

**Dynamics of the policy environment and trauma in relations between Aboriginal and
Torres Strait Islander peoples and the settler-colonial state**

Alison Vivian¹ and Michael J. Halloran²

¹Jumbunna Institute for Indigenous Education & Research, University of Technology
Sydney, Australia (ORCID: 0000-0002-7177-0809)

²School of Public Health and Psychology, La Trobe University, Melbourne, Australia
(ORCID: 0000-0003-1899-7737)

Abstract

This integrative review seeks to employ insights from critical social psychology and Indigenous nation building governance research to advance an explanation for why Australian state policy continually fails to improve the lives of Aboriginal and Torres Strait Islander peoples and reproduces trauma. The review suggests that settler-colonial law and policy embed a history of oppressive relations that suppress Indigenous voice, culture, and identity, inexorably leading to intergenerational traumatic social and wellbeing outcomes for Indigenous peoples. Given settler-colonial policy's ongoing role in continuing the subordination of Aboriginal and Torres Strait Islander law/lore, the ongoing policy failure to redress Indigenous inequality and improve their wellbeing is unsurprising. Nevertheless, our analysis contributes to understanding how just and viable relations between Australian Indigenous peoples and the settler-colonial state are possible through collaborative politics. Allowing space for agreement and disagreement in their worldviews, collaborative negotiations offer a way forward to redress policy failures and traumatic outcomes that are currently entrenched.

Keywords: Indigenous peoples, settler-colonialism, intergenerational trauma, policy failure, collaborative relations

Introduction

Aboriginal and Torres Strait Islander peoples¹ have lived sustainably on the continent of Australia for at least 50,000 years in societies bound by law/lore, norms, values, attitudes, and beliefs intimately coherent with Country, culture, and community. Before invasion, there were approximately 500 Aboriginal and Torres Strait Islander collectives (nations, clans, societies, language groups etc) with established legal, social, cultural, economic, and political institutions (Perkins and Langton, 2008). They were governed by complex and diverse systems of interrelated knowledge, practices, and social meanings – worldviews – which provided them with structure, meaning, and significance. Aboriginal and Torres Strait Islander peoples have the oldest, continuous cultures on earth, whose persisting worldviews demonstrate interdependency with Country, all living things, ancestors, ceremony, law/lore, and throughout time (Moreton-Robinson, 2015). With the advent of settler-colonialism and its logic of replacing Indigenous peoples with settler-colonial society, these complex systems were systematically undermined and delegitimised to dismantle the collective life of Australian Indigenous peoples and facilitate unencumbered ‘settlement’.

Once the physical violence of the frontier had subsided, settler-colonial legal and political institutions acted to make Indigenous peoples jurisprudentially and politically disappear. At first instance, settler-colonial law justified and sanitised the dispossession of Indigenous peoples (Williams, 2005), followed by policy, programs and practices that sought to embed settler-colonial superiority and replace Indigenous peoples’ institutions, culture, and values with that of the settler. The aspiration of settler-colonisation is that autonomous Indigenous peoples are eliminated, and Indigenous individuals are ‘incorporated’ or ‘domesticated’ into the dominant society to be treated as minorities, stakeholders, or interest groups within a broader democratic society (Tully, 2000). Thus, settler-colonial Australia asserts a narrative of a single country and monocultural people. So far as settler-colonial legal and political institutions are concerned, Aboriginal and Torres Strait Islander collectives are recognised as peoples only for purposes, and against limited and circumscribed criteria, determined by state and federal governments through native title, cultural heritage laws and some states’ land rights systems. The Australian state neither acknowledges Aboriginal and Torres Strait Islander peoples’ status as distinct political collectives nor recognises their inherent rights to self-governance or self-determination as of right (Vivian et al, 2018). That is, the once overt oppression of the distinctive cultural lifeworlds and identity of Indigenous peoples becomes embedded in government policy, programs, and practice.

Yet, settler-colonisation self-evidently has failed. Aboriginal and Torres Strait Islander peoples' contemporary stories of resilience are deeply rooted in their resistance to invasion, refusal to cede sovereignty and resolve to articulate their existence as distinct, autonomous peoples with inherent rights. The result is a highly contested legal and political environment with questions about authority, jurisdiction, and shared sovereignty at their heart. While it is undeniable that many Aboriginal and Torres Strait Islander peoples strategically unsettle these contested relations to exercise their right to self-determination and thrive, the continuation of the colonial project through policies of assimilation and normalisation causes profound harm.

Much has been written about policies of assimilation and normalisation and their inevitable failure to improve the health and well-being of Indigenous individuals. However, while analysis has revealed the underlying mechanisms by which Indigenous policy fails, it has not necessarily explained *why* the dynamics are (re)produced (Strakosch, 2019). It is the reproduction of these dynamics that we seek to explain by bringing together the disciplines of law and governance and social psychology. In this integrative review², we draw on insights from a critical perspective in social psychology to analyse the legal and policy environment that frames relations between Indigenous peoples and the settler-colonial state. We argue that settler-colonisation's attempts to suppress Indigenous collective life has, over time, been embedded into the institutions of the nation state, ensuring policies ostensibly designed to address the inequitable health and wellbeing outcomes among Indigenous people perpetuate further harm (Calma et al., 2017; Menzies, 2019). In short, the policy environment creates relations between Indigenous and the settler-colonial state that cause and reproduce systemic trauma (Goldsmith et al., 2014).

We are both descendants of settler-colonists living and working on the traditional home and lands of the Wurundjeri people of the Kulin Nation in what is now known as Victoria, Australia. Our research applies an Indigenous nation building methodology to guide the relationship between academic and Indigenous nation partner interests. As we detail elsewhere (Vivian et al 2016: 62), relations are hierarchical in that academic partners receive direction from Indigenous nation partners and Indigenous self-determination is the highest priority throughout all aspects of the partnership. The interests are complementary in that partner Indigenous nations seek to 'nation build' using the knowledge of academic partners as a resource and, at the same time, academic partners seek to support Indigenous communities to build self-governing institutions and mechanisms to achieve their community aspirations. Our research seeks to support community capacity for self-determination, which

is intimately impacted by the actions of settler-colonial governments. It is settler-colonial law and policy that frames relations among Indigenous peoples and the settler-colonial state that we critically analyse here by challenging institutional arrangements that reproduce settler-colonial dominance. Where we rely on Indigenous knowledges to conduct the analysis, we cite Indigenous authors to provide perspectives that we cannot and do not seek to provide.

The first section of this paper evaluates how settler-colonial law and policy has concretised subordination of Indigenous peoples, which continues to inform and be reproduced within contemporary relations between Indigenous and non-Indigenous societies. We argue that blocking Indigenous peoples' capacity to live their collective lives according to their own cultural worldviews, while once overt, is now embedded in the law and policy environment. In the following section, we analyse how the alarmingly high and ongoing negative health and wellbeing outcomes suffered by Indigenous people are an outcome of their relations with the settler-colonial state. This analysis indicates that suppression of the distinctive nature of Indigenous lifeworlds causes a breakdown of protective cultural systems which gives rise to trauma and the disproportionate negative health and social well-being outcomes Indigenous peoples experience. Strategies supposedly designed to alleviate Indigenous disadvantage perpetuate the relations that produce inequality, leading to repeated failure of policies to achieve their stated aims of improving Indigenous health and wellbeing. The final section evaluates strategies for reframing and improving relations between the Australian state and Indigenous peoples. We conclude that collaborative processes wherein the distinct collective worldviews of Indigenous people are given standing are pivotal to enabling healthy relations and preventing policy failures that have exacerbated negative social and health outcomes among Indigenous peoples.

Subordination of Indigenous peoples in settler-colonial law and policy

Relations among Aboriginal and Torres Strait Islander peoples and the Australian state have their origins in settler-colonial strategies of elimination that have been replicated internationally. Settler-colonisation requires Indigenous peoples to disappear; whether physically eliminated or displaced, having one's cultural practices erased, or being 'absorbed', 'assimilated' or 'amalgamated' in the wider population (Veracini, 2018). As Wolfe describes it settler-colonisation is 'a structure not an event', where elimination is an organising principle and not a one-off occurrence (2006: 388).

In this section, we evaluate the evolution of Australian law and policy in the settler-colonial endeavour to achieve the effective disappearance of Aboriginal and Torres Strait

Islander peoples. Of course, this endeavour creates an inevitable dynamic of tension, witnessed in the paradox of the dominant society's claims to exclusive authority over the territories and jurisdictions that Indigenous peoples will not surrender (Tully, 2000). As Indigenous scholar Audra Simpson (2017: 27-28) puts it, Indigenous peoples refuse to stop being themselves. Nonetheless, we highlight how the settler-colonial imperative continues as unfinished business in a policy environment that attempts to 'normalise' Indigenous peoples, constraining the capacity of Aboriginal and Torres Strait Islander peoples to live as distinct, self-determining peoples according to their own worldviews.

Lawfare and the elimination of Indigenous peoples

The settler-colonial narrative that Australia was 'discovered', sovereignty was 'acquired', and the land 'settled' belies the oppression and brutality of invasion on Aboriginal and Torres Strait Islander peoples. Rather than protect Indigenous peoples, at first instance settler-colonial law justified their dispossession and imposed the domination of settler-colonial institutions using the language of savagery and barbarism and claims to European superiority (Williams, 2005). McHugh (2004) calls this jurisprudence 'lawfare'. Lawfare produced the legitimising fiction of the single and indivisible sovereignty of the British Crown and later Australian state, while simultaneously denying the lived reality of legal and political plurality. As Dodson and Strelein (2001: 828) observe, these are not 'innocent legal myths' but constitute the practical operations of colonial government.

Australia's refusal to recognise the legal status of Aboriginal and Torres Strait Islander collectives as distinct and autonomous peoples means that, unlike the United States, Canada and Aotearoa New Zealand, the Australian settler-colonial state has not negotiated with Indigenous polities as sovereign entities or attempted to accommodate Indigenous polities within the structure of the colonies or federation. Thus, nation-to-nation and government-to-government relations are not an aspect of Australian mainstream law or policy to date. This strategy was demonstrated from the early years of invasion when the Crown Law Office determined in 1819 that Australia had not been acquired by conquest or cession but had been taken possession 'as desert and uninhabited' and replicated in later case law that applied the doctrine of *terra nullius* (i.e., land belonging to no-one) as the basis of settlement and imposition of English law (*R v Murrell*, 1836). This legal and political removal of Aboriginal and Torres Strait Islander peoples enabled the Australian Constitution to be drafted without reference to Indigenous peoples or their collective rights, based on the assumption that Australia would become a 'white continent' (Deakin 1903).

Accordingly, Australian courts have rejected the contention that Indigenous peoples exist as separate, distinct, and autonomous peoples with an inherent right to self-determination, leaving them without formal sovereign status or legal personality as of right within the settler-colonial framework. Settler-colonial courts have repeatedly committed the Australian state to legal centralism, a concept Griffiths (1986: 4) calls the ‘myth, ideal, claim or illusion’ that there is and can be only one law for all and only one set of institutions to administer the law. From the outset, settler-colonial courts in Australia eroded the jurisdiction and sovereignty of Aboriginal and Torres Strait Islander peoples to perpetuate the fiction of a single sovereign state under the Crown (e.g., *R v Murrell*, 1836; *Milirrpum v Nabalco*, 1971; *Coe v Commonwealth*, 1993). For example, the High Court held that Indigenous sovereignty had been superseded on the ‘acquisition’ of British and later Australian sovereignty and rejected the possibility of parallel law making (*Yorta Yorta v. Victoria*, 2002). It has repeatedly denied recognition of Indigenous nations within the boundary of the nation state and their entitlement to self-government, as recently as 2020 (*Love and Thoms v Commonwealth*, 2020).

Apart from what these judgments might hold about the specific issue before the court, they are significant because they frame the terms of relations among Aboriginal and Torres Strait Islander peoples vis-a-vis the settler-colonial state as that of subordination and submission. In other words, the legal status of Indigenous peoples’ rights and interests are secondary to those of the settler-colonial state. Critically, the impact of these judgments extends beyond the courts and the legal system to set the boundaries and terms of Indigenous/non-Indigenous relations politically, socially, even culturally in Australia. In turn, settler-colonial policy and bureaucracy implement the colonial project by transitioning Indigenous peoples from distinct, sovereign, and self-governing polities to groups of Australian citizens absorbed into the state.

Government policy in the colonial project

The absence of self-defined Indigenous collectives has been presumed in settler-colonial policy since invasion. According to the racist views and language of that time, Aboriginal protection policies operating between 1860 and the 1950s were designed to provide a ‘humane environment’ to ‘smooth the dying pillow’ based on ‘full bloods’ being bred out and lighter skinned Aboriginal people passing as European (Commonwealth of Australia 1997) while at the same time facilitating the benefits of a political economy of racial capitalism (Wolfe, 2016). However, the desired merging or absorption of Indigenous

people into mainstream society did not progress as planned, leading to an all-encompassing policy program of accelerated and enforced assimilation that continued to the 1970s.

These so-called protection and assimilation eras generated some of the most notorious policies and practices in Australia's settler-colonial history. All aspects of Indigenous people's lives were monitored, controlled, and assessed against settler-colonial standards, affecting where one could go or live, who one could meet, and where one could work. Indigenous languages, ceremony, and cultural practices were banned, families and communities were broken apart, children were removed from their families (known as The Stolen Generations), and traditional economies were destroyed. As expressed by Yawuru elder Mick Dodson (1996), Indigenous people firmly resisted assimilation, despite its force, for being blind to their beliefs, values and cultures and instead, resolutely asserted their Aboriginality and distinct identity.

Assimilation as formal policy ended in 1972, but contemporary policy arguably has similar aims through the seemingly neutral narrative that all Australians, regardless of ancestry, are one people, and Indigenous individuals one group of stakeholders. It is for this reason that former Prime Minister, John Howard (2000), argued that a treaty between Australian mainstream governments and Indigenous peoples was unnecessary because 'the very notion of a treaty in this context conjures up the idea that we are two separate nations.' More recently, the 2017 Uluru Statement from the Heart, which called for a First Nations Voice to be enshrined in the Australian Constitution and the creation of a truth-telling process, was dismissed by then Prime Minister Malcolm Turnbull as 'inconsistent' with the 'fundamental principle' of 'all Australians having equal civic rights' (Turnbull, 2019).

The political rhetoric that all Australians have equal rights reproduces settler colonial dominance through processes of 'normalisation' that attempts to override Indigenous peoples' distinct worldviews. Consistent both with historical attempts to assimilate Indigenous peoples and the positioning of Indigenous individuals as a 'population group', the goal of 'normalisation' is to reproduce lifestyles of the broader Australian community (Eatock, 2018; Sullivan, 2013). Thus, current policy applies a deficit approach (Sherwood, 2013) that characterises Aboriginal and Torres Strait Islander people as 'failed citizens' measured against the 'good white citizen' (Moreton-Robinson, 2009: 77). Applying that normative benchmark, Indigenous services have been mainstreamed and the bureaucracy administering policy treated as 'essentially culture-free, embodying the universal human values that underpin the delivery of services in a neutral manner to all citizens alike' (Sullivan, 2013: 354).

The most audacious set of recent normalising policies, programs, and practices is the Northern Territory Emergency Response (NTER), initiated in 2007 supposedly as a response to allegations of child sexual abuse in Indigenous communities. The NTER saw the introduction of a suite of highly oppressive policies mostly unrelated to child protection, including suspension of the Racial Discrimination Act 1975 and parts of the Native Title Act³, undermining collective land ownership, and taking control of Indigenous organisations, councils, and communities. Normalisation was the clear goal of the NTER Intervention in statements from the then Minister for Indigenous Affairs. Minister Brough described the need to reform Indigenous collective land tenure so as to develop a ‘real economy’, where people can ‘own and control’ their own houses and obtain loans to establish small businesses and where Indigenous communities could become ‘normal suburbs’ (Vivian and Schokman, 2009). The NTER intervention also included the paternalistic and discriminatory policy of income management to normalise Indigenous people’s spending (Bielefeld, 2018; Humpage, 2016). The income management policy has since been expanded across Australia and quarantines between 50 and 100 per cent of Indigenous recipients’ social security entitlements for food and other essentials, and limits spending on prescribed items. The goal is to promote ‘behavioural change’ relating to welfare dependence, parenting, and gaining employment, to encourage ‘socially responsible behaviour’ assessed against norms set by the non-Indigenous majority (Bielefeld, 2018).

Likewise, the current service delivery policy, Closing the Gap (CTG), pursues the goal of normalising Aboriginal and Torres Strait Islander people. CTG was first announced in 2008 as a Council of Australian Governments (COAG) initiative to address disadvantage experienced by Indigenous individuals (Griffiths, et al., 2016). It was heralded by then Prime Minister Kevin Rudd as an initiative to ‘reset relationships’ and ensure ‘Indigenous Australians have an equitable share in the opportunities which our nation offers’ (Australian Government, 2009: 1). CTG was designed to improve the well-being of Indigenous individuals with respect to specific targets selected by settler-colonial governments, including increasing life expectancy, literacy and numeracy, and employment opportunities. Yet, performance on these targets is measured against non-Indigenous normative data (Bond and Singh, 2020: 198), and Aboriginal and Torres Strait Islander peoples’ collective aspirations for self-determination are invisible in the policy. For example, one CTG target is to reduce the number of Indigenous children in out-of-home care by 45 per cent by 2031. According to Noongar scholar Jacyntha Krakouer, such a target is likely to fail as it is implemented in an environment where ‘Aboriginal community-controlled organisations are not involved in

statutory child protection services, and they consequently have minimal power to tackle entry into care' (Krakouer, 2020). Whereas normalisation policies like CTG promote the ideal of statistical equality, they operate in practice against unrealistic targets and in ways that reproduce settler colonial dominance.

Normalisation through policies such as the NTER and CTG imposes the settler-colonial worldview that creates further disruption to Indigenous lives and ignores the systemic causes of Aboriginal and Torres Strait Islander disadvantage (Strakosch, 2019: 119). Indeed, the response by Indigenous people to implementation of the NTER policies was to submit a request for urgent action to the United Nations Committee on the Elimination of Racial Discrimination (Vivian and Schokman, 2009). In the next section we argue the suppression of the distinctive nature of Indigenous lifeworlds causes a breakdown of the protective cultural systems which gives rise to trauma and the disproportionate negative health and social well-being outcomes Indigenous peoples experience.

Worldview suppression, cultural trauma, and policy failure

In this section, we use critical social psychology to analyse how normalisation embedded in settler-colonial policy causes, and perpetuates, harm. Critical social psychology ties negative health outcomes to the oppressive effects of social inequality and intergroup power imbalances (Tuffin, 2005) as distinct from general psychology which, as Bardi scholar, Pat Dudgeon, states 'colonises both directly through the imposition of universalising, individualistic constructions of human behaviour and indirectly through the negation of Aboriginal knowledges and practices' (Dudgeon and Walker, 2015: 276). From this critical perspective, we argue that the policy environment causes harm because it subordinates and constrains the collective authority, voice, and worldviews of Aboriginal and Torres Strait Islander peoples, which is necessary for health and wellbeing.

The cultural worldviews of a collective matter because of the meaning, certainty, value, and purpose they give to individual and social life, making them essential for healthy and emotionally stable societies and the individuals who comprise them (Greenberg et al., 1997). Critically, groups subject to worldview suppression are vulnerable to emotional instability and poor health outcomes because the source of their collective meaning has been undermined. Drawing on this framework, we first analyse how the historical and ongoing suppression of Indigenous peoples' worldviews and voices by the settler-colonial state destabilises the emotional wellbeing of Indigenous people and produces traumatic health outcomes. We then argue that policy and programs designed to remedy these traumatic

outcomes fail because settler-colonial dominance is embedded and reproduced in the policy environment where the dynamics of incompatible Indigenous and settler-colonial worldviews undermine the aspirations of Indigenous people.

Worldview suppression, trauma, and health

The dynamics between attempts to eliminate Indigenous peoples through legal centralism and policies of normalisation, and Indigenous peoples' refusal to give up their distinct identities, creates an unequal struggle between fundamentally incompatible cultural worldviews. Aboriginal and Torres Strait Islander peoples consistently remind non-Indigenous Australia that dominant Western cultural worldviews are alien to their views of the world. According to Goenpul scholar Moreton-Robinson (2015), the ontologies and worldviews of Indigenous people are interconnected with the land, nature, and ancestors and are reflected in their Dreaming stories; a mythological time when nature and humans came into being⁴. This ontology of interconnectedness is seen, for example, in the Ngarrindjeri concept of Ruwe/Ruwar which encapsulates the inextricable link between people, the land, the waters, ancestors, and all living things (Hemming et al., 2019). Consistent with that view, Indigenous peoples report holding social beliefs, values, attitudes, and practices that emphasise interdependence, connection, collaboration, and reciprocity between ancestors, community, kin, the law, Country (or tribal lands), and people (Anderson and Kowal, 2012).

For example, Indigenous understandings of the concept of 'sovereignty' – perhaps better described as responsibility or obligation (Rigney, Bell and Vivian, 2021a) – and of the human relationship to land are informed by an Indigenous ontology that rejects the settler-colonial worldview that land ownership is individual and inalienable; used as a tradeable commodity (Strang, 2005). Gudanji-Arrernte leader, Pat Turner, and Birri-Gubba scholar, Nicole Watson, explain that, for Indigenous people, land is the source of their 'identity, economy and spirituality'; in essence, their 'life force' (Turner and Watson, 2007: 206). Similarly, Gunditjmarra man Damein Bell argues that sovereignty in a Western legal sense is a simplistic concept that does not convey the complex relationship that Indigenous peoples have with their Country and their obligation to care for it (Rigney et al., 2021b).

In contrast, the dominant settler-colonial cultural worldview in Australia was imported and developed with respect to a Western dualistic and individualistic ontology that has embraced capitalism and neoliberalism in the form of market valued governance (Kincheloe, 2011). In this worldview, the dominant form of agency is appropriative, exclusive, and mastering, and has its origins in a mode of sovereign comportment where

interests are firmly based in imperialism and the mastery of the sovereign self over others (Bignall, 2010: 232). The settler-colonial worldview promotes individual autonomy, freedom of expression, separateness from others, land, and nature, and attaches a higher priority to individual rather than group decisions (Moreton-Robinson, 2015). It is this worldview that is solidified in settler-colonial law and policy as the norm to be applied to all citizens.

This conceptual framework explains that dominant groups actively suppress alternative worldviews, creating unequal power and status relations, because of the need to protect the significance and validity of their own worldviews (Becker, 1972). Such a dynamic is demonstrated in the settler-colonial state subjecting Indigenous peoples to dispossession from land, threats to their spiritual beliefs, desecration of sacred sites, denial of customary law, and the displacement of stolen generations of families (Griffiths et al., 2016; Menzies, 2019). Indigenous peoples' worldviews being made subordinate to the settler-coloniser renders them susceptible to anxiety and trauma (Halloran, 2004). That is, the strategies of settler-colonisation and the suppression of Aboriginal and Torres Strait Islander peoples' worldviews explains the significant burden of intergenerational trauma experienced as negative social and well-being outcomes (Calma et al., 2017; Menzies, 2019).

The evidence of traumatic outcomes to support this proposition is abundant. Indigenous individuals are disproportionately represented in a range of social, psychological and well-being markers of trauma compared to the general Australian population. Indicators of a traumatic condition are demonstrated by alarmingly higher reported rates of Indigenous incarceration, infant mortality, suicide, substance abuse, chronic diseases, as well as lower life expectancies (Al-Yaman, 2017; Calma et al., 2017). Incarceration rates among Indigenous youth are up to 26 times higher than the national rate (AIHW, 2016). Suicide rates among Indigenous people are double overall and four times higher than the national average among children aged 4 to 17 (ABS, 2019). Indigenous people report at least three times higher rates of psychological trauma in terms of distress, anxiety, and depression (Korff, 2021). In fact, such negative wellbeing outcomes among Indigenous people are longstanding and are argued by Indigenous Elder and scholar Tom Calma and colleagues (2017: 258) to arise from disruption to the cultural well-being of Indigenous people by the traumatic and intergenerational effects of colonialism.

Policy failure and opposing worldviews

Attempts by settler-colonial government policies and programs to alleviate these symptoms of trauma, experienced as Indigenous socioeconomic distress and poor wellbeing,

have repeatedly failed. Tellingly, the CTG national policy regime introduced in 2008 with great hopefulness has never reached its health and wellbeing targets. It is described by the Chair of the Coalition of Peaks and Gudanji-Arrernte elder, Pat Turner, as telling ‘the same story of failure every year’ (Allam, 2020). Indigenous socioeconomic and health indicators are either stagnant or improving so slowly that parity may never be achieved (Australian Government, 2020). The framework we propose poses an inextricable link between the suppression of Indigenous worldviews and negative health outcomes, such that settler-colonial policy will perpetually fail while it imposes settler-colonial norms.

Such failure is evident in health policy directed at the individual only rather than the community. Settler-colonial health practices are compartmentalized, and Indigenous health projects are funded by mainstream health systems ‘according to body parts and diseases’ (Sherwood and Edwards, 2006: 181). In contrast, Aboriginal and Torres Strait Islander people hold a holistic view of health and wellbeing that incorporates the multiple realms of mental, physical, cultural, environmental, and spiritual health and wellbeing (Lowitja Institute, 2020: 10). Reflecting this holistic view of health and wellbeing, a literature review conducted for the Lowitja Institute and the Mayi Kuwayu National Study of Aboriginal and Torres Strait Islander wellbeing identified six broad cultural domains or themes that enable or are related to producing good health and wellbeing, namely: connection to Country; Indigenous beliefs and knowledges; Indigenous language; family, kinship and community; cultural expression and continuity; and self-determination and leadership (Lowitja Institute, 2020: 12).

Importantly, the link between facilitating Indigenous collective life and positive health and wellbeing outcomes among Indigenous peoples is acknowledged in the medical and psychology literature to inform health practice and policy (e.g., Gone et al., 2019; Halloran, 2004). As such, there is commitment by professional health care bodies and organisations to provide training and services that encompass and practice cultural safety with Indigenous clients where cultural differences are respected in health interventions (Lavery, et al., 2017). Research findings substantiate the efficacy of this approach by showing that significant improvements in health among Indigenous communities is due to people engaging with their worldviews, and Indigenous people enjoying connectedness to culture, family, and land (Anderson and Kowal, 2012) where decisions are made using local knowledge and community engagement (Liaw et al., 2011).

While such developments are positive and to be welcomed, we concur with Indigenous author Dian Million (2013: 78) that analysis of the ‘Indigenous problem’ can

become preoccupied with treating the symptoms of trauma rather than underlying causal factors such as social justice. A focus on the symptoms of intergenerational trauma has the potential to pathologize Indigenous people and culture and obscure the systemic factors that perpetuate trauma (Maxwell, 2014). Instead, the voices of Indigenous people speak to the direct impact on their wellbeing of the struggle to reconcile their worldviews with those of mainstream Australian society (Habibis et al., 2020). As one Indigenous health professional explained: 'It's that dictatorship and it's the controlling of Aboriginal people's lives and how do they expect us to control our lives if they're trying to control it in a culturally foreign manner and totally violating human rights' (AIDA and CHETRE, 2010: 15).

In our analysis, the settler-colonial dynamic underlying the suppression of Indigenous worldviews is a mechanism for how the policy environment produces intergenerational trauma and undermines the very objectives that policies in the Indigenous affairs arena are supposed to achieve, namely improving the vitality, health, and social well-being of Indigenous people. It follows that there is little prospect of thriving Aboriginal and Torres Strait Islander societies while their worldviews are subjugated by settler-colonial policy and law, and 'post-colonial Australia exists in an ongoing state of intercultural war' (Bignall, 2014: 347). Because settler-colonisation is structural, its entrenched suppression of Indigenous worldviews and collective life is also structural, signalling the need for profound reform that goes to the heart of how relations are positioned and conducted among Aboriginal and Torres Strait Islander peoples and settler-colonial governments. We discuss an approach for moving relations forward in the next section.

Ways forward

Having analysed settler-colonial relations with Indigenous peoples as a product of the dominant society's desire to eliminate 'the other', it may seem antithetical to propose that an alternative future is possible. As Macoun and Strakosch explain, given that settler-colonisation is structural, there can be a tendency to construct existing political relationships as inevitable and unchanging (2013: 427). Successive Australian settler-colonial governments have asserted this inevitability and denied relations with Aboriginal and Torres Strait Islander peoples as co-equal sovereigns co-existing on the same continent. Settler-colonial governments have treated the fundamentals of settler-colonial supremacy as sacrosanct, despite their rhetoric of wishing to reset relations or establish genuine partnerships.

Settler-colonial governments' claim to reset relations has taken various forms, but can be categorised as recognition politics, ostensibly designed to acknowledge past injustices

imposed by settler-colonialism. Recognition politics is exemplified in Australia and other jurisdictions in ‘reconciliation’ movements. For example, formed in 2001, Reconciliation Australia aims to promote positive race relations, equality and equity, and historical acceptance of past injustices (Parliament of Australia, 2019). Yet, the recognition politics of reconciliation has largely been dismissed and discredited as a tokenistic means of recalibrating relations among Indigenous societies and settler colonial states to ‘move on from the past’ (Simpson, 2017: 23-24). Reconciliation reinforces the settler-colonial fiction of a united Australia, ignores plurality, and fails to acknowledge the deep, resilient, and continuing nature of conflict (Palmer and Pocock, 2020). Reconciliation does not attempt structural reform and as expressed by Indigenous elder Kevin Gilbert: ‘does not promise a Treaty ... [or] ...reparation for the taking away of our lives, our lands and our economic and political base’ (1993: 2).

By contrast, the conceptual framework of collaborative politics treats the dynamics of differing worldviews as a potential strength, and the self-determining actions of Indigenous peoples as an antidote to the status quo (Bignall 2014). It honours the agency of Indigenous peoples that continue to assert their sovereignty, exercise their inherent rights to self-determination and seek to unsettle the hegemony of the settler-colonial state. In doing so, Indigenous peoples prevent the settler-colonial fiction of a single sovereignty from being realised. Collaborative politics accounts for the complexity of settler-colonial/Indigenous relations, envisaging discrete and distinct Indigenous and non-Indigenous societies coexisting and living according to their own worldviews with points of connection and disagreement.

Collaborative politics views the dynamics of these relations as metaphorically between ‘spiky bodies’ that require negotiation around points of agreement and difference (Bignall, 2014). Importantly, collaborative politics allows for disagreement that cannot be resolved, including those that are the inevitable consequences of the opposing worldviews of Indigenous and non-Indigenous societies, such as different attitudes to ownership of land and sovereignty discussed above. Collaborative politics acknowledges differences cannot easily be combined for the sake of forced unity; nor should they be. Instead, collaboration envisions a negotiation space allowing the coexistence of distinct and opposing interests of Indigenous peoples and settler-colonial society, without undermining or eliminating one set of interests over another. As Bignall (2014: 349) puts it: ‘good friendship is ... a relationship which acknowledges and preserves dissymmetry’. In good friendship, points of disagreement do not undermine relations and can be managed selectively via negotiation, sidestepping, or acknowledgement. Agreement and disagreement can mutually coexist in a collaborative

struggle to generate positive outcomes through what Bignall (2014) terms ‘excolonialism’: where the state exits from settler-interested modes of negotiation in favour of equal relationships with Indigenous peoples.

The capacity of a collaborative politics framework to respect distinct worldviews has proven productive in negotiations between the Ngarrindjeri Nation, the South Australian state government, and local governments on Ngarrindjeri Country. The decision to engage with the settler-colonial state is made from necessity as Ngarrindjeri scholar Daryle Rigney (2014: 541) explains

Engaging with State institutions both creates and threatens our existence as Indigenous peoples. However, disengagement from State mechanisms is not a choice in settler societies where the relationship between Indigenous peoples and the State continues to be constructed and mediated in multiple political, economic, social, and educational environments.

Thus, key Ngarrindjeri Elders, leaders and allies aim to ‘unsettle hegemonic structures and conditions and re-centre Ngarrindjeri interests’, including through symbolic recognition in ‘legal recognition, apologies, agreements, and formal plans’; formalising and publishing Ngarrindjeri policy documents and plans; and entering partnerships with other Indigenous nations within Australia and internationally (Hemming & Rigney 2008: 758-764).

The Ngarrindjeri Nation effectively has articulated its sovereign status and has successfully asserted its inherent rights with the South Australian state through targeted legal and political innovations to negotiate shared authority in the co-development of natural resource management policy (Hemming et al., 2019). In creating the Ngarrindjeri Regional Authority (NRA) as a nation decision-making body with the explicit aim of becoming the fourth tier of government on Ngarrindjeri Country, the Ngarrindjeri generated capacity to set their own agenda and to influence the agenda of local and state governments. In that context, the Ngarrindjeri Nation has sought to address the power imbalance by utilising settler-colonial processes such as engagement protocols and contract law to identify as an autonomous nation, organise as a political body (rather than a manager of services), and act on behalf of Nation goals (Cornell, 2015). A critical element of the NRA’s nation-building strategy has been the negotiation of ‘KNY’ agreements (Kungun Ngarrindjeri Yunnan meaning ‘listen to Ngarrindjeri people speaking as Country’); contracts that are legally binding in the settler-colonial legal system. KNY agreements express each partner’s commitment to respect each other’s authority and expertise, which are monitored through agreed engagement protocols.

A further strategy is the Yannarumi (speaking lawfully *as* Country) negotiation and agreement framework whereby proposed projects, practices, partnerships, and activities on Ngarrindjeri Country are assessed as whether they are healthy, lawful and create wellbeing according to Ngarrindjeri values. For example, the Ngarrindjeri Nation's starting point in land management negotiations is to reject the western concept that parts of Country can be separated or isolated from one another. They argue that ecological measures such as 'natural variation' and 'limits of acceptable change' can only be determined using generations of Ngarrindjeri knowledge in their role of custodians of Country (Hemming et al., 2019). In other words, the Ngarrindjeri Nation is actively renegotiating relations with the settler-colonial state to assert its worldview, rights, and interests, providing a viable model to redress ongoing policy failures and their interrelated traumatic effects.

Conclusion

Relations among Indigenous peoples and the Australian settler-colonial state are shaped by oppression, intergenerational trauma, and subordination of the distinct worldviews and voice of Aboriginal and Torres Strait Islander peoples. We argue that in an environment of unequal power relations reproduced by the settler-colonial state's assertion of superiority, the suppression of Aboriginal and Torres Strait Islander collective life in accordance with their ontologies and worldviews perpetuates collective and individual trauma. Further, this subordination of Indigenous collective life is systemic in policy and bureaucracy as assimilation and normalisation, driving repeated and almost habitual policy failure. In short, because Australian settler-colonial law and policy oppresses Aboriginal and Torres Strait Islander cultures, Indigenous peoples experience trauma which will continue until the oppression stops.

While it is possible to point to some policy and program success, such as through culturally safe practices in health (Lavery et al., 2017), these are not the norm. Instead, settler-colonial normalisation is embedded in policy representing Indigenous people as a problem to be solved or a deficit to be remedied (Nakata and Maddison, 2019; Sherwood, 2013) and for reflecting surface level recognition politics in Indigenous/non-Indigenous relations; in essence, for continuing the colonial project (Griffiths et al., 2016). Simply, it is government approach to policy that is in deficit, not Aboriginal and Torres Strait Islander peoples.

Critically, an alternative approach is possible. As Nakata and Maddison state (2019: 419), it is important to make 'relations between Indigenous peoples, settlers, and the settler-

colonial state the focal point of inquiry rather than the lives and bodies of Indigenous peoples'. Collaborative politics does focus on these relations and suggests just and viable relations between Australian Indigenous peoples and the settler-colonial state are possible where there is space for the worldviews of Indigenous peoples and the settler state. It suggests a way forward to alleviate policy failures and traumatic outcomes that are currently entrenched.

Acknowledgements

We pay our respects to the Aboriginal and Torres Strait Islander peoples of Australia and acknowledge the challenges they face in asserting their sovereignty, exercising their rights to self-determination, and fulfilling their obligations as custodians of Country. We pay respects to their Elders, past, present, and emerging and to the Wurundjeri Nation, upon whose Country we live and work. Thank you to Simone Bignall, Elizabeth Strakosch, Anthea Compton, and the CSP collective for their helpful suggestions on earlier drafts of this article.

Funding

The authors received no financial support for the research, authorship, and/or publication of this article.

Notes

1. The authors recognise the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander collectives and that there is no one cultural model or descriptor appropriate for all Aboriginal and Torres Strait Islander collectives. We note that Aboriginal and Torres Strait Islander political collectives use a variety of terms to describe themselves, for example, nation, clan, people, society, community, polity etc. Much of the analysis contained in this paper is applicable in Australia and internationally and so we have used the term ‘Indigenous peoples’, since it is the term used in the UN Declaration on the Rights of Indigenous Peoples to describe Indigenous collectives with the inherent right to self-determination. When referring to communities/nations that are Aboriginal or Torres Strait Islander communities, we refer to them specifically as ‘Aboriginal’ or ‘Torres Strait Islander’ and more correctly by name chosen by the collective to refer to itself.
2. Consistent with the methodology recommended by Whittmore and Knaffel (2005), an integrative review was conducted to source the literature and knowledge used in this paper. To identify research and theory on settler-colonial law and policy and its relationship to Indigenous health and wellbeing, a literature survey was conducted using these terms as keywords in a search of relevant databases. From this search, papers were evaluated and included in our analysis for their relevance, level of critical analysis, and where they prioritise Indigenous voices.
3. The Native Title Act is a law passed by the Australian Parliament that recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and customs.
4. Our focus on Indigenous ontologies and worldviews as a general characteristic does not discount the diversity between Indigenous cultural groups within communities as well as across the country. We do not seek to essentialize cultural groups or simplify cultural diversity, but like Moreton-Robinson (2015) follow a view that Indigenous ontologies and worldviews emphasise and privilege distinct ways of knowing and acting in the world.

References

- Allam L (2020) Closing the gap doomed to fail without Aboriginal leader's input leaders say. *The Guardian*, February 12, 2020.
- Al-Yaman F (2017) The Australian burden of disease study: Impact and causes of illness and death in Aboriginal and Torres Strait Islander people. *Public Health Research and Practice* 27(4): e2741732.
- Anderson H and Kowal E (2012) Culture, history, and health in an Australian Aboriginal Community: The case of Utopia. *Medical Anthropology* 31(5): 438-57.
- Australian Bureau of Statistics (ABS) (2019) 3303.0 - *Causes of Death, Australia, 2018*. Available at: <https://www.abs.gov.au/> (accessed 18 November 2020).
- Australian Government (2009) *Closing the Gap on Indigenous Disadvantage: The Challenge for Australia*. Available at: http://www.dss.gov.au/sites/default/files/documents/05_2012/closing_the_gap.pdf
- Australian Government (2020) *Closing the Gap Report 2020*. Department of Prime Minister and Cabinet.
- Australian Indigenous Doctors' Association and Centre for Health Equity Training, Research and Evaluation (AIDA and CHETRE, 2010). *Health Impact Assessment of the Northern Territory Emergency Response*. Canberra: Australian Indigenous Doctors' Association.
- Australian Institute of Health and Welfare (AIHW; 2016) *Youth Detention Population in Australia* Bulletin 138, Cat. no. AUS 210.
- Becker E (1972) *The Birth and Death of Meaning: An Interdisciplinary Perspective on the Problem of Man* (2nd ed). Harmondsworth: Penguin.
- Bielefeld S (2018) Government mythology on income management, alcohol, addiction and Indigenous communities. *Critical Social Policy* 38(4): 749-70.
- Bignall S (2010). *Postcolonial agency critique and constructivism*. Edinburgh: Edinburgh University Press.
- Bignall S (2014) The collaborative struggle for excolonialism. *Settler-colonial Studies* 4(4): 340-356.
- Bond CJ and Singh, D (2020) More than a refresh required for closing the gap of Indigenous health inequality. *Medical Journal of Australia* 212(5): 198–199.e1.
- Calma T, Dudgeon P and Bray A (2017) Aboriginal and Torres Strait Islander social and emotional wellbeing and mental health. *Australian Psychologist* 52(4): 255-260.
- Coe (on behalf of the Wiradjuri tribe) v Commonwealth of Australia (1993) 118 *Australian Law Review* 193.
- Commonwealth of Australia (1997) *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Commonwealth of Australia: Australian Government Publishing Service. Available at https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf
- Cornell S (2015) Processes of native Nationhood: The Indigenous politics of self-government. *International Indigenous Policy Journal* 6(4): DOI: 10.18584/iipj.2015.6.4.4
- Deakin A (1903) *Election Speech*. Available at: <http://electionspeeches.moadoph.gov.au/speeches/1903-alfred-deakin>
- Dodson M (1996). *Assimilation versus self-determination: No contest*. Speech at the HC Coombs Northern Territory Inaugural Lecture. Available at: <https://humanrights.gov.au/about/news/speeches/assimilation-versus-self-determination-no-contest-dodson-1996>

- Dodson M and Strelein LM (2001) Australia's nation-building: Renegotiating the relationship between Indigenous peoples and the state. *University of New South Wales Law Journal* 24(3): 826-39.
- Dudgeon P and Walker R (2015) Decolonising Australian psychology: Discourses, strategies, and practice. *Journal of Social and Political Psychology* 3(1): 276–297.
- Eatock C (2018) Resisting the ascendancy of an emboldened colonialism. In: Howard-Wagner D, Bargh M and Altamirano-Jimenez I (eds) *The Neoliberal State, Recognition and Indigenous Rights*. CAEPR Research Monograph No 40, Australian National University: 59-75.
- Gilbert K (1993) *Aboriginal Sovereignty: Justice, the Law and the Land*. Canberra: Burrumbinga Books.
- Goldsmith RE, Martin CG and Smith CP (2014) Systemic trauma. *Journal of Trauma & Dissociation* 15(2): 117-132
- Gone JP, Hartmann WE, Pomerville A, Wendt DC, Klem SH and Burrage, RL (2019) The Impact of Historical Trauma on Health Outcomes for Indigenous Populations in the USA and Canada: A Systematic Review. *American Psychologist* 74(1): 20–35.
- Greenberg J, Solomon S and Pyszczynski T (1997) Terror management theory of self-esteem and cultural worldviews: Empirical assessments and conceptual refinements. In: Zanna MP (ed) *Advances in Experimental Social Psychology* (Vol 29). San Diego: Academic Press, pp.61-139.
- Griffiths J (1986) What is legal pluralism? *Journal of legal pluralism and unofficial law*, 18(24): 1–55.
- Griffiths K, Coleman C, Lee V and Madden R (2016) How colonisation determines social justice and Indigenous health—A review of the literature. *Journal of Population Research* 33(1): 9-30.
- Habibis D, Taylor PS and Ragaini BS (2020) White people have no face: Aboriginal perspectives on white culture and the costs of neoliberalism. *Ethnic and Racial Studies* 43(7): 1149-1168.
- Halloran, M (2004) Cultural trauma and recovery in Indigenous Australia. *Murdoch University E-Law Journal*, 11(4).
- Hemming S and Rigney D (2008) Unsettling sustainability: Ngarrindjeri political literacies, strategies of engagement and transformation. *Continuum: Journal of Media and Cultural Studies*, 22(6): 757–775.
- Hemming S, Rigney D, Bignall S, Berg S and Rigney G (2019) Indigenous nation building for environmental futures: Murrundi flows through Ngarrindjeri country. *Australasian Journal of Environmental Management* 26(3): 216-235.
- Howard J (2000) Transcript of the Prime Minister, John Howard, Interview, 7.30 Report (29 May 2000). Available at: <https://pmtranscripts.pmc.gov.au/release/transcript-22789>
- Humpage L (2016) Income management in New Zealand and Australia: Differently framed but similarly problematic for Indigenous peoples. *Critical social policy*, 36(4): 551–571.
- Kincheloe JL (2011) Critical ontology and Indigenous ways of being. In: Hayes K, Steinberg SR and Tobin K (eds) *Key Works in Critical Pedagogy*. Rotterdam: Sense Publishers, pp.333–349.
- Korff, J (2021) Mental health and Aboriginal people. Available at: <https://www.creativespirits.info/aboriginalculture/health/mental-health-and-aboriginal-people>.
- Krakouer J (2020) *The Closing the gap target to reduce numbers of Indigenous children in care by 45% within 10 years is unrealistic and likely to fail*. Available at:

<https://www.anzsog.edu.au/resource-library/news-media/opinion/closing-the-gap-target-to-reduce-numbers-of-indigenous-children-in-care>

- Laverty M, McDermott DR and Calma T (2017) Embedding Cultural Safety in Australia's Main Health Care Standards. *Medical Journal of Australia*, 207(1): 15-16.
- Liaw ST, Lau P, Pyett P, Furler J, Burchill M, Rowley K and Kelaher M (2011) Successful Chronic Disease Care for Aboriginal Australians Requires Cultural Competence. *Australian and New Zealand Journal of Public Health* 35(3): 238-48.
- Love and Thoms v Commonwealth (2020) 94 *Australian Law Journal* 198.
- Lowitja Institute (2020) *Culture is Key: Towards cultural determinants-driven health policy – Final Report*. Melbourne: Lowitja Institute.
- Macoun A and Strakosch E (2013) The Ethical Demands of Settler Colonial Theory. *Settler Colonial Studies*, 3(3–4): 426-443.
- Maxwell K (2014) Historicizing historical trauma theory: Troubling the trans-generational transmission paradigm. *Transcultural Psychiatry* 51(3): 407-435.
- McHugh PG (2004) *Aboriginal Societies and the Common Law: A History of Sovereignty, Status, and Self-Determination*. Oxford University Press.
- Menzies K (2019) Understanding the Australian Aboriginal experience of collective, historical and intergenerational trauma. *International Social Work* 62(6): 1522-534.
- Milirrpum v Nabalco (1971) 17 *Federal Law Review* 141.
- Million D (2013) *Therapeutic nations healing in an age of indigenous human rights*. Tucson: University of Arizona Press.
- Moreton-Robinson A (2009) Imagining the Good Indigenous Citizen: Race War and the Pathology of Patriarchal White Sovereignty. *Cultural Studies Review* 15(2): 61-79.
- Moreton-Robinson A (2015) *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press.
- Nakata S and Maddison S (2019) New collaborations in old institutional spaces: Setting a new research agenda to transform Indigenous-settler relations. *Australian Journal of Political Science* 54(3): 407-422.
- Palmer J and Pocock C (2020) Aboriginal Colonial History and the (Un)Happy Object of Reconciliation. *Cultural Studies* 34(1): 49–69.
- Parliament of Australia (2019) *Reconciliation access plan*. Available at: https://www.aph.gov.au/About_Parliament/Publications/Reconciliation_Action_Plan
- Perkins R and Langton M (2008) *First Australians: An illustrated history*. Carlton, Vic.: Melbourne University Publishing.
- R v Murrell and Bummaree (1836) 1 Legge 72; [1836] *NSW Supreme Court* 35.
- Rigney D, Bell D and Vivian A (2021a) Talking Treaty: A Conversation on how Indigenous Nations can become Treaty Ready. In Hobbs H, Whittaker A and Coombes L (eds). *Treaty-making: two hundred and fifty years later*. Alexandria: The Federation Press, pp.17-42.
- Rigney D, Bignall S, Vivian A, Hemming S, Berg S and Bell, D (2021b) Treating treaty as a technology for Indigenous nation building. In Smith D, Delaney D, Wighton A and Cornell, S (eds) *Developing governance and governing development: International case studies of Indigenous futures*. Lanham: Rowman & Littlefield, pp.119-140.
- Rigney D and Hemming S (2014) Is 'Closing the Gap' Enough? Ngarrindjeri ontologies, reconciliation and caring for country. *Educational Philosophy and Theory* 46(5): 536-541.
- Sherwood J (2013) Colonisation - it's bad for your health: the context of Aboriginal health. *Contemporary Nurse* 46(1): 28-40.
- Sherwood J and Edwards T (2006) Decolonisation: A critical step for improving Aboriginal health. *Contemporary Nurse* 22(2): 178-190.

- Simpson A (2017) The ruse of consent and the anatomy of 'refusal': Cases from Indigenous North America and Australia. *Postcolonial Studies* 20(1): 18-33.
- Strakosch E (2019) The technical is political: Settler-colonialism and the Australian Indigenous policy system. *Australian Journal of Political Science* 54(1): 114-130.
- Strang V (2005) Knowing me, knowing you: Aboriginal and European concepts of nature as self and other. *Worldviews: Global Religions, Culture, and Ecology* 9(1): 25-56.
- Sullivan P (2013) Disenchantment, Normalisation and Public Value: Taking the Long View in Australian Indigenous Affairs. *The Asia Pacific Journal of Anthropology* 14(4): 353-369.
- Tuffin K (2005) *Understanding critical social psychology*. London: Sage
- Turnbull M (2019) Response to Referendum Council's report on Constitutional Recognition. Available at: <https://www.malcolmturnbull.com.au/media/response-to-referendum-councils-report-on-constitutional-recognition>
- Turner P and Watson N (2007) The Trojan horse. In: Altman J and Hinkson M (eds) *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia*. Melbourne, Australia: Arena Publications pp.205-212.
- Tully J (2000) The struggles of Indigenous peoples for and of freedom. In: Ivison D, Patton P and Sanders W (eds) *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press, pp.36-60.
- Veracini L (2018) Containment, elimination, settler-colonialism. *Arena Journal*, 51/52: 18-39.
- Vivian A, Jorgensen M, Reilly A, McMillan M, McRae C and McMinn J (2018) Indigenous self-government in the Australian Federation. *Australian Indigenous Law Review* 20: 215-42.
- Vivian A, Jorgensen M, Bell D, Rigney D, Cornell S and Hemming S (2016) Implementing a project within the Indigenous research paradigm: The example of nation building research. In: Porter A (ed) *Ngylia: Talk the law, Indigenous methodologies* (Vol 5). Sydney, NSW: University of Technology, pp.47-74.
- Vivian A and Schokman B (2009) The Northern Territory Intervention and the fabrication of 'special measures'. *Australian Indigenous Law Review* 13(1): 78-106.
- Whittemore R and Knafl K (2005) The integrative review: updated methodology. *Journal of Advanced Nursing*, 52(5): 546-553.
- Williams RA (2005) *Like a Loaded Weapon: The Rehnquist Court, Indian Rights and the Legal History of Racism in America*. University of Minnesota Press.
- Wolfe P (2006) Settler-colonialism and the elimination of the native. *Journal of Genocide Research*, 8(4): 387-409.
- Wolfe P (2016) *Traces of History: Elementary Structures of Race*. London: Verso.
- Yorta Yorta Aboriginal Community v Victoria (2002) 214 Commonwealth Law Review 422.

Author Biographies

Alison Vivian is a lawyer and senior researcher at the Jumbunna Indigenous Nations and Collaborative Futures Research Hub (INCF) at the University of Technology Sydney. Her research relates to Indigenous nation-building (INB), Indigenous governance, and legal pluralism as exercising sovereignty and self-determination and is represented in her publication in the *Australian Indigenous Law Review*. Led by Ngarrindjeri academic and INB practitioner, Professor Daryle Rigney, Vivian has partnered with the Gunditjmarra People, Ngarrindjeri Nation, Gugu Badhun Nation and individuals and groups with the Wiradjuri and Nyungar nations to understand factors that contribute to Aboriginal and Torres Strait Islander self-governance and self-determination.

Michael J Halloran is an Honorary Associate Professor of social and cultural psychology, La Trobe University, Melbourne. He is a social and cultural psychologist who specialises in matters related to intergenerational trauma, intergroup relations, and Indigenous and African American health and wellbeing as represented in a recent publication in the *Journal of Black Studies*.

Corresponding author: Alison Vivian, Jumbunna Institute for Indigenous Education & Research, University of Technology Sydney, PO Box 123 Broadway, NSW 2007, Australia, email: alison.vivian@uts.edu.au