in neoliberal policies and frameworks has seen the consistent rearticulation of this family ideal, which reinforces rather than displaces these racialized differentiations. These policies have repeatedly called attention to the 'gaps' between the ideal Australian family and Indigenous ways of doing family life and sought to disrupt and reshape Indigenous family life, mothering and caring for

children towards ideals of nuclear family structures and intensive parenting (Haebich, 2000; McGregor, 2011). This continues to position Indigenous families as comparatively dysfunctional through the policies and frameworks which are specifically designed to intervene in or support all Australian families, including Indigenous ones. The persistence of this racialized differentiation is emblematic of the singular lens through which Indigenous ways of doing family have been historically and politically understood in Australia. It is maintained in conceptualisation of Indigenous families and different from, or deficient to non-Indigenous families that operates as a discursive mechanism to reify this.

Despite shifts in policy orientations, Indigenous family life remains marginalised from normalised and mainstream ideas of stability, wellbeing and appropriateness. As Swain's (2016) work indicates, in the current neoliberal climate notions of family neglect and unsuitable family environments mirror centuries old practises of racial discrimination. Furthermore, punitive child removal policies and family control have led to entrenched socio-economic, health and cultural disadvantage that persist today (Commonwealth of Australia, 1997). That measures of neglect have remained relatively unchanged is striking, but that Indigenous families remain overwhelmingly subject to these measures in the present is unsurprising. The persistence of this deficit discourse throughout historical and contemporary policy contributes to the perpetuation of Indigenous disadvantage and obscures the identification of positive influences of Indigenous family life for Indigenous people.

## Conclusion

The singular frame through which Indigenous families have been, and continue to be, understood as different and deficient in Australian policy offers limited perspective on Indigenous ways of doing family. This policy history has had such a disruptive impact on Indigenous communities and families that it is now difficult to understand the many rich, complex and varied Indigenous ways of doing family across this country. However, this limit goes beyond just identifying what constitutes Indigenous family life. In addition to the rearticulation of the comparative framework of family life, the deficiency that characterises this policy landscape is not one of Indigenous ways of doing family, but one of our fundamental understanding of what the Australian family is and what it might need to be healthy and well. With a homogenous and relatively static ideal of family life, policies that are designed to shape and support positive family environments and functioning are limited by a singular understanding of the family practices and environments that may contribute to it.

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<sup>i</sup> Anne Summers’ (1994) work on policy and women in colonial Australia highlights that women were considered ‘prostitutes’ if they cohabitated without legally marrying. As legal marriage amongst Indigenous people was rare and controlled by protectionist policies, it is also likely that most Indigenous women would have been categorised as prostitutes.

<sup>ii</sup> Though Indigenous Australians became citizens, this referendum did not automatically confer voting or self-determination rights.