Special Digital Edition, August 2023

Quadrant

Why the Voice would be a Disaster for Australia

Three Arguments Against the Voice
Tony Abbott

Fifty Reasons to Vote No
Roger Franklin

The Progressive Case Against the Voice
Peter Baldwin

Sacred Sites and the Ruse of Tradition
Peter Purcell

The Dark Origins of the Voice
Michael Connor, Joe Stella

Why Christians Should Say No
James Jeffery

On Galarrwuy Yunupingu Keith Windschuttle
On bumper sticker resistance Joanna Hackett
On intergenerational trauma Gary Johns
On "truth-telling" art Christopher Heathcote
On synthetic indigenous culture Christopher Joliffe
On the shambles to follow a win for Yes Stephen Mason

remote politics | truth-telling | welfare | history | canberra politics
culture | society | arts | religion | statistics | education | health | law

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LETTERS

Introducing Conflict

SIR: The Referendum Bill to amend the Constitution to provide for the Voice raises an issue that does not yet seem to have attracted any attention amongst its supporters. Or, if it has, they have kept quiet about it.

Proposed section 129(iii) of the Constitution will give the Parliament power "subject to" the Constitution to make laws with respect to the Voice, including its composition, functions, powers and procedures. Being subject to the Constitution, it is subject also to section 51 of the Constitution. That provision gives the Parliament its various legislative heads of power. But section 51 is also expressed as "subject to" the Constitution.

The question is this: if section 129(iii) becomes law, which head of power prevails in the event of a conflict—section 129(iii) or section 51? Each is "subject to" the other. There is no reason to say in advance which power prevails. Under section 129(iii) the Parliament cannot ignore limitations on powers in section 51, but if section 129(iii) prevails those limitations can be ignored by Parliament. For example, if section 129(iii) prevails, the requirement to provide just terms upon acquisitions of land in exercise of the power in section 51(xxxi) can be ignored. So much, in that event, for security of land tenure in Australia. Vast tracts of land and territory could be at risk.

Minister Linda Burney assured us on July 5 that the Voice is "constitutionally sound and legally safe". Plainly that is not true.

And if section 129(iii) prevails, what might happen under the aliens power in section 51(xxvi)? Could the Voice determine in exercise of its (presently unspecified) powers that some of the Australian population are aliens? Could the "aliens" be all those who are not Aboriginal? Could most of us end up being aliens in our own land?

This is a recipe for disaster and conflict which could go on for decades. And how might the High Court resolve disputes between the two sources? This is a serious problem which has attracted no—or exceedingly little—comment. As usual, the activists are demonising anyone who dares question the initiative. That problem is a very good reason *on its own* to vote No.

Damien Cremean

A Legal Ruse

SIR: "A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?"

The above is the proposed referendum text. We are invited to answer by writing YES or NO. The motion is flawed for the following reasons.

First, no new *law* is required to amend the Constitution though, as we have recently seen, Parliamentary approval is required to hold a referendum. If a proposed constitutional amendment is put to the people and accepted, the amended Constitution binds the Parliament. Thus the leading phrase—"A Proposed Law"—is meaningless.

Second, the text asks whether the voter approves "*this* proposed alteration" but as the proposed alteration to the Constitution will not be on the ballot paper, a question of principle (of amending the Constitution) is confused with an actual amendment. The amendment is present online but it is not likely that many voters will read it. In effect, then, citizens are being invited to vote on a vital constitutional matter without knowing the wording of the amendment.

Third, the amendment text uniquely links recognition of First Peoples with establishment of a

Welcome to this edition

Keith Windschuttle

I'm glad to welcome you to this special digital edition of *Quadrant Magazine* for August 2023. We don't normally produce a separate edition for this month of the year but, with the looming referendum about installing the Aboriginal Voice into the Australian Constitution, we felt it imperative to do our best to expose and oppose this foolish proposal.

We are sending this digital edition to all our subscribers. We will also make it available on the Home page of *Quadrant Online*. It is a publication in PDF format, which makes it downloadable, and free, for anyone with a computer.

We invite you to download as many copies as you like and forward them to friends, relatives or anyone else who would find the edition worth reading. You might also ask them to send a copy to their own relatives and acquaintances so that the publication and its contents get as much exposure as possible.

In this edition, we provide a collection of more than forty articles. Many are new and were written especially for this edition. Others were recently published by authors well-known to *Quadrant* readers. You can get an idea of the ground we cover by scanning the categories in the Table of Contents on page one.

The collection examines not only the Voice itself and the deceitful politics that have produced it, but also the social, intellectual and moral grounds from which it has emerged. We have tried to make the collection as broad as possible, with as little repetition as possible.

I am writing this on the day the Vote Yes and Vote No pamphlets for the referendum have been made public. In the content of the Vote Yes pamphlet, I see the description "deceitful" is even more appropriate than I thought. Ever since the Voice emerged from the Uluru meeting in 2017, its authors have made it clear that putting the Voice into the Constitution is only the start of the "unfinished business" they want to complete. The road to their ambition is the triad of "Voice, Treaty and Truth-Telling". Their ultimate goal is Sovereignty over what were once Aboriginal lands. Yet not one word about either the process or the goal can be found in the Vote Yes pamphlet. Search its pages for the word *Treaty* and you draw a blank. The same goes for *Truth* and *Sovereignty*. And there's not the slightest whiff of *Reparations* or *Compensation*. In other words, the authors don't want the voters to know what they are really on about. What a deceitful approach to constitutional change. And what a disgrace to our nation if it actually gets up.

Voice (in both the ballot papers and proposed amendment, but using different wording), and this creates several issues. The linkage means that the only vector for recognition is creation of the Voice. At no point does the amendment state explicitly that the existence of the First Peoples is hereby recognised, but conversely the Voice is given functions other than recognition. Thus the relationship between recognition and the Voice is uncertain, but it seems to be an attempt to kill two birds with one stone. The amendment wording augments the already solid difficulty of winding up a constitutional Voice by a possible second future referendum, because it will leave recognition isolated from its anchor or deleted.

If some other recognition wording was used, could the Voice proposal be dispensed with? Logically it could, but such an outcome is likely to be unacceptable because simple recognition provides no consequential rights or privileges of the sort assigned to the Voice.

The proposed amendment would be greatly improved if it assigned recognition and created the Voice separately and independently. Given recognition of the Aboriginal peoples in various High Court decisions such as *Mabo*, and knowing that a legislated Voice could have been created by the Parliament, constitutional recognition has the appearance of a ruse to justify elevation of the Voice into the Constitution, whereas most Australians are likely to be in agreement with recognition but legitimately cautious about a constitutional Voice, creating another reason for a No vote.

Changing a country's constitution is not a simple matter. But the proposed question being put to the Australian people and the related amendment are incompetent by any standards and demand a No vote, even without regard to the other currently unexplained matters affecting one's vote, such as exactly how the Voice would operate, what it would cost and what limitations (if any) would apply to its functions.

Alasdair Millar

FIFTY REASONS TO VOTE NO

Roger Franklin

Unless Anthony Albanese, taking note of the rapidly declining support for the Voice, decides to cut his losses by postponing the referendum, Australians will soon be asked to authorise a pointedly unexplained addition to the Constitution that opens a host of possibilities, none of them good.

That's one key reason to oppose the Voice. Here are fifty more:

1. Because you still can.
2. Because you're sick and tired of woke.
3. Because BHP shouldn't have opinions on anything except digging stuff out of holes.
4. Because Wesfarmers has no business giving $2 million of shareholder cash to the Yes camp.
5. Because every Yes-backing sporting code in the country has been bought with grants and handouts.
6. Because Albanese & Co can't or won't explain what they have in mind.
7. Because you don't approve of Melbourne being renamed Naarm.
8. Because, sooner or later, the High Court will get involved.
9. Because the High Court has been known to indulge in judicial ratbaggery.
10. Because Australians need their very own "Bud Lite moment".
11. Because the National Press Club tells us we should.
12. Because the ABC and Nine newsrooms will be awash with tears if Yes loses.
13. Because a No victory will prompt the gnashing of teeth and rending of garments at the *Guardian*.
14. Because you're sick and tired of being called a racist.
15. Because Dan Andrews wants it and so does Victoria's empty-suit opposition leader.
16. Because you've never given an Aborigine infected blankets.
17. Because you've never distributed poison flour.
18. Because the Massacre Map isn't history, it's elements of truth larded with a lot of agitprop.
19. Because you've been silent about too much for too long.
20. Because you don't need welcoming to your own country.
21. Because, if you're a New Australian or recently descended from such, what harm did your ancestors ever do an Aborigine?
22. Because Bruce Pascoe.
23. Because it was fun to hear Linda Burney's slurred mispronunciation of "Aborishnial", but the novelty has worn off.
24. Because a No victory will do serious harm to Anthony Albanese's leadership.
25. Because Anthony Albanese will have a target on his back.
26. Because few things are quite so amusing as watching comrades counting numbers, sharpening knives and lopping heads.
27. Because a No win will make Marcia Langton more irate than usual.
28. Because, unlike gender fluidity and other noxiously fashionable memes, the Voice is the one woke narrative you can stomp.
29. Because your blue-haired niece caused a scene at the last Christmas dinner.
30. Because, if you have no black blood whatsoever, you'll have only slightly less than some Voice campaigners.
31. Because, as Salvatore Babones notes, at this rate we'll all be Aborigines by 2080.
32. Because scholarly, accurate but unsettling accounts of Aboriginal life and customs are being removed from library shelves.
33. Because we shouldn't be having this referendum in the first place and, Yes or No, race relations and resentments will be worse in its wake.
34. Because Noel Pearson's constant insults deserve a ballot-box rebuke.
35. Because Noel Pearson is always ready for his close-up.

36. Because a Voice won't stop what's happening every night in Alice Springs.
37. Because Aborigines don't trace the bulk of their lineage to Malaysia, the Philippines, Niue, Vanuatu and Singapore.
38. Because you're weary of being told how to think.
39. Because your kids are being taught *what* to think.
40. Because Pat Dodson refuses to remove his hat in the Senate.
41. Because bar associations, undoubtedly aware of the potential for lucrative litigation, are backing Yes.
42. Because the voting booth makes you immune to doxing, cancelling and workplace retribution.
43. Because of the newly legislated shakedowns by Western Australia's "indigenous cultural consultants".
44. Because you've endured enough politically correct lectures from self-righteous dills to last a lifetime.
45. Because a clan pursuing a subsistence existence is not and never was "a nation".
46. Because "a story the aunties told me" isn't reliable primary-source material.
47. Because you're unfashionably normal.
48. Because normies are no longer found in newsrooms, on government benches, in academia or amongst senior public servants.
49. Because you remember the waste and disgrace that was ATSIC.
50. Because those vending lies know you recognise them as lies but insist you become complicit in their charades and falsehoods.

Roger Franklin is the Editor of ***Quadrant Online****, where he invites readers to add their own reasons to this list.*

THE BUMPER STICKER RESISTANCE

Joanna Hackett

Readers may be aware that for the past six months we have been distributing bumper stickers to support the No vote in the coming referendum. Thus far we've sent more than 5600 stickers across the country. We do this not to make a profit, but because it is one of the few ways we can fight back against this appalling Voice proposal. We are powered by rage! Demand for our stickers increases for often unrelated reasons. Think Anzac Day, King Charles's coronation, State of Origin, Ed Sheeran, the Olympic Committee and the antics of Lidia Thorpe and Judge Harrison.

As we move closer to the referendum vote, the ugly words and intimidation by the Yes luvvies are increasing. No reasoned debate here, just aggressive threats accompanied by the usual poor-me and you-nasty-white-racist-colonials nonsense. Noel Pearson has lost the plot and Stan Grant is deservedly in the brown stuff for his inappropriate comments during the coronation. He's been around the sheltered wokeshop of the ABC for so long he's forgotten that he who casts more than his fair share of stones ends up getting mud on his face.

We are seeing pressure being put on big business and big names to publicly support the Yes vote. Woe betide any that come out for the No side, for boycotts are a reality. People whose jobs have nothing whatsoever to do with Aboriginal matters jostle to be the first in line to have their Aboriginal credentials made public. "Look at me! Look at me!" they squawk, like flocks of demented seagulls on a feeding frenzy. Sporting teams of all persuasions, our trade unions and universities are joining the rush to be the most craven in this unseemly grovelling to win the award for loving Aborigines the most. Even Bob Hawke's widow has joined the squawkers to inform us that Hawkie would have definitely voted Yes if he hadn't inconveniently passed away four years ago. Poor little Albo must be really desperate to be relying on the vibes of the long-dead to get his racist, divisive referendum past the post.

It's so irresistibly Monty Pythonish. Imagine the town crier, bell ringing loudly, shouting, "Oyez, oyez! Bring out your dead! Albo's special government-subsidised corpse collection is here to help! Dead Yes voters over there, please. Line them up neatly now, so we can count them. Good, good. We'll give you 100 bucks each. Chuck the dead No voters in that wheelbarrow. We'll charge you a couple of bucks to get rid of them, just as a public service. After all, nobody wants a No voter in the house, particularly a dead one. What's that you say? There's no dead No voters? Not one? You mean I brought the wheelbarrow *for nothing*?"

But back to more serious matters! The Australian Olympic Committee is a recent addition to the squawkers. This despite the fact that in 2020, the AOC put in place new guidelines which stated that "sport is neutral and must be separate from political, religious or any other type of interference". The policy added precision to a long-standing rule in the Olympic Charter that states, "No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas." The words couldn't be clearer. There is no wriggle room here to justify their disgraceful, duplicitous behaviour.

The AOC's decision to support the Yes vote was guided by its Indigenous Advisory Committee, wouldn't you know. Has anyone asked the AOC why it is disregarding its charter to push a certain political stance? Or indeed why it needs an Indigenous Advisory Committee at all? Maybe I blinked and missed not-my-ABC's in-depth criticism of the AOC. Or maybe ABC staff were too busy marching about waving "I'm with Stan" placards.

Just in case you were misguided enough to believe the AOC was colourblind in promoting sporting excellence, and that your taxes were doing great things for *all* aspiring Australian sports people, you might wish to reconsider. The Indigenous Advisory Committee to the AOC has enduring representation on the AOC Athletes Commission. Aboriginal and Torres Strait Islander artwork is incorporated in Olympic apparel and the services of Aborigines and

Torres Strait Islanders have been integrated into all Games operations.

The AOC is not unusual in having its special in-house Aboriginal advisory group and clothing designer. Far from it. Such advisory groups are a make-work con employing Aborigines to tell workers how to be culturally sensitive, whatever that might mean. They appear in almost every workplace, from banks to building sites, earning kudos for the grovelling seagull bosses and running compulsory courses on Aboriginal right-think. Nobody dares to question why Aborigines need special treatment in the workplace (that would be racist) or why Indian or Chinese workers, for example, do not equally deserve special consideration. And it would be a brave employee who dared suggest that traditional Aboriginal culture offers very little of relevance to today's workplace, or indeed that most of it is best consigned to the history books.

Rio Tinto's $2 million donation to the Yes side shows a haughty disregard for its own policies regarding involvement in political matters. This mob is even more cavalier than the AOC, for here we have a *multinational* corporation breaking its rules in an attempt to influence an Australian referendum. Perhaps Rio officials didn't abase themselves enough, or pay enough after the disaster of the strangely legal-but-wrong Juukan Gorge affair.

Two disturbing additions to the Yes grovellers are Beyond Blue and the Cancer Council. The former is a community-based organisation committed to enhancing Australia's mental health. If you find Beyond Blue's move from mental health to politics inappropriate, you may wish to add your expressions of disgust to the many already on their website. That the once-respected Cancer Council has also joined the grovellers is equally disheartening. Who will be next, I wonder—the Guide Dogs?

The Law Institute of Victoria is publicly supporting the Voice and the New South Wales and Victorian Bar Associations also, despite objections from many members and in the media that such legal bodies should remain independent from politics. New South Wales Supreme Court Justice Harrison's outrageous attack on Nationals MP Pat Conaghan has also raised concerns about the separation of powers between the workings of parliament and the judiciary. Justice Harrison equated voting No with being a racist, with being niggardly, cruel and mean-spirited.

Actors and musicians have joined the Yes love-in. Foreigners such as the popular Ed Sheeran thought it was just fine to prance about on an Australian stage trailing the Aboriginal flag and wearing a T-shirt with an Aboriginal flag. Looked a real wanker.

Beyond Blue and the Cancer Council's comments are part of the continuing thinly veiled threat to No voters. Our actions and unkind words will apparently bring poor health, heartache, despair and possible suicides to Aboriginal people. The federal government has committed an extra $10 million to support the mental health of Aborigines during the referendum period, and mental health organisations say they are bracing for increased reports of racism and psychological distress. How insulting to presume that Aborigines are like toddlers who have tantrums and fall apart when they don't get what they want. How insulting to presume that No voters are cruel racists out to cause pain and distress.

In this country, nobody has the right to pressure others to vote in a particular way. This is a most un-Australian form of coercion and one likely to result in a backlash.

We are warned there may be rioting in the streets, and that other countries will think poorly of us if the No voters succeed. All the usual scaremongering tactics of those who don't have a logical argument are being dragged out. Those Goody Two-Shoes Yes voters, on the other hand, will be supporting social and emotional wellbeing, closing that nasty gap, reducing the horrors of colonisation and intergenerational trauma and a myriad of other nebulous fluffy issues.

In this country, nobody has the right to pressure others to vote in a particular way. This is a most un-Australian form of coercion and one likely to result in a backlash. We are not some tinpot African country where votes are bought and sold and citizens are bribed to vote this way or that. Nobody in Australia is obliged to tell anyone how they intend to vote, not their boss, their fans, their spouse or even their dear old Mum. If you are working for a company, a business, no matter how small or large, and your employer publicly announces that his business—*your* workplace—supports the Voice, then you have a right to be offended, particularly if you wish to vote No. Who you vote for is nobody's business but your own and your boss is overstepping his authority when he arrogantly assumes he speaks for all his employees. He needs to keep out of what is a private and personal decision. This applies whether you work for giants like Qantas, Rio Tinto and Wesfarmers or the little coffee shop on the corner.

In this great democracy we are lucky to still

have one card up our sleeves to beat these virtue-signalling grovellers. We have a secret ballot, and three hearty British cheers for that! If your boss is publicly seeking brownie points for voting Yes, you know you can ignore him with a mental two-finger salute as you pop your No vote into the box on referendum day.

The welcome-to-country ceremonies forced on Anzac crowds enraged many, and the flying of the two cuckoo flags on that special day was seen as particularly inappropriate and offensive. My sticker sales increased markedly as a result of this public disapproval. Our RSL leaders appear to be in the thrall of the Aboriginal industry and have forgotten what they actually exist to do. One veteran who wrote a letter of complaint to his local RSL regarding welcome-to-country ceremonies received an insulting reply dripping with condescension. Another furious Aussie wrote, "We will not be welcomed to our own country and we will not tolerate anyone welcoming the memories and souls of our service men and women to their homeland. This was an insulting rude intrusion into the memories of our heroes."

And all the while, the demand for No stickers increases because Australians don't care for politics poking its nose into our private business, or threatening us, or messing with our special days such as Anzac Day, Australia Day and Remembrance Day. My most popular sticker remains "Don't Welcome Me to My Own Country" and I distributed even more than usual after that State of Origin match in Adelaide.

The long-suffering public has had enough of this stomping about in nappies puffing smoke and blowing didgeridoos. The latter costs extra, by the way. Didge blowers don't come cheap. Don't think for a minute that the performers are donning those dress-ups and stomping about out of the goodness of their hearts. Oh no! Welcome-to-country is a lucrative business. The Broken Hill Council has given up on welcome-to-country as they can't afford it. The Gold Coast Council has also stopped welcome-to-country because it's a waste of councillors' time, and all praise to them.

The ads for the Yes vote are now hitting our screens and what a lot of smarmy, smiley, simpering bunch of sycophants they show us. How they bore the pants off us with the old poor-me whinge. If the blatant lies in some of these ads arouses your ire, complain. Then complain again. Complain all the way to the top because I reckon it's time for truth-telling.

Every movie ever made depicting the evils of the white man and the corresponding wonderfulness/nobility of the black man is being dredged up to be part of the pre-referendum softening up procedure. Money is being thrown at new and ever-more-creative "documentaries". We suffered the excruciating exaggeration and outright lies of *The Australian Wars*. Now we're being overwhelmed with a plethora of propaganda documentaries which have only the faintest whiff of reality. Consider *The First Inventors*, which is about the amazing, almost unbelievable inventions of Aboriginal people.

"Oh my gosh," I thought, more than a little puzzled. "That will surely be the shortest documentary ever made." But no, it's a four-part series from NITV which "not only explores the past but questions whether this ancient knowledge might hold answers to humanity's most pressing modern challenges". And just who is paying for this tripe? Why we are, of course, via the National Indigenous Australians Agency, Tourism Australia, Screen NSW and Screen Territory. And the icing on this crapcake is that the series will be subtitled in Arabic and Simplified Chinese. How good is that!

That creepy Peter Weir film *The Last Wave* has had a recent airing just in case we'd forgotten how amazingly spiritual and prescient Aborigines are. *The Tracker* too has graced our screens of late, and is similarly didactic. The so-called stolen generation is getting yet another bash at our equanimity, with a repeat of *Servant or Slave*. Apparently, and I quote, "thousands upon thousands" of Aboriginal children were stolen from their happy homes and forced to work as domestics for whites. No mention of the rape, murder and violence meted out to (particularly) half-caste children in their communities at the time. No mention of the fact that many of these young people ended up better educated than Aboriginal children are now.

NITV is also dedicating its current affairs program *The Point* to teaching us all about the referendum. Titled *Referendum Road Trip*, the series intends to foster essential debate and provide profound analysis. One might ask why this research wasn't done years ago, when the referendum proposal was in its infancy. At present, many Aborigines have never heard of the Voice, and some who have say they don't want it as it's nothing to do with them, it's for city activists. However, I have no doubt that NITV will hustle up a goodly mob of token outback Aborigines to support the Voice and smile and wave at the cameras.

Indoctrination of children continues across the country, whether the parents want it or not. A newsagent at Brisbane Airport has a large colourful display to sort out any unfortunate littlies who've missed their schools' brainwashing programs. It's titled *Come Together: Things Every Aussie Kid Should Know About the First Peoples* (*sic*). A careful

selection of jolly little kiddies' books accompanies this. Kiddies from Victoria don't need these as their brains are well washed already. Some outback schools are even returning to teaching children in Aboriginal languages because it makes them feel positive about their Aboriginality. This silly idea was thrown out years ago when teachers realised that if Australians can't speak English, the language of this country, before any other languages, they will be forever marginalised.

Certain items in museums and libraries are now not easily accessible to non-Aboriginal Australians. Certain books are being permanently removed from school library shelves and replaced with those that tell the approved First Nations (*sic*) story. What comes next? Burning books? Some of us are old enough to remember where that leads.

Our art galleries and theatres are now taken over with Aboriginal-centric subjects, and if you tick the right box, you're likely to do really well in competitions. Quality is less important than the colour of the creator. You can apply for jobs, housing and scholarships available only to your race, and some of you won't even have to pay back your HECS debt. No wonder the number of Australians choosing to be Aboriginal is rapidly increasing.

We are being reeled in, gulled and gutted as our place in this wonderful country and our contribution to it are questioned at every turn.

And now, dear readers, prepare for a nasty shock. According to Advance Australia, Australian taxpayers spend *$100 million every single day* on direct government support for indigenous communities. That's $39.5 billion a year in 2023. That's more than we spend on the NDIS ($35.5 billion), Medicare ($31.3 billion) or Defence ($38 billion). It's about the same as the federal government's entire expenditure on schools and universities ($39.7 billion). When considering these eye-watering figures, remember that Aboriginal people number just over 3 per cent of the population. Where is the money going? Nobody seems to know. And surely welfare should be based on need, not race?

Another worrying figure is this: only 24.2 per cent of Australian land remains untouched by Aboriginal rights, claims or agreements. Non-Aboriginal people are now prevented from visiting many parts of their own country, or must pay fees to do so and employ an approved guide. Be afraid, for sacred sites are magically springing up all over the place and even more lock-outs are lurking at national parks and beaches near you. Perfectly fine place names are being changed to Aboriginal names at not insignificant expense. The irritating use of Aboriginal country names is now ubiquitous and we slide seamlessly from one special Aboriginal event to another. I think we're up to Reconciliation Week or maybe it's the Anniversary of the National Apology Day (not to be confused with Sorry Day) or Close the Gap Day or maybe the Garma Festival or the Barunga Festival, or NAIDOC Week. Whatever. Any excuse to put on the nappies and stomp about. And during these special events our defenceless school children are dressed up in costumes and indoctrinated in the wonders of Aboriginal culture and the evils of the white man.

We live in a dangerous age, because every time a book disappears or a statue is pulled down or a lie goes unchecked, we edge closer to Orwell's 1984: "Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped."

If this is not what you want for your country, stand up and be counted. Call out the liars, the grovellers and the self-servers. Turn your back or walk out at welcomes to country. Support those fighting against the Voice, financially if you can, for big corporate money is going to the Yes side to add extra value to the squawkers' credentials. By big money, I mean $5 million from the Paul Ramsay Foundation and of course $350 million from our very own Labor government. At the very least, discuss the subject with family and friends and display a sticker for the No side.

Nobody in their right mind would vote Yes for a Voice model that will be determined *after* the referendum. Don't bother asking the First Nations Referendum Working Group for dreary operational details such as costings or employment numbers because they don't know, but gosh, they've developed some nicely decorated design principles to impress us. As well, they can send you the newly developed community toolkit (always wanted one of those) which includes a large range of resources, such as posters, templates, social media posts and more. We lucky Aussies can share these resources with our communities and networks. And who's paying for this? Why it's us, the generous Australian taxpayer yet again. What suckers we are! Check out the Australian government site (voice.gov.au) and despair.

Don't be fooled into thinking that this black sludge oozing into every corner of our lives is

happenstance. It is part of a carefully-thought-out plan long in the making. We are being reeled in, gulled and gutted as our place in this wonderful country and our contribution to it are questioned at every turn.

It's not all gloom and doom though. Some fine politicians, political parties and well-known personalities are coming out firmly for the No vote, and certain journalists have always been staunch No voters. Several websites now exist for the thinkers and the reasoned amongst us to share views. The *Australian* still gives us more balanced reporting than most and of course *Quadrant* has long argued against the Voice. Sweeping new cultural and heritage laws recently passed in Western Australia are so onerous, so impractical and unreasonable that they will turn many against the insatiable Aboriginal industry for ever. Remind yourself, when your rage keeps you awake at night, that you are not alone.

Good for a chortle is a Booktopia advertisement for *First Knowledges Law: The Way of the Ancestors*, a new book by Marcia Langton and Aaron Corn. We are told that this book "challenges readers to consider how Indigenous law can inspire new ways forward for us all in the face of global crises". I suspect that the more ridiculous the claim, like this gem, the more the lefties latch onto it. That would help to explain the continuing success of Australia's arch-charlatan, the white man Bruce Pascoe.

The claims of Professor Kerrie Doyle (Assistant Dean of Aboriginal Health at Western Sydney University) are equally incredible, for she says she has in her possession a recording of the warrior Pemulwuy singing a welcome-to-country song. Pemulwuy died fifty-eight years before the first recording of the human voice. If Doyle weren't a (self-appointed) member of the untouchable Aboriginal industry, she would have been laughed out of town ages ago.

Equally amusing were the words of the inaugural First Nations (*sic*) ambassador to the UN. We are reminded that First Nations (*sic*) people were—wait for it—this land's first diplomats! Wow! The ambassador said, "I am excited about the opportunities ahead to embed First Nations voices and knowledge into Australia's foreign policies and trade." He said this with a straight face, which must have been difficult. There is no Aboriginal nation now and there never was an Aboriginal nation. So why do they have a representative at the United *Nations*? This is the ultimate BS and we are getting rolled.

The word is at last getting out about the lies behind the Uluru Statement. Both Warren Mundine and Jacinta Price have stated unequivocally that the words were never the result of extensive, open research. A carefully stacked group of agreeable Australians was chosen to take part in the process—so the game was rotten right from the start. Some of these signatories now say they were surprised to see their names on the document, and unhappy, as this implies their approval of the Voice. One might reasonably presume that this was yet another example of city activists manipulating outback Aborigines for their own political purposes. And now this dodgy Statement hangs in classrooms and our school children are learning to parrot the words as if it's some wondrous sacred mantra instead of a con job on a par with Pascoe's *Dark Emu*.

We are told repeatedly that if the referendum wording were to be changed, most Australians would vote for Aborigines to be recognised in the Constitution. I am not convinced that this is the case. The message I am getting is that our Constitution should not be changed. It should be left alone. Under it, we are all equal and we all have one vote, for this is a democracy and that's how it works. If some Aborigines are seeking reconciliation, maybe they should stop wallowing in the past, and cease demanding an ever-increasing share of the goodies. As for recognition, well, we are all recognised already. We are all Australians. No one race should ever get a special mention in our Constitution. If Aborigines feel they deserve an extra voice, consider this. Australia has more Aboriginal politicians percentage-wise than we have Aborigines in the population, and they also have a Minister for Aboriginal Affairs to look after their interests.

Are you cranky? Are you mad? Are you absolutely fed up with all the BS being thrown at us? At Albo supporting one side and not the other in a referendum that affects all Australians? Then buy a bumper sticker and don't be afraid to display it. Stand up for what you believe in your heart. Give this dodgy Voice the short shrift and don't *ever* vote to become a despised group in your own country. I used to think it was melodramatic to suggest that we're facing the destruction of Australian democracy. Not any more.

One question keeps circling in my head. How will the Voice help those who need help? Nobody has yet answered me. All I hear is the wind blowing in the bullshit trees.

Joanna Hackett's story "Saving Australia, One Bumper Sticker at a Time" appeared in the October 2022 issue. She can be contacted at jbhackett@bigpond.com for sticker information.

THE VISION OF THE ANOINTED

Nick Cater

Australians will almost certainly reject their Prime Minister's invitation to join him on the right side of history at the referendum later this year. Anthony Albanese's proposal to enshrine an indigenous Voice to Parliament is on an inexorable path to defeat when the vote takes place in the spring.

The advocates of the Voice to Parliament are perplexed. The burden of colonial guilt weighs heavily on their shoulders. The time has come to restore the sovereignty of Aborigines and Torres Strait Islanders, end the torment of powerlessness and end the nation's shame,

This language of equity, inclusivity and compassion has failed to soften the hearts of their compatriots, however. Nine months ago, support for the Voice was around 65 per cent. Today it is in the low forties, trailing the No vote in four of the six states.

Supporters blame ignorance, disinformation and lingering prejudice. Yet the polling tells a different story, one that will be familiar to followers of the 2016 Brexit referendum. We are witnessing the rejection of another elite pet project, a revolt against what Thomas Sowell identified as the vision of the anointed. The Voice is popular in the metropolises of Sydney and Melbourne but has failed to win support in the regions. It is favoured by millennials and Gen Z, particularly those with a university education. The Baby Boomers and the wartime generation will vote No by a large majority. Support splits along party lines: it is highest among Greens but rejected by seven out of ten Liberal and National voters.

Whatever the result it is clear that the referendum won't be the "unifying Australian moment" the Prime Minister hoped for when he announced it at a national Aboriginal gathering a year ago. The elite's geographical and intellectual isolation from their fellow Australians leaves its members struggling for answers. Blinded by self-virtue, they struggle to understand how those who reject their proposal could be motivated by anything other than hate.

"While it is not true to say that every Australian who votes No in the Voice referendum is a racist," says columnist Nikki Savva, "you can bet your bottom dollar that every racist will vote No." Marcia Langton, a distinguished Melbourne-based Aboriginal leader, says it would be "terribly unfortunate" if the referendum "sinks into a nasty, eugenicist, 19th-century style of debate about the superior race versus the inferior race".

Yet the most commonly heard objection to the Voice is anything but discriminatory. The notion of special treatment for anyone offends the Australian spirit of egalitarianism, the unshakeable belief that every citizen stands on an equal footing. It makes no difference whether your Australian ancestry goes back sixty years or if you pledged the citizen's oath of allegiance sixty minutes ago. No one gets special favours simply because of their race.

The last referendum on the standing of Aborigines and Torres Strait Islanders was held in 1967. Australians voted nine-to-one to support amendments removing the last vestiges of official discrimination against native people. Like the dismantling of the White Australia policy that began in the same year, it was an affirmation that the state was blind to colour in the administration of policy.

It is widely argued that this year's proposed amendment puts race back in by granting special privileges to one group to the disadvantage of others. If there is to be a voice for this particular ethnic minority, then is it not unfair to exclude the voices of others? Why not appoint an Asian voice to Parliament, a Greek voice or even a Pommie voice, since immigrants from Britain have formed a minority of new arrivals since the early 1960s? Opponents fear the Voice will effectively become a third chamber, giving it political muscle and the power of veto. They fear the mischief an activist High Court might indulge in when interpreting the amendment.

Most of all, they are worried about what comes next. The Voice is a mere staging post on the road to healing outlined in the Uluru Statement from

Heart, a 2017 petition by Aboriginal and Torres Strait Islander leaders to the Australian government calling for separate sovereignty and reforms to address structural "powerlessness". It has risen to the status of a sacred document among Voice supporters, and its proposals have been accepted in full by Albanese. The petition describes the Voice as the first step towards a truth commission and a Makarrata agreement or treaty.

Some indigenous activists would go further and are not afraid to say so. Thomas Mayo, a prominent Yes campaigner, says the Voice will be a vehicle to force non-indigenous Australians to "pay the rent" for living on stolen land. In a series of 2020 tweets, Mayo claimed the "Blak [*sic*] rep body" would have the resources to demand "reparations, land back, abolishing harmful colonial institutions, getting ALL our kids out of prisons & in to care, respect & integration of our laws & lore, speaking language, wages back—all the things we imagine". Mayo's social media posts, and similar intemperate remarks by pro-Voice supporters, have formed the No campaign's advertising script.

The notion of special treatment for anyone offends the Australian spirit of egalitarianism, the unshakeable belief that every citizen stands on an equal footing.

The strongest card for the Yes campaign is the appalling poverty that blights the lives of roughly one-tenth of the indigenous population. The most confronting poverty is found in remote communities that were given partial autonomy by well-meaning reformers in the 1970s. The disparities between indigenous Australians are as stark as they appear intractable. Australians have the eighth-highest life expectancy in the world: eighty-six years for women and eighty-two for men. Life expectancy for Aboriginal women in remote communities is seventy, and sixty-six for men, roughly on par with Ethiopia.

Decades of welfare and countless government programs have barely shifted the dial. Indeed, the social fabric in remote Aboriginal communities has rapidly deteriorated. The prevalence of alcoholism, domestic violence and child sexual abuse is badly under-reported in the mainstream media. Editors and reporters have self-censored for years to avoid stigmatising Aboriginal people. Few have taken the trouble to spend time in Australia's own Third World and seen the empty schools, runny eyes, overcrowding and packs of wild dogs. Those of us who have will never forget it.

Supporters of the Voice have conspicuously failed to explain how it will change conditions on the ground. Framing contemporary welfare challenges in the legacy of colonialism and lingering prejudice is an intellectually weak argument that had fallen out of fashion in Australia until the influence of the Black Lives Matter movement revived it. It is a claim with no empirical basis. Is historical injustice causing higher rates of cardiac illness and cancer? Or might it be tobacco consumption, which is five times higher in remote Aboriginal communities than in the rest of the country? Might the high incidence of kidney failure be related partly to higher rates of alcoholism? Could higher rates of type 2 diabetes partly be due to poor diets?

Sowell's empirically grounded arguments over several decades about the Civil Rights movement in the US apply equally in Australia. Political change benefits the political class which has self-interest in arguing in favour. There is no evidence that political change leads to social change. The evidence points to the opposite conclusion.

The most grievous effect of insisting that everything boils down to race is the theft of agency from people who, by dint of their genetic inheritance, are considered incapable of changing their lives for good or ill. Administering welfare in compensation only makes matters worse. The argument that Aboriginal people uniquely need additional political agency to fix their problems is belittling. The tyranny of low expectations it breeds is anything but empowering.

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A TRUE HISTORY OF THE VOICE

Michael Connor

Start here for the Voice: Townsville, August 1981. A Labor mayor welcomed a national conference of high-flying Left activists to his city. The event was marvellously successful for the Left. It produced the *Mabo* case, fed racial dissension and hatred and much false history—it was held at James Cook University. Participants at the "Land Rights and the Future of Australian Race Relations" conference dreamed of clenched fists in the face of a broken-apart Australia. Present were politicians, academic activists, lawyers and students including the famous and in some cases infamous: Bob Collins, H.C. "Nugget" Coombs, Marcia Langton, Shorty O'Neill, Al Grassby, Judith Wright, Garth Nettheim, Lyndall Ryan, Henry Reynolds and Eddie Mabo.

The opening resolution thrust stupidity and confusion, freeloaders and hoaxers and Bruce Pascoe into our present. An opening resolution by Henry Reynolds was passed unanimously: "The conference recognises that the prerequisite of Aboriginality is cultural loyalty and not any false nineteenth-century genetic theory." A magic moment, as the actuality of black people was Max Factored out of existence by a white academic and a predominantly white audience. The book published to record the conference papers is called *Black Australians* (JCU Union, 1982).

By 2011 the white takeover of Aboriginality was so complete that at the trial of Andrew Bolt no one voting in the 1967 referendum would have visually identified any of the people in the courtroom as Aboriginal. From the time of the conference the north of Australia and its problems would be ignored for the selfish interests of the un-black south—the Bolt trial was all about white Aborigines and hurt feelings. Rather than solve distant problems, attention would be paid to the vanity Aborigines and the fantasy Aboriginality they created—a world in which a possum cloak, which should be worn next to the skin for warmth, is displayed as a racial accessory over Western clothing: clearly a case of cultural appropriation.

In *Aboriginal Sovereignty* (1996) Reynolds went a step further in taking control of Aboriginal identification in dismissing race and applying an even more dangerous-sounding "ethnic nationalism"—he was completely ignoring the wishes of the people themselves in this matter:

> By viewing Aboriginals and Islanders as either actual or potential nations we can dispense with the concept of race. In doing so we can avoid those constant attempts to relate Aboriginality to racial characteristics, to distinguish between "real" Aboriginals and the rest, to talk of people as being "half-castes" or "mixed blood" [we don't]. At the same time we can jettison the term "black" which is so often used for people who everyone can see are not. It is, after all, politics not pigment that matters if it is nationality we are talking about.

Hidden behind the Voice is a treaty, new flag, changed place names, dismissed public holidays, and a destroyed Commonwealth. Reynolds's *Aboriginal Sovereignty* is clear, and frightening: "If sovereignty could be divided between the six colonies and the new Federal Government in the early twentieth century it can be cut again to accommodate emerging ethnic nationalism."

In 1982 Reynolds foretold the destruction of our history. His conference presentation was titled "European Justification for Taking the Land" and he offered a version of the past and his vision and strategies for its destruction:

> A hundred to a hundred and fifty years ago it was the relationship to the land, which according to the Europeans disqualified Aborigines and other hunter/gatherers from ownership which was put up as the justification for taking the land away. We've now gone full circle. That very relationship to the land provides the moral force and the political will to win the struggle to end the vast historical

> injustice. The Europeans really have not got all that much to lose.

It was a successful tactic—over 60 per cent of Australia is now under native title and the *Dark Emu* hoax is a best-seller. Strangely, given that he was chosen at this conference to head a case to be presented to the High Court, Eddie Mabo offered a divergent view of the situation in his home islands: "In the Torres Strait, land ownership is the same throughout. It is different from Aboriginal land ownership on the mainland."

The program Reynolds put forward for destroying Australia's history has been completely successful:

> But of course above all what the Europeans [*sic*] would have to give up is their own idealized version of their history. They will have to take a much more critical view of their own past, and that in many ways is what they are fighting to avoid.

He would then go away and, using Australian Research Council funding for research in the UK and a fellowship to work in the National Library, produced the history needed to envenom Australian race relations. The book was *The Law of the Land* (1987). Nobody ever cared that his attack on James Cook was carried out by fabricating evidence—using instructions given to Cook for his third voyage and abbreviating the text by excision. Nobody cared, least of all the High Court judges in *Mabo*, that his influential definition of *terra nullius* was half right and half invention—the sources he provided for the invention did not mention the term. He was completely successful and at the end of the *Mabo* case Justice William Deane sent him a note of appreciation—he even reused the words from his judgment, "a national legacy of unutterable shame". And later Sir Anthony Mason would write the introduction to a poisonous Left polemic by two academics called *The History Wars*.

The rotten history the Voice uses like a weapon is corrupt Left politics and a failure of academic standards. If the Voice is adopted, critical voices may expect to be further silenced, even legally silenced.

The destruction of our history has been accepted and carried out by academic historians for Left political goals—their eyes are wide open as deceit and confusion invest public discourse. In 2006 an academic who wrote a torturing review of my book *The Invention of Terra Nullius* was so blinded by hatred that he actually agreed with me, forcefully making my point that the misuses of the term *terra nullius* had created utter confusion:

> Connor is aided by a motley collection of strawmen—amateur historians, non-historians, archaeologists, graduate students, cultural studies fruitcakes—who, in aggregate, have attached such a diverse range of meanings to the term *terra nullius* that the resultant semantic hodgepodge could not possibly have a single coherent real-world referent.

Naturally, his list-making omitted his fellow academic historians who made up most of my finest examples of stupidity. Noting a rising political star, I also cited Linda Burney, then a member of the New South Wales parliament and now the federal Minister for Indigenous Australians:

> Captain Cook's claiming of Australia as Crown Land on the basis of the legal fiction of *terra nullius*—land belonging to no one—denied the property rights, the humanity and even the existence of Aboriginal people.

This is the history Burney brings to the House of Representatives, and this is the rubbish that will poison a successfully imposed Voice. Neither my critical academic reviewer nor the historians who read him acted to restore sanity even as some of the most notorious cut or modified embarrassing usages they had made when their books were republished. The denigration of Cook and the misuses of *terra nullius* are standard elements in school education courses which have simply become grooming exercises intended to make children hate their own country. Add in massacres and all the rest and bad history will flood through the Parliament and the nation via the Voice.

Conservatives are the silenced voices in Australia. Recently in *Quadrant* Hilary L. Rubinstein wrote on William Cooper and Rod Moran wrote on the Forrest River "massacre"—these are sensible critical voices. In their search for the truth the two authors are exploring the archives and auditing the work of other historians—they deserve to be heard. If this was normal practice the famous, and misnamed, "history wars" would have been seen as the usual academic head-banging and footnote exploring.

The rotten history the Voice uses like a weapon is corrupt Left politics and a failure of academic standards under the weight of those politics—don't get me started on plagiarism at the University of Newcastle. If the Voice is adopted, critical voices may expect to be further silenced, even legally silenced—this in a country where unpopular historians are already labelled "massacre denialists".

In 1981 land rights were tactics and the real goal of self-determination was masked from public view. As Reynolds said:

> Yes, it's very much a matter of tactics. Do you ask for the immediate and most realizable first, and when you've got that, then ask for the other things, or do you ask for them all at once?

Nothing has changed, the tactic was successful—we are being misled. Keith Windschuttle in *The Break-Up of Australia* (the title is absolutely accurate) wrote that "The voters in the proposed referendum need to recognise that its ultimate objective is the establishment of a politically separate race of people, and the potential break-up of Australia."

In 1981 Reynolds was eager to associate violence and the creation of land rights:

> If it has to be done by force, by using the army, as the Federal government in Washington had to do, I'd accept that. If necessary you could parachute them in and take over the [Queensland] reserves. That wouldn't concern me one bit.

The Left have changed over the years, they have become more violent. The final goal of the Voice is disaster for our much loved Australia—it's what they want.

Michael Connor is ***Quadrant****'s Theatre Editor and a frequent contributor on Aboriginal history.*

INTERGENERATIONAL TRAUMA AND ALL THAT

Gary Johns

One of the most insidious aspects of the Voice referendum is the treaty process promised by the Prime Minister in line with the Uluru Statement, which the Makarrata Commission would seek to impose on Australians. One ground for treaty-making is the alleged "intergenerational trauma" suffered by descendants of the original settlers, even by those who were distant in time from traumatic events, including those with distant Aboriginal heritage.

Marcus Stewart is a member of the Commonwealth government's referendum working group and a good subject for a comparative trauma study. He bills himself a "Nira illim bulluk man of the Taungurung Nation". He was, until very recently, a member of the First Peoples Assembly of Victoria and active in the Victorian treaty process.

Marcus Stewart, indeed, the entire Aboriginal leadership, is very keen on self-determination. Part of the treaty process in Victoria is the establishment of a self-determination fund. Phase one of the plan is to receive an "initial state contribution"—that is, the Victorian taxpayer gives the fund $30 million. In the second phase, the self-determination fund will distribute what is politely known as "government donations" to who knows who. There does not seem to be much self-determination in this little process. And that is just to start the "conversation" about a treaty.

Stewart's only ancestral link to Aboriginal people is one great grandfather, who was either full or part Aboriginal. Stewart is of very distant Aboriginal heritage. The remarkable thing about his great grandfather is that from a barefoot boy wandering the bush he successfully integrated into the wider society. I wonder what trauma Stewart has suffered because of the successful integration of his great grandfather. Is it loss of culture, one that he never knew, just as I would never have experienced my forebears' culture?

Victoria seems to specialise in remote ancestor worship. The Wadawurrung Traditional Owners Aboriginal Corporation situated immediately west of Melbourne, for example, has 228 members and one apical ancestor, John Robinson, who was born in 1846 and died in 1919. This group has an attachment to south-west Victoria. My attachment is similar—one great grandmother, on my father's side, born in Barrabool in 1849 and one great grandfather, on my father's side, born in Casterton in 1843.

Much greater than my mere attachment to land across generations, I think that I too may have a claim to "suffer" from intergenerational trauma. Michael Garvey was my great grandfather, on my mother's side. He was born in Galway in 1846 and came to Australia, landing in Launceston in 1867. He and his wife Kate had five children. She witnessed him cutting his throat. He was jailed for attempted suicide and later died in custody. The *Argus* reported his death on December 28, 1892:

> The city coroner held an inquest at the Melbourne gaol yesterday on the body of Michael Garvey, 42 [actually 46] years of age, a prisoner detained during the governor's pleasure, who died on the previous Sunday. The medical evidence showed the death was due to disease of the brain. Garvey was in custody on a charge of attempting to commit suicide, and had formerly been a fellmonger, but lost his employment when the fellmongery [preparing animal skins for leather] was destroyed in the flood of July 1891, and afterwards showed signs of a deranged mind.

Michael Garvey was under the care of Dr Shields in the jail hospital until his death, the same doctor who had found him to be insane and unfit to plead at his trial: "He would have been removed to the asylum" but was "unfit to be removed owing to extreme wasting as he refused food and had to be fed artificially". His hospital record showed that he was five feet two and a quarter inches tall, was bald and had hairy arms. That makes my skin crawl, especially my hairy arms.

So, what is my cause of action? To sue the state of Victoria (whose record on victimology is second to none), or sue the Melbourne jail for the death in custody, or the estate of Dr Shields because he failed to save my great grandfather by not sending him to the asylum? Or perhaps his employers at the fellmongery for not making adequate provision for flood mitigation, or failing to reopen the factory in a timely manner and provide employment? Or the Commonwealth for failing to pay unemployment benefits? Oh, that's right, there was no Commonwealth, and no unemployment benefit at the time. History is such a harsh critic of the present generation of cosseted benefit seekers.

Anyway, I continue to ponder Michael Garvey's fate and why my life has turned out how it has, without the guidance that, no doubt, he would have provided my mother's side and passed through the bloodline to me.

One of Marcus Stewart's great grandfathers, on the other hand, led a long and successful life, despite the fact that he was not Irish. He was of Aboriginal descent, either full-blood or part. Stewart's claim to Aboriginal descent and his entire "identity" and employment and political persona stems from one man, John Franklin. Franklin, born circa 1837, was orphaned when a young child and found wandering near Healesville.

Stewart's great grandfather was raised by a couple who owned the local estate. He later worked as a servant at another estate in the district. He met Harriet Tull, born in Williamstown of English parents, who also worked as a servant at the estate. John and Harriet had twelve children between 1874 and 1897.

Their opportunity for advancement came when the Land Act was amended in 1878 making it easier for small farmers to apply for a lease of Crown Land. In 1879 he applied for a selector's lease of eighty acres in the Yea district. His adoptee father Donald Ferguson was on the council and probably led the support to their application. The local newspaper reported:

> It will scarcely be believed that this true son of the soil had great difficulty in obtaining his selection. The officials were against him, the red-tape system was against him, and, had it not been for the energetic action of the shire council on his behalf, John Franklin would have had to live a Government pauper in the land which a little more than half a century ago was every foot of it owned by his race. There are others at Coranderrk that might be advantageously transformed from paupers to farmers.

Franklin, the abandoned Aboriginal boy made good. In 1887, a farming expert from Melbourne was invited to visit and write a series of articles about the future of farming in the district. He was taken to see Franklin's farm, and said:

> One of the most interesting small farms I have met with in my rambles throughout Australia is owned by a Victorian aboriginal who has taken to himself the name of John Franklin. He has about 250 acres in two blocks, and has formed a comfortable home for himself ... John Franklin has taken unto himself a wife of pure European blood, and has a numerous young brood growing up. He is much liked by the people in the neighbourhood, is honest, sober, and industrious and takes great pride in the success of his children at the local school.

I wonder if Marcus Stewart was traumatised by this successful integration. It seems that the Franklins "melded fairly seamlessly into life in the small town of Yea, although later generations told of petty acts of discrimination that the Franklin children sometimes experienced". Despite this, three of Franklin's boys played in the Yea football team in 1914 and two sons, Leslie and Walter Franklin, enlisted and fought in the First World War.

In subsequent generations the children found partners and started to move away from their family home in Yea. One child married a resident of Kensington, the inner-city Melbourne suburb. My mother was born in Kensington, Marcus. Perhaps our forebears' paths crossed amicably?

What have we learned from this little excursion in history? Marcus, you are kidding yourself that you have any standing to make claims on the wider society for some wrong that allegedly befalls you. You had the chance of a good upbringing, as did your great grandfather, not to mention, indeed you do not mention, your other seven great grandparents. What is it about the eighth that is so special? It seems that whatever trauma befell John Franklin he overcame in spectacular fashion.

Marcus Stewart, rather than extend your hand into the pocket of the Victorian and Australian taxpayer for retribution and reparation, perhaps you may care to look at the unfinished business of Aboriginal children who are yet to make John Franklin's journey to integration.

This week, Aboriginal children will walk into the store at Warburton in Western Australia and purchase the typical fare of an Aboriginal diet. On the same latitude as the border of Northern Territory and South Australia, Warburton is as

remote as it gets. But cake, Coca-Cola and energy bars are all available, and expensive. For adults, throw in smokes. These are typical purchases. Week in and week out. Eating and drinking junk foods, not working, and having no purpose in life, other than consumption, is a death sentence. No amount of government intervention can save this. No Voice, no committee, no treaty, no "truth-telling", no Makarrata can save these people.

As my local source at Warburton texted recently:

> The local residents "humbug" for money (beg), yet there are multiple jobs available in the town, which nobody wants to do.
>
> Another day in Paradise. Warburton shop closed now because of a violent, drunk man with a crowbar, smashing up things in the shop. Just now and three days in a row.
>
> Latest news. Three six year old boys just ran out with arms full of ice creams and confectionery. Never stops.
>
> They complain about how they live but they put the houses into disrepair. I met a builder 13 months ago who told me he was contracted to build 40 houses in and around Alice Springs and in 3 years he had to go back and repair them all.
>
> 8pm at night here and 6 year olds are wandering the streets throwing fireworks into our and other yards. Why? Because the 6 year olds today told us to Get F....d because we were F…..g white trash C...s. 6 year olds. What hope is for them?

Aboriginal people are a modern people. In Warburton, mobile phones are commonplace. Electricity keeps the food and drink cool. Without the paraphernalia of the modern world there would be no Warburton, it would have closed decades ago. Aboriginal people rely on modern means to survive. Most have no idea how it is made. This is cruel.

The task of leaders like Marcus Stewart is to have every child understand how it is that the mobile phone and the electricity that makes their food and shelter available come into being. Government may be the provider, but it is not the maker. Government makes nothing, it merely covers the indignity of woeful ignorance. Why do governments refuse to teach their citizens how their lives have been degraded to the point of begging?

This referendum with its "simply about recognition" meme is no gracious gift. It masks the huge Uluru agenda. That agenda is stealing the future of people at Warburton and hundreds of other places. Recognition is not the same as reconciliation. There is no reconciliation in this referendum proposal—it is, as a result, an abandonment of leadership. Aboriginal parents face an awful choice. If they keep their children "safe" on country, away from the worst of modern life, grog and drugs, they condemn their children to restricted lives, with poor education, a poor diet, and few prospects.

The great lie of this referendum is that choices can be avoided. Somehow, twenty-four select delegates in Canberra will solve the parents' dilemma. They will not; they will continue to mask the choice and, in default, make the choice for them. A slow death on country, rather than to break free, with the help of their families and guidance from outsiders on how to handle the wider world.

John Franklin made an extraordinary transition three generations ago because it was an accepted path. Now, that path is blocked for children at Warburton and across northern Australia because of the ideologues whose mindset belies their experience. Aboriginal leadership and the ideology of self-determination have trashed the legacy of John Franklin.

There is no love for Aborigines in this referendum proposal, just ego. The Aboriginal people at Warburton are radically disabled. They are self-determining all right, sitting on country, speaking language, and dying early. And Aboriginal leaders, CEOs and the Prime Minister think this is a good idea. They must do, because their solution is to change nothing. Not to learn how to create value, not to adapt, but to wait. Government money as a permanent way of life is poison.

Some thousands of naive supporters of the Yes campaign think it's a good idea. Think again. Emotion and faux morality are no substitute for a steely focus on what a person needs to make it in this world. A world not of their making, but one they inherited. Wishing it were otherwise is no substitute for action. Would any leader in the eastern and southern capitals tolerate the behaviour tolerated in Warburton, and a hundred other failing communities in northern and western Australia, in their backyard?

And one last thing. How does Marcus Stewart have a treaty with the other seven-eighths of himself?

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*The Hon. Gary Johns, a minister in the Keating Labor government of the 1990s, is president of Recognise a Better Way and the author of **The Burden of Culture** (Quadrant Books).*

WHY CHRISTIANS SHOULD VOTE NO

James Jeffery

The approaching referendum on the Indigenous Voice to Parliament has generated controversy across the Australian church. I think it's fair to say most Christians are a bit confused with *what* the Voice is, and *how* Christians should respond. This is understandable given the polarising nature of the Voice. Despite living in a nation that disdains religious and political debates, the Voice is a matter Christians cannot—and must not—ignore.

Michael Jensen's recent piece "The Voice: A Christian Consideration" offers a helpful summary of the nature of the Voice. Every Christian ought to say a hearty "amen" to Jensen's claim that loving our neighbours as ourselves "requires us to imagine what it is to be like another person". Nevertheless, his arguments for why Christians should support the Voice fall short of a biblical justification.

However, the central debate surrounding the Voice is not whether Christians are *willing* to listen to indigenous Australians. There's no disagreement here. Rather, it is whether the Constitution ought to be changed to establish an "independent and permanent advisory body" in the Commonwealth government. Contra the claim of Jensen, the Voice is practically establishing a third chamber of government.

As Malcolm Turnbull put it in 2017:

> Every single law that goes through the parliament, whether it is tax, whether it is defence, whether it is social security, whether it is health—they all affect Aboriginal and Torres Strait Islander people because they're part of the Australian community. And that would mean that that assembly would have the right, if it chose, to examine every piece of legislation. It would be, in effect, a third chamber … I don't think it's a good idea and if it were put up in a referendum, it would go down in flames.

The reality is that most poor political decisions are the product of emotional hysteria rather than rational debate. In the words of Amanda Stoker, the Voice debate "deserves a lot more 'head' than 'heart'". Given the momentous consequences of the referendum, it's simply not good enough for Christians to be led purely by good intentions.

This article presents five reasons why I believe Christians should vote "No" in the referendum. These are not the only reasons a Christian might deny the Voice, and they are not given in any particular order.

1. There is no such thing as an "indigenous voice"

The title "The Voice" is both misleading and politically loaded. It insinuates that the proposed advisory body will be *the* voice for Aboriginal and Torres Strait Islander Australians. This assumes indigenous Australians share a unified perspective on all social, political and religious issues. Nothing could be further from the truth.

For instance, indigenous leaders such as Jacinta Price, Anthony Dillon and Warren Mundine have been vocal in their opposition to "The Voice". Their voices have largely been mocked or ignored by the mainstream media, as recent events reveal.

As Warren Mundine argues: "There are many Aboriginal people who oppose Albanese's Voice. Because it's not our voice." He notes:

> The Voice and Makarrata Commission both sound to me like more bureaucracy controlling Indigenous lives and bossing us around … Traditional owners should be their own voice for their own nation and country. They don't need some new national Voice or a Makarrata Commission to speak for them. They need the Government to listen and go talk to them through their own representative bodies.

Thus, the Voice is guilty of the very thing it seeks to combat: racism. While there are certain shared historical conditions and cultural features

of indigenous history, the notion of one "voice" is a direct assault on the diversity of perspectives among indigenous Australians. This certainly applies to the many indigenous Christians who will disagree with the premise of the Voice entirely.

Far from representing the perspectives of indigenous people, the Voice is driven by an activist class. As Janet Albrechtsen, ambassador for the Australian Indigenous Education Foundation, wrote:

> The Voice will create constant opportunities for a tiny minority of activists to hold parliament and executive government to ransom by using the immense leverage and opportunities for lawfare carefully woven into the Albanese Amendment. It is no exaggeration to say it will cause the end of parliamentary democracy as we have known it.

The Voice furthers the mission of identity politics to elect on the basis of identity rather than qualifications. In the words of Martin Luther King Jr, the Voice seeks to elect people based on the colour of their skin rather than the content of their character. This not only precludes an indigenous "Voice", but any such body that displays partiality towards any ethnic group.

2. The Voice is about revenge, not reconciliation

At its heart, the Voice is about seeking revenge for historic sins rather than seeking forgiveness and reconciliation. As Rev. Mark Powell has argued, the Aboriginal concept of "Makarrata"—ritualised revenge—is embedded in both the Uluru Statement from the Heart and the Voice.

In *The Politics of Suffering* (2011), Peter Sutton comments on the situation following the 2008 apology by Kevin Rudd:

> It may turn out that these various apologies are as good as Reconciliation gets, especially in the absence of a mass Indigenous Forgiveness Movement. That such a movement is unlikely to materialize has been prophesied by the general absence of any acceptance-of-the-apologies response from Indigenous Australians. Reportedly, many people in the bush were indifferent to or unaware of the 2008 apology …
>
> One Aurukun woman said: "That's for urban people and Whitefellas."

There exists a significant gulf between the indigenous Australians who are hurting and the elite activists who claim to be pleading their cause. The Voice seeks to solve a problem by institutionalising racial division across Australian society. Historically, this is nothing new.

In the first century, Paul devoted an entire epistle (Galatians) to the issue of racial division in the church. One of the issues involved Jewish believers refusing to eat with new Gentile converts (Galatians 2:11–14). God's solution to this problem was not further division by ethnicity, but a declaration of the reconciliation offered by Christ.

After explaining that Christ died to redeem both Jews and Gentiles, Paul declared those famous words: "There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus" (Galatians 3:28).

In Ephesians, Paul described it in these terms: "For he himself is our peace, who has made us both one and has broken down in his flesh the dividing wall of hostility …" (Ephesians 2:14). Certainly, this passage addresses the context of the church, not civil society. Yet, the underlying principle still applies. In Christ, believers are not primarily "white" or "black", but forgiven children of God.

Under the guise of "anti-racism", Australians will be officially divided by ethnicity once more. This will not only undo the efforts of previous generations who sought to bring Australians together. Rather than reconciling us, the Voice constitutionalises—and thus ossifies—the "us versus them" mentality that is already prevalent in our nation. Far from mending relationships, it will perpetuate and intensify division.

3. The Voice enshrines divisive racialism in the Constitution

There have been significant advances across the Western world in confronting racism over the past century. Indigenous Australians have the right to vote, stand for political office, protest and lobby parliament. These are rights and privileges which many countries are yet to experience for all citizens.

In the words of Janet Albrechtsen, "At a philosophical and principled level, [the Voice] is illiberal, divisive, and inequitable. It creates permanent race-based privilege and turns Australia into a constitutionally endorsed two-tier society."

The Voice will reverse the positive trends by enshrining racism in the Constitution. For all the talk about coming together as Australians and refusing to allow ethnicity to be a dividing factor, "The Voice" constitutionalises a division between Australians.

Jacinta Price—an indigenous leader of the "Vote

No" campaign—described the Voice as "racial separatism". In her promotional campaign, she has stated: "The Constitution is the rule book for governing the country, and they want the rules to change. This will divide us."

Christians are repeatedly warned throughout scripture not to show partiality towards others (Exodus 23:2–3; Deuteronomy 16:19; James 2:1). God makes clear that humans are at risk not only of showing partiality to the rich and powerful, but also the poor and disadvantaged (Leviticus 19:15).

The Voice shows partiality towards indigenous Australians by creating a unique political body which only they can be a part of. This is unbiblical for the same reason it would be improper to establish a separate political body that gave the "voice" for women in Australia. Not to mention that the radical feminists who would constitute such a body would not represent ordinary Australian women.

Now some may point out that in fact women do have their own "voice" to parliament in the Minister for Women. But every parliament in Australia has an existing "voice" for indigenous Australians in their Ministers for Indigenous Affairs.

Besides this, recent statistics reveal that "[t]he Australian Parliament is the only jurisdiction in Australia that has more Indigenous parliamentarians than the proportion of the Aboriginal and Torres Strait Islander population (1.7% higher)".

4. The Voice rejects Christ's forgiveness

There is no possibility of reconciliation between indigenous and non-indigenous Australians unless there is forgiveness for the sins of the past. This includes not only the sins of non-indigenous Australians, but those of indigenous Australians too.

It's important to emphasise this, because in public debates concerning indigenous issues, indigenous Australians are repeatedly referred to as victims. However, like all people, indigenous Australians are sinners in need of forgiveness. Categorising Australians into "victim" or "perpetrator" boxes is not only unproductive in social debates but embraces unbiblical terminology and anthropology.

Far from achieving harmony, this approach generates racial acrimony. The Apostle Paul was aware of the devastating effects of harbouring resentment. Regarding a case of church discipline, he wrote:

> Anyone you forgive, I also forgive. And what I have forgiven—if there was anything to forgive—I have forgiven in the sight of Christ for your sake, in order that Satan might not outwit us. For we are not unaware of his schemes. (2 Corinthians 2:10–11)

It's clear that a refusal to offer forgiveness is a "scheme" Satan uses to create divisions. Rather than achieving reconciliation, perpetual grievance only entrenches a vengeful mentality.

> *Rather than achieving reconciliation, perpetual grievance only entrenches a vengeful mentality. The Voice offers no possibility for forgiveness or reconciliation.*

While this is true inside the church, it's also true in society at large. The Voice offers no possibility for forgiveness or reconciliation. Rather, it seeks to remedy past wrongs by subverting the Australian political system in favour of indigenous Australians. Few things could be more harmful to racial relations in Australia.

As it is, debates are more characterised by revenge and retribution rather than forgiveness and reconciliation. If the Voice were serious about achieving reconciliation, there would be a discussion about *when* this reconciliation could happen. Relentlessly demanding apologies without the prospect of forgiveness is no way to achieve unity.

5. The Voice distracts from real solutions

Jensen is right to say that "This particular referendum concerns the serious matter of the welfare of our Indigenous and Torres Strait Islander neighbours." However, the Voice will do the exact opposite of what it purports to achieve.

As someone who grew up in rural Australia, I can testify to the devastating conditions in which many indigenous Australians are raised. Fatherlessness, alcohol and drug abuse and domestic violence were all too common. These aberrations have a catastrophic effect not only on parents, but also on children raised in these homes.

Numerous government attempts to solve these problems with billions of dollars of funding through the Close the Gap campaign, ATSIC and other projects have been abysmal failures. In most cases, they have left indigenous people worse off, with corrupt activists fleecing funds. Regardless of how we got to our present state, no amount of money or

constitutional recognition can solve what is at heart an issue which begins in the home.

Many draw a line from these behaviours to historical injustices suffered by indigenous Australians. Therefore, they see the solution to these problems as institutional, rather than cultural. However, such an approach enslaves indigenous Australians into believing that current trends can only be reversed through legislation. This is a non-sequitur.

The great tragedy of many indigenous homes is the lack of fathers. According to the Heritage Foundation, "The principal cause of child poverty in the US is the absence of fathers in the home." The same can be said of Australia. Fathers cannot be provided by the government, nor can the Constitution magically mend families. Indeed, increased government dependence amongst indigenous communities only destroys their sense of ownership and responsibility.

To be sure, as with all people, the greatest need of indigenous Australians is the gospel of Jesus Christ. Yet, this does not negate the reality that fathers play a crucial role in the formation, security and stability of their homes.

By diverting attention away from the behaviour of indigenous Australians—most prominently, fatherlessness—the Voice is distracting us from real solutions. At the heart, the key issues faced by indigenous Australians are not constitutional, but cultural. The paternalism of the Voice only hurts indigenous Australians who are suffering.

In the words of Anthony Dillon:

> [The Voice] send[s] the poisonous message to Indigenous Australians who suffer needlessly that their salvation lies in the Voice and [that] they are powerless to make any positive change in their lives, now or ever, through their own efforts or from receiving the help offered to them.

The bottom line

A "No" vote is the best option for Christians in 2023. The Voice is not merely imperfect, as Michael Jensen admits, but in fact extremely dangerous. It will not contribute to a reconciled Australia, but to an Australia in which racial animosity will be further entrenched.

Mundine is right to say, "The Australian Constitution is not racist and does not need race-based privileges. Nor is it racist, or to stand 'on the wrong side of history', to oppose constitutional amendment."

At its core, the Voice cuts at the heart of Christianity: where can reconciliation be found with God and man? While the Voice proposes constitutional change as the answer, we find the true answer in the gospel. It is only through Christ that the dividing wall can be done away with once and for all.

While I don't doubt the sincerity of believers who are planning to vote "Yes" in the referendum, I maintain that their charitable hearts are sincerely misled. While they may be motivated by a desire for unity, the Voice is—at heart—a divisive and unjust distraction from the real solutions for indigenous Australians.

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*James Jeffery is a trainee Presbyterian minister from Sydney. This article was published on **Quadrant Online** in June, with footnotes.*

"WOMINJEKA" TO A DIVIDED NATION

Christopher Akehurst

On board, like all earnest progressives, with the succession of civilisationally regressive social trends that drop like rotten apples from the leftist tree, the deputy lord mayor of Melbourne, Nicholas Reece, has even anticipated the Voice with a suggestion that the rest of us can voice too. He wants everyone to learn to speak "some Aboriginal language".

Of course, if the Voice does manage to install itself, on a tide of tear-jerking pleas for courtesy and understanding, people like Reece will probably want everyone to speak *only* an Aboriginal language. The twenty-four Voician commissars who, when not squabbling among themselves, will constitute a kind of latter-day Committee of Public Safety to keep lesser Australians in line, are likely to require that English be reclassified as a "white supremacist" hangover from the brutal days of the "invasion". The Reeces of this world—he's a university employee—know which side their bread is buttered on, and when the Voice, which will be very much an active rather than a passive Voice blaring down on Parliament telling our elected representatives what to do, delivers its instructions, they'll smartly obey.

Reece was off to a good start in his crusade for linguistic reform. "Wominjeka," he announced brightly in a newspaper article, an utterance that may come to be seen as a first step to changing the way we all speak. "Wominjeka," he explained, "may still be an unfamiliar word to many Melburnians but for thousands of years it has been the common greeting of 'Hello/Welcome' for the Wurundjeri people, the traditional owners of Melbourne." That "Melbourne", by the way, will not be regarded with favour by the Committee, which along with Reece will prefer the appellation "Naarm", oblivious to the fact that Naarm—if it *is* a genuine Aboriginal name, and there are so many ersatz ones around—could logically only refer to the site of Melbourne as it was in pre-colonial days. If you want to call it Naarm now, you need to eliminate whitey's Melbourne, bulldoze the site—an aesthetic improvement as far as the city's post-war architecture is concerned—and return the place to its alleged arcadian state, perhaps, for verisimilitude, letting a few kangaroos out of the zoo to hop around and get speared by the "traditional owners".

For nature truly was red in tooth and claw when traditional Aboriginal life was lived where Melbourne now is. And the welcome you would get was considerably warmer than a friendly "Wominjeka". Strangers were usually greeted with a barrage of spears and boomerangs—something that doesn't happen any more for one very important reason. Whether Reece and the Voice-promoting army of white activists like it or not, Australian Aborigines are now assimilated, some more than others, but assimilated none the less. What Reece inaccurately calls "the oldest continuous culture in the world" (isn't that the San bushmen of southern Africa?) is now more an object of anthropological study than a living culture. It survives here and there as an identity marker among people who for the most part have a Westernised life in a Western culture, with TikTok and giant television screens and baseball caps and all the other appurtenances of twenty-first-century existence, even in remote settlements. You can see them every time a television camera goes near. These are the things that count for Aborigines, as for just about everyone else in Australian society, as the near universal possession of them demonstrates.

Suggesting we learn some "Aboriginal" is a big ask. For a start, which language? All of the 120 or so which according to Reece are still spoken? And to what end? Just so you can say "Wominjeka" to everyone that happens along? What a burk you'd look doing that. One pictures Nicholas on the Melbourne, beg pardon, Naarm Town Hall steps nodding his head smilingly and saying "Wominjeka" to passers-by until people become wary and start to walk around him, the way you try and avoid a drunk in the train. Some might

gesture in his direction and wink while making a digital spiral movement around the ear.

And what kind of response would you get, going up to a perfect stranger and saying "Wominjeka"? If your interlocutor understood you he might ask "Wominjeka to what?" If he didn't he might say, "Dunno, ask a policeman." If he was a self-respecting Aborigine he'd be entitled to add, "If you mean to Australia, it's as much my country as yours, mate." In English too, because, even if Nicholas hasn't noticed, Aborigines have already taken the initiative and learnt the white man's toxic language. Look at the very names they use for their hierarchs—*elders*, *aunties*, *uncles*.

One of the reasons the Left hates history and attempts to rewrite or suppress it is because history shows that an "invaded" people can be assimilated into an "invading" one and create a richer society together. Australian Aborigines, according to leftists, were "invaded"—though if the relatively bloodless British settlement of Australia was an "invasion", what would leftists have called a Japanese conquest in the Second World War, or a Chinese military occupation now? But so were the Anglo-Saxons in Britain invaded in the Norman Conquest, and the consequent amalgamation of cultures gave us the nation that civilised much of the world, and the inheritance that leftists themselves now enjoy, and interminably criticise or try to undermine, not, be it noted, because they are uncomfortable in it—if they were, they could always leave—but to assuage some psychopathology of their own. They are ingrates.

It is the comfort and security of a stable society that allow people like Reece to dabble in Aboriginality. It wasn't like that in the primitive society they extol.

The same beneficial results of assimilation have demonstrably been accepted by the great majority of indigenous Australians. By the early twentieth century, relations between the two strands of Australian citizens had become generally untroubled. It is only since white leftists, never happy unless they're stoking up new grievances, took to exploiting the divisive potential of race, that assimilation has been equated with genocide by many people in Australia who should know better.

It is the comfort and security of a stable society that allow people like Reece to dabble in Aboriginality. It wasn't like that in the primitive society they extol. Indigenous life was hard and brutal in those supposedly halcyon days before British settlement, certainly much harder than putting an Aboriginal place name with your email address, which is often the extent of the average wokeist's "identification" with our "first nations"—note the term unimaginatively lifted from the quite different racial politics of North America—or being able to recite an "acknowledgment of country" in fluent Woiwurrung, as Nicholas boasts in the Naarm *Age* of being able to do.

Foisting Aboriginal languages on Anglophone Australians is part of the tiresome but now seemingly unstoppable campaign by the Left and its useful idiots in the ABC (with their ridiculous "indigenous" subtitles) and elsewhere to divide the nation racially. If they could they'd return our country to pre-settlement conditions, with a Babel of warring tribes and not too much cheery "Wominjeka" exchanged among them.

Perhaps Aborigines, rather than being told what is good for them by a few alleged spokesmen schooled by inner-city Anglo know-alls, should be asked in a referendum which culture they would prefer to live in. The one we have, or the older one as it was in the barbaric days before our nation was founded. An indigenous voice on that would be instructive.

Meanwhile, we might as well stick to our traditional greetings. "Have a great day" seems unexceptionable compared with "Wominjeka".

Christopher Akehurst, who lives in rural Victoria, is a regular contributor.

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Tony Abbott

Three Arguments Against the Voice

Part One: A Plea to Reconsider

I support recognising indigenous people in the Constitution but only if it's done in ways that don't damage our system of government and don't compromise our national unity. Done well, recognition would complete our Constitution rather than change it. Done badly, recognition would entrench race-based separatism and make the business of government even harder than it currently is.

As shown by the British government's injunction to Governor Phillip to "live in amity" with the original inhabitants, there has always been a degree of official goodwill towards the first Australians. The fact that this has now percolated far beyond high-minded documents to become the overwhelming instinct of the entire Australian people shows how far we've come in two centuries. It may indeed be simple "good manners", as the Prime Minister says, to want to acknowledge generously in our nation's founding document the original inhabitants who were most regrettably (given the prejudices of the 1890s) overlooked when it was first instituted. Yet it would be a dreadful mistake for an abundance of goodwill to propel changing the Constitution without careful regard for its consequences; because constitutional change is "for keeps" in a way that mere policy change or legislative change is not.

As leader of the opposition, and then as prime minister, I fully supported the principle of constitutional recognition that John Howard had first pledged in the lead-up to the 2007 election and that's been bi-partisan policy ever since. I didn't support the Gillard-era proposal that section 51(xxvi) of the Constitution might be changed to replace the Commonwealth parliament's "race power" with a power to make laws "for the benefit" of indigenous people because this would have invited the High Court to adjudicate on the actual beneficence of any such law. Seeking an alternative, in July 2015, I jointly chaired, with the then opposition leader, a round table of about forty indigenous leaders to chart a process that might lead to a better proposal. The plan that emerged was to have a series of consultations, not just among indigenous people, but among the wider community too (because the Constitution belongs to everyone) in the hope of putting to the people a proposal that might readily succeed on the fiftieth anniversary of the successful 1967 referendum to count indigenous people in the census.

Unfortunately, it was only the indigenous half of that consultation process that ultimately took place under my successor. This culminated in the 2017 Uluru Statement from the Heart that called for so much more than just constitutional recognition. It sought an indigenous "voice to parliament" in order to given indigenous people much more say on the workings of government; as well as treaties between the Australian government and so-called "First Nation" groups; plus a "truth telling" commission to uncover and to publicise further injustices that indigenous people had suffered.

In other words, the original, all-but-universally-supported proposal to recognise indigenous people in the Constitution had morphed (or run off the rails even) into a much larger proposal for a series of changes that were not only supposed to make governance more responsive to indigenous people but also to change the understanding of Australian history. At least, that's what the then-Prime Minister Malcolm Turnbull judged had taken place when he declined to support the Voice on the grounds that it would amount to a third chamber of the parliament. Although Turnbull says that he has changed his mind and now supports the Voice, he still admits that it would be "an enormous change to the way our parliamentary system works".

At the Garma Festival in 2022, Prime Minister Anthony Albanese called for the Constitution to be amended in three specific respects: first, that there should be enshrined "a body, to be called the Aboriginal and Torres Strait Islander Voice";

second, that this body would make representations to both the parliament and to the executive government "on matters relating to" indigenous peoples; and third, that this body's "composition, functions, powers and procedures" would be determined by the parliament. In other words, should this proposal succeed, there would have to be a Voice; it would have to be listened to; and its powers and functions could be as wide as a parliament might make them. Despite insisting that the Voice would be merely advisory, the Prime Minister subsequently admitted it would have to be a very "brave" parliament and government that didn't accept its advice.

In my judgment there are four massive issues with this concept of indigenous recognition-by-way-of-a-voice.

First, it's a race-based body comprising only indigenous people. Unless the government is to nominate or the parliament is to select the members of the Voice, there would presumably have to be a race-based electoral roll determining who could stand for election and who could vote for the Voice's members. This would give indigenous people two votes: first, like everyone else, a vote for the parliament itself; and second, in a right that's uniquely theirs, a vote for the Voice. If governments were in the habit of making decisions for indigenous people without their input, or if the parliament were devoid of indigenous representation, there might at least be an argument for such a special indigenous body. As it's happened though, constitutionally entrenching a separate indigenous Voice when there are already eleven individual indigenous voices in the parliament; and when there's arguably "analysis paralysis" from a surfeit of indigenous consultation mechanisms already, is a pretty strange way to eliminate racism from our Constitution and from our institutional arrangements.

The quest for recognition has evolved into a demand for this entirely novel governmental entity that, it's implausibly claimed, would both make a big difference and yet be no big deal.

Second, it would vastly complicate the difficulties of getting legislation passed and anything done. If the Voice chooses to have a view on anything at all that touches indigenous people, that view would have to be taken very seriously by government; indeed, on the Prime Minister's view, it would be a veto in fact, if not in theory.

Third, in the event that an indigenous person or entity were aggrieved by a government that failed to give the Voice a chance to make representations on any issue, or that then ignored it, there could readily be an application to the High Court to rule that the Constitution had been breached. This is the likely consequence of importing into the Constitution such a vague-yet-portentous concept as a "Voice" (as opposed to one described as an advisory body or a commission) especially one that's said to be the means of putting an end to centuries of marginalisation. At the very least, the existence of a Voice could import further delay into the finalisation of legislation or decision-making as it's given adequate time to investigate and come to its conclusions.

Fourth, the whole point of indigenous recognition is to address a gap in what's otherwise been an admirable Constitution and, in so doing, to help to complete the reconciliation of indigenous people with modern Australia. There could hardly be a greater setback to reconciliation than a referendum that fails. Yet that is the likelihood—at least based on the record of previous attempts to change the Constitution—in the absence of substantial bi-partisan support. Although the Coalition's indigenous affairs shadow minister has previously been an in-principle supporter of a voice (and accompanied the Prime Minister to Garma), the new Coalition senator for the Northern Territory, the proud "Celtic Warlpiri Australian" woman Jacinta Price has expressed deep scepticism about a proposal with so much of the detail thus far omitted, with so much potential for ineffective posturing, and that defines people by racial heritage.

The only way the current proposal could succeed would be by playing to Australians' unease over indigenous dispossession and desire to be on "the right side of history". Even so, with figures such as Price and the former ALP national president and Liberal candidate Warren Mundine figuring prominently in the "No" campaign, it's hard to see the Voice winning over a majority of the people plus a majority of the states.

My strong hope is that the government might reconsider the wisdom of putting a proposal that's problematic in principle, doubtful in practice, and probably doomed to fail. It would be a pity, though, were the whole bid for constitutional recognition to founder because it had become a proposal pushed by activists who sought too much. In my judgment, there is a proposal that could succeed because it passes the test of successful constitution-making: namely, having something for everyone but not too

much for anyone.

On quite a few occasions as prime minister, including at a "recognise" dinner in December 2014, I described Australia as having "an indigenous heritage, a British foundation, and a multicultural character". These days, because multiculturalism is a contested concept, I'd prefer to substitute the term "immigrant character". My inclination, back then, depending on how the consultations had developed, would have been to propose an amendment to the constitutional preamble, so that it would henceforth read, "Whereas the people … humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble federal Commonwealth, with an indigenous heritage, a British foundation, and an immigrant character, under the Crown … and under the Constitution hereby established".

The amendment would add words that were self-evidently true; that had the potential to speak to everyone, whether descended from indigenous people or the latest arrival; that provided a good short-hand description of Australia; and that could hardly be mischievously judicially mis-applied to interfere with the processes of governing. It also had the advantage, I thought, of building on Noel Pearson's concept of the "pillars" on which modern Australia rests; with the degree of emphasis that might be given to each one of them a matter for individual choice.

It would actually be the strength of such a proposal that it would be symbolic change only; because any change that went beyond that would inevitably involve much more than recognition itself and become a change to the way Australia is governed. That's precisely the current difficulty: the quest for recognition has evolved into a demand for this entirely novel governmental entity that, it's implausibly claimed, would both make a big difference and yet be no big deal; combined with the palpably false claim that indigenous people currently have no say over governmental decisions that affect them.

Of itself, the change I had in mind would not solve the issues bedevilling indigenous Australia. It would still be up to the wisdom of government and the initiative of individuals to raise indigenous life expectancy, to increase educational attainments and to boost employment prospects. But of itself, neither is grafting an indigenous voice onto the parliament going to get the kids to school, the adults to work, and the ordinary law of the land applied in remote communities. Indeed, there's a paradox here: at the very time when the Prime Minister says that a constitutionally entrenched indigenous Voice is the government's highest first-term priority, the government is seeking to pass legislation abolishing the cashless debit card against the express wishes of several key indigenous leaders in the communities where it has helped to reduce alcohol-fuelled violence.

Especially if a Voice turns out to be largely the preserve of activists from the big cities, it's far more likely to be a permanent echo chamber for grievance than a mechanism for reconciliation and a better life for indigenous people. The likely result won't be one Australian nation but a country where the descendants of the original inhabitants have a privileged position over everyone else whose local roots go back no further than 1788.

I can understand why indigenous leaders would want constitutional change to go beyond the symbolic in order to produce better outcomes for their own people; and hence the call for their own unique Voice to which the parliament should defer. But better outcomes are ultimately the product of better attitudes; and these are more likely to be engendered by a generous acknowledgment of all the elements that have made modern Australia such a special place than by creating yet more elements of government based on indigenous ancestry.

If against the better judgment of many who have studied the Voice proposal as it currently stands, it should prevail at a referendum and be incorporated into the Constitution, it will be the duty of every Australian to make the most of the new situation. Against expectation, perhaps it would turn out to be the kind of forum where indigenous people of goodwill respectfully debate the issues that particularly impact them—and not a forum for point-scoring, grandstanding and grievance-mongering; perhaps it could, after all, become the kind of forum that all Australians might wish our parliament to be. We can but hope.

It's just that, based on what we know, the Voice is wrong in principle, almost sure to be bad in practice, and unlikely to succeed in any referendum. If it fails, reconciliation is set back. If it succeeds, our country is permanently divided by race. Hence the fundamental question: why further consider something that would leave us worse off whichever way it goes?

Part Two: Vote "No" to a Voice That Divides Us

The Prime Minister's emotion in March was understandable, talking about the indigenous Voice to parliament, because a better deal for indigenous people should be a key part of our national project. All of us want to close the outcomes gap between the First Australians and

everyone else; and almost all of us are happy to see indigenous people recognised in the Constitution. So a sense of occasion was entirely fitting.

But the challenge is to find a way of doing this that doesn't divide Australians by race and end up making an unsatisfactory situation worse. And the risk is that an abundance of goodwill might lead voters to support a change that turns out to be much more than they thought.

There are much more straightforward ways to recognise indigenous people in the Constitution than via a Voice. One would be to insert into the preamble, right after "one, indissoluble federal commonwealth" and before "under the crown", these new words: "with an indigenous heritage, a British foundation and an immigrant character".

The advantage of doing this would be that it's indisputably true, has something for everyone, and would become a good one-line description for the country we love. Another would be to insert an acknowledgment into the Constitution that the continent and islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples, using the words of the Recognition Act of 2013 that the parliament passed without dissent.

Something with a touch of poetry would be better than a dry acknowledgment of the facts, but either would well round out an otherwise serviceable Constitution and do justice to an Australia that is so far beyond past prejudices that, without the need for any reverse discrimination, we now have eleven individual indigenous voices in the national parliament.

Let's be clear that it's no longer just constitutional recognition that many indigenous leaders now want and that the government is proposing to give. They're seeking a mechanism to overcome, in Senator Pat Dodson's words, "the tyranny of our dispossession", as if history can be undone.

"Recognition" and "consultation" are the sales pitch for the proposed Voice, but the intention is to regain the sovereign power over the future direction of the country that they think was wrongly taken away two centuries ago. The proposed constitutionally entrenched voice to both the parliament and to the executive government is about restoring at least some measure of the sovereignty the government thinks Aboriginal people unjustly lost from 1788 onwards.

By giving the Voice a right to make representations to both the executive government (including the public service) and to the parliament on anything "relating" to indigenous people, and by requiring all the arms of government to seek "early advice" from the voice in the preparation of laws and policies, this change would mean that almost nothing could happen without substantial indigenous input.

Maybe the Voice wouldn't be the "third chamber of the parliament" Malcolm Turnbull originally called it; or the "fourth arm of government" (after the executive, legislative and judicial arms), as some lawyers have said. But it would certainly be a massive disturbance to the way we have been governed; a form of co-governance, in fact, where the representatives of the 4 per cent of Australians with indigenous ancestry have a constitutionally guaranteed special and extra say over the governance of everyone.

This is very far indeed from the "modest" change the Prime Minister claims it is. It's actually by far the biggest constitutional change we have ever been asked to make. It's not just adding to the powers of the federal parliament but actually changing the way we are governed.

And by declining to have a constitutional convention to tease out all the implications; and by failing to provide the sorts of accompanying detail about how the voice might operate and be selected (as sought by the opposition); and by failing first to establish the Voice by legislation (as the government could under existing constitutional powers), so everyone could see how it worked in practice before making it "forever" in the Constitution, Anthony Albanese is rushing us into making what will be effectively an irrevocable change with vast ramifications.

As the Prime Minister's language indicates, he wants the referendum to carry on sheer moral force. He thinks the inherited pain of dispossession for indigenous people and the inherited shame of dispossession for the rest of us (even though nearly all indigenous people have both dispossessed and dispossessing ancestors, and even though none of us can be responsible for what happened more than a century ago) creates a virtual obligation to make amends in whatever form indigenous leaders want.

Even if this Voice really would still the "whispering in our hearts" (making us "feel better about ourselves", as the Prime Minister puts it) and enable all Australians to go forward, fully reconciled to each other as equal citizens in the best country on earth, the racial distinctions inherent in it would hardly be justified. But almost the first items of business for the new voice, which—remember—can be proactive as well as reactive, are likely to be hyper-contentious: such as questioning the date of Australia Day, seeking treaties between the Commonwealth and our 300-plus "First Nations", and seeking additional payments for the use of land and water by way of reparations or compensation for past exploitation.

This is hardly a prescription for "bringing the nation together". And as quite a few legal experts

(notably Greg Craven) have noted, any failure to give the Voice adequate notice of proposed laws and policies, to resource it properly, or to fully take its advice into account is likely to lead to action in the High Court, with the potential to add exponentially to the tardiness and imprecision of government decision-making.

Even if it would finally remedy the near failed state that remote Australia has largely become, it could hardly justify the unequal treatment inherent in such a change. But instead of facilitating on behalf of remote indigenous people the jobs, education and housing prospects that most Australians enjoy, it is far more likely to entrench the separatism that is the root of the dysfunction. Different (and invariably lesser) outcomes are the inevitable consequence of the different expectations about schooling, working and living that any Voice, especially one dominated by activists, is almost bound to reinforce.

By so irrevocably committing the government to the maximalist indigenous agenda, albeit with the best of intentions, the Prime Minister has set us up for tragedy. Instead of sticking to the achievement of constitutional recognition (as is all but universally supported); and instead of implementing the Voice through legislation (to be adjusted or even ended as needed, as other indigenous bodies have been), he is forcing us to choose between our goodwill for indigenous people and our wariness towards a Trojan horse in the heart of our Constitution.

It's by far the biggest constitutional change we have ever been asked to make. It's not just adding to the powers of the federal parliament but actually changing the way we are governed.

Getting indigenous kids to school, indigenous adults to work and keeping indigenous communities safe are more important than a form of recognition that would turn out to be both divisive and counter-productive.

I'd prefer to avoid the moral scorn that will be directed at all Voice critics. But in the absence of an eleventh-hour prime ministerial change of heart, it's absolutely necessary that Australia vote No.

Part Three: Even Watered Down It's Still Wrong

Because Voice supporters are worried that the referendum might fail, they're now arguing among themselves about whether to water down their proposed change to our system of government.

A constitutionally entrenched indigenous Voice that was only to the parliament would certainly be less radical a change. But it would remain just as unnecessary given that there are already eleven individual indigenous voices in our parliament. And it would be no less wrong in principle.

Any special Voice, for some but not for others, especially a Voice based on ancestry, would still mean that we are no longer one, equal people. It would still be an affront to the ideal of constitutional equality even if it were a Voice only to the parliament, and only on laws specifically relating to indigenous people. It would still mean two classes of Australians: the few, whose ancestry here could be traced back some 60,000 years; and the many, whose ancestry in this country dates only from 1788; with the few given a special right to influence legislation over and above that accorded to the many. It would still mean that some people, based on the length of their links to this country, would get a special say over how they were treated compared with that accorded to everyone else.

And it would still be a change to the way we are governed, rather than the simple recognition of indigenous people in the Constitution that almost everyone supports.

The pro-Voice voices now calling for the Voice to be changed, such as Mick Gooda, Julian Leeser and Father Frank Brennan, can see from the polls that Australians are waking up to just what a far-reaching change the current proposal is. Voters are starting to work out that giving the indigenous Voice a constitutional right to make representations to everyone on everything is going to gum-up our government and ensure that it can do nothing of substance without first obtaining a measure of indigenous consent.

Indeed, that's precisely what Voice proponents want: a Voice that can't be ignored or shut up, says Professor Megan Davis; a Voice that will have its remit determined by the High Court, says Professor Marcia Langton. But a Voice whose powers are ultimately decided by the unelected High Court, and a Voice that exerts an effective veto over government, especially a Voice that might end up selected through an opaque and undemocratic process that can change from community to community, is hardly a Voice that people would vote for, which is why only a few of its proponents are honest about what they want it to be.

Then there's the growing realisation that

the Voice is just the first demand of the Uluru Statement from the Heart, to which the Albanese government is committed "in full". There are also treaties between the federal government and the 300-plus indigenous "First Nations" who supposedly never ceded sovereignty, plus "truth telling" to counter the view that Australia's history is something to be proud of.

Those wanting the Voice to be watered down, from the current fourth arm of government, to a constitutionally sanctified advisory body to the parliament (and perhaps also to ministers too) think that this might allay fears that this is really a power grab by indigenous activists masquerading as constitutional recognition and that it might make it easier for the federal parliamentary Liberal Party to drop its opposition to the Voice.

The Voice is just the first demand of the Uluru Statement from the Heart, to which the Albanese government is committed "in full".

The Voice modifiers are decent people who are understandably worried about the bitterness that a failed referendum could engender, hence their eagerness to make it more acceptable. But the Voice opponents are decent people too, also worried about the bitterness of a failed referendum, just not enough to acquiesce in a dud change that should have been been better thought through from the start.

Whether they're pro or anti Voice, none of the current proposal's critics deserve the vitriol that Noel Pearson has directed at them. Instead of providing the prophetic leadership of which he is sometimes capable, Pearson's bullying of everyone who dares to disagree illustrates just how divisive this Voice of his would be, should it come about.

A Voice that could make representations to a much more limited range of entities and that had the effect of its representations clearly defined would certainly be less of a potential disruption to the work of government. But while it would be less bad in practice it would still be wrong in principle; and in my judgment, it would be a huge mistake to say "yes" to something that's wrong in principle out of relief that it could have been worse.

Whether it's a Voice to the whole of government or just to the parliament, it could hardly be more at odds with what we used to tell ourselves about our country: that each and every one of us, male or female, black or white, old or young, immigrant or native-born, rich or poor, religious or not—provided there was a commitment to Australia—were all first-class citizens with the same rights and responsibilities.

We don't give a special Voice to women, or to migrants, or to people with disabilities, even though the parliament sometimes passes laws that particularly refer to them, and even though they, too, have sometimes not had the fair go from our system that they deserve. Likewise, we can't give a special Voice to the first Australians without establishing a hierarchy of descent; or indeed, a pecking order among all the victims of history.

Seeking an eleventh-hour compromise will hardly allay people's misgivings, just reinforce them and confirm that the Liberal Party was always right to say "no".

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*The Hon. Tony Abbott was Prime Minister of Australia from 2013 to 2015. The first part of this article is an extract from **Beyond Belief**, edited by Peter Kurti, published by Connor Court in 2022. The second and third parts were originally published in the **Australian** in March and May this year respectively.*

Peter Baldwin

The Progressive Case Against the Voice

Is the proposal for a constitutionally entrenched Voice to parliament and the executive government "progressive"? If so, in what sense?

This will seem to most people a no-brainer. After all, nowadays, in one of the great acts of linguistic appropriation of our time, "progressive" has come to be seen as virtually synonymous with left-wing.

And what could be more left-wing than the Voice, endorsed as it is by just about all the left-of-centre forces in Australian politics, including all factions in the Labor Party, right through to the most wild-eyed Trotskyist sect. After all, so goes the argument, it is just a modest step towards securing recognition, justice and recompense to the most oppressed part of the Australian population. Only a racist, or a member of the far Right could be against it, surely? We hear this claim repeatedly by people who call for a calm, civil "conversation", sometimes as a precursor to launching into a vicious *ad hominem* attack on Voice opponents.

This near-unanimity is surprising, given that the Voice involves inserting a permanent, racially discriminatory provision in the Australian Constitution, that confers on one racially defined section of the community an additional means to influence legislation and decisions that affect everybody, not just Aboriginal people.

Especially, given that it contravenes the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), adopted by the UN General Assembly in 1965, and entering into force in 1969. Article 1 defines racial discrimination as:

> ... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

There is provision for "special measures" to overcome disadvantage, but these must be temporary, intended to disappear once their objectives have been achieved.

This has been the preponderant view on the US Supreme Court since 2003, when Justice Sandra Day O'Connor cast the key vote preserving affirmative action but suggested a twenty-five-year timeframe to allow the achievement of the measure's goals. This ruling figured in the debate leading up to the court's most recent decisions rejecting race-conscious admissions at Harvard and the University of North Carolina.

However, if adopted, the Voice will be for keeps, permanently cemented into the Australian Constitution. "Progressive" opinion is not just comfortable about this, but absolutely insistent on it.

Some defenders of the Voice, such as Sky News presenter Chris Kenny, deny that it has anything to do with race, but is about Aboriginal descent. This is a distinction without a difference—notice that the words of the Convention cited above prohibit distinctions based on "race, colour, descent", all terms denoting what people have in mind when talking about race and racism.

So, how can a racially discriminatory provision possibly be progressive?

To make sense of this, it is necessary to take account of the extraordinary transformation in the Left's attitude to race and racism that has occurred in the decades since the Convention was adopted in the 1960s.

The language of the Convention reflects the universalism with regard to race that was then central to the progressive worldview, the most famous expression of which was Martin Luther King's great civil rights speech in 1963 in which he looked forward to the day when his children would be judged by the content of their character, not the colour of their skin.

Back then, leftists (not just leftists, of course) looked forward to a colourblind future in which

racial identity would become increasingly irrelevant. The old Left view was that it is both irrational and morally repugnant to judge anyone by the melanin content of their skin, or any other heritable surface feature. The idea that racial identity would define a person's essence was anathema.

An interesting aspect of this was that the Aboriginal groups that initiated calls leading to the 1967 referendum were divided about whether to modify or eliminate all references to race in the Constitution. The upshot of these discussions was that they decided to preserve the racial power in section 51 that allowed the Commonwealth government to make specific laws "for any race", while removing the specific exclusion of Aborigines. Moreover section 25, which envisaged race-specific disqualifications from voting, was also preserved.

Why not eliminate all references to race in the Constitution? Apparently Aboriginal advocates were talked out of this by white advisers on the basis that any future laws were likely to be beneficial to them, an early portent of the abandonment of racial universality.

Why not eliminate all references to race in the Constitution? Apparently Aboriginal advocates were talked out of this in 1967 by white advisers on the basis that any future laws were likely to be beneficial to them.

Since then, with the highly regrettable embrace by the Left of the politics of culture and identity, the "progressive" attitude to race has changed beyond recognition. This is largely a result of the work of the academic theorists who concocted Critical Race Theory (CRT) and its odious sub-discipline Whiteness Studies, that treats "whiteness" as a kind of pathology. These theories originated in the US but have spread throughout the Western world.

Instead of colour-blindness, CRT practitioners—and they do see it as a practice, or praxis, undergirding political activism—demand a hyper-awareness of racial identity, and how this supposedly determines each person's status as either a bearer of racial privilege ("white people"), or as one of the oppressed ("people of colour").

Here is one particularly weird aspect of today's "progressive" thinking about race. You may have heard of the one-drop rule, a term widely used in the American South during the Jim Crow era for the idea that having one drop of Negro blood was sufficient to define a person as black, and subject to all the racially discriminatory laws and attitudes of the period, including the prohibition on miscegenation, sexual relations between whites and "coloured" people. The Nazis had a similar attitude—to be admitted to the Nazi party, candidates had to prove using baptismal records the absence of any Jewish ancestor since 1750.

Today, with the rise of identity politics, the one-drop rule is back. Recall how Senator Elizabeth Warren claimed native-American status on the strength of her "high Cherokee cheekbones" and some very distant ancestry, which DNA analysis put at between 1/32 and 1/1024 of her genetic heritage. Ridiculous, but it was enough to for her check the native-American box to help her academic career.

Nowadays, it is common for Australians to claim Aboriginal heritage on equally spurious grounds. And, woe betide any "white" person who questions any of this, such person being likely to face accusations of racism, or as in the case of the journalist Andrew Bolt, brought before a court. It is also taboo to state the obvious truth that someone of mixed racial background is, well, a person of mixed racial background.

The "indigenous" author Bruce Pascoe has taken this a step further, failing to refute claims that all his grandparents were English. Pascoe has done very well out of his claimed indigeneity, producing an acclaimed, but nonsensical, book about pre-colonial Aboriginal agriculture. Melbourne University has even made Pascoe a Professor in Indigenous Agriculture on the strength of it! There is a lot to be gained by claiming membership of an "oppressed" identity these days.

Instead of an insistence on strict racial equality, today's "progressives" call for differential treatment grounded in this privileged/oppressed binary. Talk of colour-blindness serves to distract from this understanding, and so is deemed racist. Hence, we find universities like the University of California, drawing up lists of taboo words and phrases, including "When I look at you, I don't see colour".

At American universities, racially segregated spaces, dormitories, graduation ceremonies, clubs and societies are making a comeback at the behest of "progressive" administrators, academics and activist students, as well as calls for "race-based" political mobilisation. Instead of consistent opposition to all racial vilification, there is the legitimisation of derogatory statements directed at "white people", and of character traits exemplifying "whiteness", which includes having a strong work ethic, punctuality and a commitment to seeking objective truths, an oxymoron in the eyes of postmodern academia.

And cultivation of racial awareness is too important a progressive priority to be left to the later stages

of the education/indoctrination process. In the US, Britain and Australia, we see programs to cultivate heightened racial awareness being brought in at the primary school level, a development celebrated in a two-part documentary by (who else?) our ABC.

This documentary describes a program being implemented in a New South Wales public primary school modelled on similar programs in the US and UK. The children are prompted to identify and think deeply about their racial status, and then required to participate in a game where they take starting positions in a race that reflect their status in the pecking order of privilege or oppression. Some of the children (ten to twelve years old), especially those clearly white, were obviously distressed by this process—but, hey, this is a small price to pay to achieve the noble progressive goal of heightened racial awareness. After all, the white children need to recognise they are the bearers of a kind of racial original sin. This, under the auspices of a "conservative" state government—pity an old-school leftist wasn't in charge!

Do you think this is an exaggeration? Let's go to the authority on all things progressive, in the Australian context anyway, the ABC. There was an episode of a Radio National program called *The Minefield*, devoted to exploring wicked social problems and ethical dilemmas, with the strange title "Wrong to be White", that featured two academic commentators on racial issues, moderated by the person who runs the ABC's religion and ethics website, Scott Stephens.

The discussants made clear that, in their view, there was indeed something gravely wrong with being white. According to Stephens:

> The great moral debility about being white is that people have wilfully chosen the trinkets and accoutrements of the accretions of power and privilege over a much more fundamental bondedness with other human beings … I mean that is, if we were speaking in a theological register, we would call that a tremendous and even radical sin.

So, according to Scott Stephens, "being white" is a "tremendous or even radical sin". Astonishing stuff. It inverts the old racist notion, used to justify slavery, that black skin was the Mark of Cain. Instead of aiming for a world where there are no moral hierarchies based on race, the CRT brigade want an inverted hierarchy. And they call this anti-racism?

How do the race theorists and their followers think this will advance the cause of "reconciliation"? The American scholar Karen Stenner has documented how denunciation of people based on group identity, especially if deemed unfair, can be seen as a "normative threat" leading to the very opposite of what reconciliation advocates claim to want.

So much for the "progressive" attitude to race. How does this racist ideological poison bear on the Voice debate?

To get a sense of this, it is useful to bear in mind that, if the referendum is successful, the Voice will be just the first stage in a three-step process to achieve reconciliation and social justice outlined in the Uluru Statement from the Heart, adopted at a gathering of Aboriginal people and organisations in 2017. Prime Minister Albanese has declared his government's full commitment to all stages set out in the Uluru Statement.

The two subsequent steps will be negotiations to achieve a treaty (Makarrata) between the Australian state and Aboriginal Australia, seen as a separate sovereign entity, followed by a process of "truth-telling" that will describe in detail the manifold ways in which indigenous people have been oppressed and dispossessed since British colonisation. The end point is expected to be a demand for substantial reparations as partial compensation for this litany of harms.

Don't hold your breath waiting for any concession that Western civilisation might have brought significant benefits to Aboriginal people—modern technology, including medicine, the rule of law, the very civil liberties that have allowed Aboriginal people to redress historic wrongs and take advantage of democratic political processes. It would be interesting to hear prominent Aboriginal identities in media, academia and politics like Stan Grant, Marcia Langton and Noel Pearson trying to imagine what their lives would be like had there been no British colonisation (a pure thought experiment, since Australia would undoubtedly have been colonised by another European state).

No, on this view, colonisation has been an unalloyed negative. The flip side is the presumption that pre-colonial life in Australia was wonderful, an Edenic paradise untouched by the pathologies of domination, oppression, violence and war introduced by the British colonisers. Societies in which the various tribes sprung from the earth in possession of just those lands that were their due, without coercion or conquest, a state of near-perfect social justice, this happy state of affairs brought to an abrupt end when Arthur Phillip's First Fleet arrived at Sydney Cove.

Here is the thing about "truth-telling". According to the epistemology of postmodern academia that underpins the theories of the academic race ideo-

logues, there are no ascertainable objective truths.

Truth is held to be perspectival, and plural, with different "truths" available depending on each person's standpoint, based on identity or a combination of identities. For a "white" person to assert something to be objectively true is in reality just an exercise of power designed to perpetuate existing relations of domination and oppression.

These notions are succinctly explained in a short video by Professor Juanita Sherwood, Academic Director of the National Centre for Cultural Competence at the University of Sydney, in which she stresses the importance of "knowing that there is not only one way of knowing, being and doing, but there are many, and that they are all valid". The University of Sydney has announced that these notions of cultural competence are to be incorporated in all their curricula, across the board.

The scientific method, developed by "white people", is just one among many ways of knowing. Other ways are equally, if not more, valid and must be respected, and certainly not denied. Hence, an article about Aboriginal habitation of Australia on the Museum of Australia's website, mentions sophisticated dating methods to determine when the first Aborigines arrived, but goes on to respectfully refer to Aboriginal views of creation that hold they have been here since land was created, the Dreaming. Things have gone further in New Zealand, where Māori mythology ("ways of knowing") are being accorded equal weight to modern science in science classes.

Reading the 1987 speech outlining the ATSIC proposal with the ambitious title "Foundations for the Future", by the then Minister for Aboriginal Affairs Gerry Hand, makes the Voice seem like déjà vu all over again.

So, it is not surprising that the identarian race theorists posit indigenous culture as the polar opposite of oppressive "white" civilisation. Consider this, from a lengthy article on identity politics written by a strong academic advocate of it, which appears on the website of the Stanford Encyclopedia of Philosophy:

> Indigenous governance systems embody distinctive political values, radically different from those of the mainstream. Western notions of domination (human and natural) are noticeably absent; in their place we find harmony, autonomy, and respect. We have a responsibility to recover, understand, and preserve these values, not only because they represent a unique contribution to the history of ideas, but because renewal of respect for traditional values is the only lasting solution to the political, economic, and social problems that beset our people.

Notions of domination noticeably absent, all harmony, autonomy and respect? What is this based on? Could it be based on careful empirical studies of indigenous societies? How can that be squared with the overwhelming evidence of widespread tribal warfare before European colonisation, as well as unrestrained violence against Aboriginal women reported by early British and French explorers of Australia?

What about the claim that "renewal of respect for traditional values" is the only solution to the problems that beset indigenous societies? What studies of the efficacy of actual implemented policies is this based on?

As it happens, Australia provides a test case for this hypothesis. What happens when ideological fantasy becomes the premise of policy? The impact of the change in indigenous policy since the revolution brought about since the late 1960s under the influence of former Reserve Bank chairman H.C. Coombs provides a tragic case study.

I had not realised the magnitude of this disaster until I read Peter Sutton's book *The Politics of Suffering*, published in 2009. This is an extraordinarily important book that did not receive anything like the attention it deserved when published.

Sutton has had a close association with indigenous communities extending over thirty years. He was a key advocate and researcher supporting the Aboriginal position in some of the most important native title cases. No one can challenge Sutton's bona fides as a committed friend of the Aboriginal people and advocate of their causes, and as an outstanding scholar of Aboriginal culture.

The book paints a horrific picture of what has happened over the past few decades. It describes how communities that forty years ago were poor but liveable have become disaster zones of violent conflict, rape, child and elder assault, with what Sutton terms Fourth World health conditions. He is extremely distressed and angry about this, and derisive of the use of anodyne terms like "Aboriginal disadvantage", preferring to talk of the "levels of sheer suffering" of indigenous people today.

That this should have happened despite one

well-intentioned policy initiative after another, the granting of land rights, the setting up of autonomous Aboriginal governance and service delivery structures, and the spending of tens of billions of dollars annually on both mainstream and indigenous-specific programs, is especially perplexing.

Sutton argues that the deterioration has occurred not despite the policy shift but was in large part caused by it. His argument is complex and subtle but can be summed up by what he terms the Coombsian contradiction—a policy framework:

> built on a willingness to publicly ignore the profound incompatibility between modernisation and cultural traditionalism in a situation where tradition was, originally at least, as far from modernisation as it was possible to be.

Here is what Sutton has to say about the relationship between violence and traditional culture:

> My unqualified position is that a number of the serious problems indigenous people face in Australia today arise from a complex joining together of recent, that is post-conquest, historical factors of external impact, with a substantial number of ancient, pre-existent social and cultural factors that have continued, transformed or intact, into the lives of people living today. The main way these factors are continued is through child-rearing. This issue is particularly important, and controversial, in the area of violent conflict.

Sutton refers to a blanket of silence "promoted and policed by the Left and a number of indigenous activists" that has constrained honest debate on these matters from the 1970s until relatively recently.

Sutton is an academic anthropologist and linguist—and an important truth-teller. However, he was easy for the mainstream media and academia, and government, to ignore.

More recently, we have seen the emergence of a number of high-profile indigenous truth-tellers, whose testimony should be much harder to ignore, people like Jacinta Nampijinpa Price, Warren Mundine and Anthony Dillon, people with the background to shed important light on what goes on in traditional Aboriginal communities, all of whom have expressed strong opposition to the Voice.

Of these, Price has achieved most prominence, having been elected to the Senate from the Northern Territory in 2022, and currently serving as shadow minister for indigenous affairs. Her mother Bess is a full-blooded Aborigine, who for a time served as a minister in the Northern Territory government. Before becoming a Senator, Price was the Deputy Mayor of Alice Springs.

If any people have the "lived experience" to comment on the role of traditional culture in indigenous communities, it is Bess and Jacinta Price, both of whom grew up in central Australian tribal communities and have given impressive testimony about the problem of endemic violence in them—Aboriginal women in the Northern Territory are thirty-five times as likely to be hospitalised by violence as women in the general population.

Jacinta has been speaking and agitating about this problem, and its cultural roots, for years, and has been constantly exasperated by the lack of support and sheer lack of interest from "progressives". In a presentation to the National Press Club in 2016, she opened with this:

> Traditional culture is shrouded in secrecy, which allows perpetrators to control their victims. Culture is used as a tool by perpetrators as a defence of their violent crimes, or as an excuse or reason to perpetrate. It is not acceptable that any human beings have their rights violated, denied and utterly disregarded in the name of culture.

She elaborated on this theme in a speech, "Homeland Truths: The Unspoken Epidemic of Violence in Aboriginal Communities", delivered in the same year, when she said, "Growing up in and knowing my culture, I know that it is a culture that accepts violence and, in many ways, desensitises those living the culture of violence." Referring to a cultural practice that could potentially result in the killing of Aboriginal women, she notes:

> The public reaction was deathly silence … there was no reaction from the hypocrites in our southern cities. No complaint from anybody: no human rights lawyer, no feminist, no activist, no one made it into the media with a word of concern that women could be executed in the Northern Territory for even accidentally walking on to a ceremonial ground.

Now, that is some powerful truth-telling. How was it received by the great and the good of "progressive" politics? By Price's account, all she and her mother received from that sector was vituperation and abuse, up to and including death threats, a pattern that has continued up to the present day with Noel Pearson's extraordinary *ad hominem* attack on her in a recent radio interview.

You see, by insisting on telling these truths, rather than reciting the ideology-soaked fantasies of the postmodern race ideologues, she was committing a grave heresy, an act of treachery against her own identity. Postmodern academia has coined a sinister new epithet to describe people like Price: "native informant".

The concern of Price and her colleagues and supporters is that the Voice, and what is intended to follow—the Voice, treaty, truth-telling sequence—will, far from enabling meaningful improvements in the lives of Aboriginal people, perpetuate the disastrous policies informed by the fantasy version of indigenous culture that has predominated in recent years.

One thing that has changed in recent decades is the emergence of a university-educated Aboriginal elite, most of whom are committed to a policy paradigm grounded in an idealised version of Aboriginal culture that has yielded such disappointing results over the past forty years. It has been a dismal failure, with very little to show by way of closing the gap between indigenous people and the general population, despite a succession of well-intentioned initiatives costing tens of billions of dollars every year.

Price fears that if the Voice is established, it is likely to be quickly captured by this elite, and they will perpetuate the tried-and-failed policies that she, Sutton and others have been so critical of. What will ensure the success of the Voice, compared to a succession of earlier initiatives to address Aboriginal disadvantage?

I was a member of federal parliament when the Aboriginal and Torres Strait Islander Commission (ATSIC) was set up in the late 1980s. Reading the 1987 speech outlining the proposal with the ambitious title "Foundations for the Future", by the then Minister for Aboriginal Affairs Gerry Hand, makes the Voice seem like *déjà vu* all over again.

It's all there! The speech is replete with well-intentioned sentiments and high hopes: talk of recognition, broad-based representative structures, indigenous input into programs, indeed actual control of them, the need for a treaty, a Makarrata process.

Well, not all. The key distinction between the Voice and ATSIC is the proposed constitutional entrenchment of the former. It was possible to legislatively abolish ATSIC, which indeed happened in 2005 with bipartisan support after ATSIC was consumed by allegations of corrupt and incompetent program administration, and criminality on the part of senior figures, including the chair, Geoff Clark. Well before this, ATSIC's failings at program delivery were all too apparent. In 1995 it was stripped of responsibility for administering Aboriginal health programs, in response to a flood of demands from local Aboriginal health providers.

Voice advocates tout constitutional entrenchment as a key advantage of the Voice compared to ATSIC. An advantage for who? Not, apparently, the disadvantaged communities that desperately need honest and competent program administration.

The pseudo-progressive race ideologues insist that we are defined by our manifold identities, and that if we are the holders of an "oppressed" identity, we must fully embrace the corresponding culture, irrespective of its cruelties and other defects. In a number of recent cases, Aboriginal children removed from birth parents due to neglect, malnourishment and extreme family violence, and happily settled with white foster parents, have been subject to repeated separation from their foster parents, in the face of vehement objections from the children themselves, motivated by a futile quest for non-existent suitable kinship care options to keep them in touch with their culture.

As a result, according to Jacinta Price, bureaucrats are "putting kids in the hands of abusers", prompting her to demand a royal commission to thoroughly investigate the sexual abuse of indigenous children. Yet "progressive" politicians and commentators are still in denial about these terrible circumstances.

So, what is truly progressive? To insist on some sanitised, idealised understanding of indigenous culture, to base policies on this flimsy foundation, and to persist with this course in the face of overwhelming evidence that it harms the very people the ideologues claim to advocate for? And to vilify any genuine truth-tellers as "native informants", race and identity traitors? Or, to face realities honestly, to adjust policy accordingly, with the overriding goal of improving the life chances of some of the most impoverished and severely disadvantaged people in the country?

As to culture, Jacinta Price in a speech made back in 2016, spoke eloquently against the culture-as-prison mentality favoured by the identarian race ideologues: "Why is it that we should remain stifled and live by 40,000-year-old laws when the rest of the world has had the privilege of evolution within their cultures, so that they may survive in a modern world?" That is the genuinely progressive view, if the word means anything at all.

The Hon. Peter Baldwin was Minister for Employment and Education Services in the Hawke government and Minister for Social Security in the Keating government.

Keith Windschuttle

Hiding the Voice's Content from the Voters

On July 7, 2022, in an interview with Paige Taylor and Ellie Dudley of the *Australian*, the Minister for Indigenous Australians, Linda Burney, disclosed that the Albanese government's plans for a referendum on an Aboriginal Voice to Parliament do not include giving the voters a model of how the proposal should work in practice. Burney said she feared that "a complicated referendum question will doom decades of work towards constitutional recognition". So the government does not want to settle on the details of the proposed Voice's structure before the referendum is held.

The reason behind this is not because the details have not been thought through. Since the proposal was launched by Julia Gillard in 2011, most of the identities of the Aboriginal political class, especially Noel Pearson, Marcia Langton, Megan Davis and Tom Calma, have participated in an incessant parade of ten lengthy and expensive inquiries that produced seven long and detailed reports.

They have already answered the questions that most voters should know before they go to the polls on this issue, such as: What would the Voice actually do? Who should be on it? How would they get there, by election or appointment? Would it be an advisory body or would it have executive or legislative powers? Former Liberal government minister and *Spectator Australia* columnist Neil Brown fired off a letter to the editor the day after Burney's interview raising points that all concerned voters would want to know. "Surely," Brown said, "we are entitled to know the answers to these questions before we vote. It would be so easy to have an explanatory memorandum setting out the main features of the Voice and sent to all electors."

Both Marcia Langton and Megan Davis made public statements of their own, saying all the important details were now settled and should be put to the vote. Both want Burney to go to a referendum as soon as possible. However, Burney's predecessor as Minister for Indigenous Australians, Ken Wyatt, also preferred a minimalist approach. He told Taylor and Dudley that a plainly-worded question was the key: "It might be a set of words as simple as 'the Commonwealth shall establish and maintain an Indigenous national body'."

So, what is the difference on this issue between the two central politicians, both of Aboriginal ancestry, and the activists, bureaucrats and academics who advise and lobby them? It is not difficult to see that the politicians want to hide the content of the Voice because they doubt the referendum will succeed if the public knows too much about what lies behind it. On the other hand, the activists have been so immersed in this issue, for more than a decade now, they find it hard to imagine anyone besides the bad and the mad could disagree with them. In short, the activists know what they want, but the politicians don't want the voters, who have minds of their own, to know what is really at stake.

One thing the politicians really fear is the suggestion by Neil Brown to send out to voters an explanatory pamphlet setting out the main points of the Voice. This would give away the real objectives of the activists which is not, as they claim, to contribute to reconciliation or to "make the country whole". In fact, an honest pamphlet of this kind with appropriate quotations from the Uluru Statement would be a gift to those campaigners urging a No vote. It would allow the latter to make some obvious points about why the Voice would be bad for all Australians and a disaster for Aboriginal people themselves.

So let me list here some of the main points such a pamphlet should have if it were to adopt the case made by today's Aboriginal political class, using their own verbatim terminology and arguments. At the same time, I will try to fill out a plausible No case in response to each of their points.

Treaties "to achieve self-determination, autonomy and self-government"

In 2017, the Uluru Statement from the Heart defined the Voice as a proposal to change the Australian Constitution to give individual Aboriginal communities complete autonomy to advise the Australian government and parliament on what they want. The government would not be compelled to accept these recommendations—the Parliament would retain its existing executive and legislative status—but the Referendum Council's response to the Uluru Statement asserted there were some non-negotiable conditions if the Parliament was to properly respect the wishes of this new Constitutional authority. The Council said:

> Any Voice to Parliament should be designed so that it could support and promote a treaty-making process. Any body must have authority from, be representative of, and have legitimacy in Aboriginal and Torres Strait Islander communities across Australia. It must represent communities in remote, rural and urban areas, and not be comprised of handpicked leaders. The body must be structured in a way that respects culture. Any body must also be supported by a sufficient and guaranteed budget, with access to its own independent secretariat, experts and lawyers. It was also suggested that the body could represent Aboriginal and Torres Strait Islander Peoples internationally. A number of Dialogues said the body's representation could be drawn from an Assembly of First Nations, which could be established through a series of treaties among nations.

In other words, the eventual goal of the Voice would be to make treaties between the Commonwealth and what it calls the "First Nations". Its proponents don't just want to keep their adopted title as "nations", they want to become *real* nations. The Council's report notes that the demand for treaties was a priority of the indigenous conventions leading up to the Uluru Statement of May 2017:

> The pursuit of treaty and treaties was strongly supported across the Dialogues. Treaty was seen as a pathway to recognition of sovereignty and for achieving future meaningful reform for Aboriginal and Torres Strait Islander Peoples. Treaty would be the vehicle to achieve self-determination, autonomy and self-government.

So, the actual objective of the Voice is that each individual clan or language group should be recognised as a First Nation and for the Commonwealth to make a treaty with each one, as if it were a separate state. As I record in *The Break-up of Australia* (Quadrant Books, 2016), Aboriginal activists now want statehood, self-government and an independent legal system for each self-identifying Aboriginal clan that gains native title. And they want the Australian taxpayer to fund it all.

This is obviously a program for a radical revision of the Australian federation—all of it in the interests of Aboriginal people, but with no thought about how it could possibly be in the interests of the rest of us.

Let me remind readers of the version of Australian history they will all be required to accept. The Uluru Statement—or at least its original long version, not the one-page abbreviated and sanitised version published on that website today—made a series of assertions advocating the following:

> We have coexisted as First Nations on this land for at least 60,000 years. Our sovereignty pre-existed the Australian state and has survived it. We have never, ever ceded our sovereignty. The unfinished business of Australia's nationhood includes recognising the ancient jurisdictions of First Nations law. The Law was violated by the coming of the British to Australia. This truth needs to be told.
>
> Australia was not a settlement and it was not a discovery. It was an invasion. Invasion was met with resistance. This is the time of the Frontier Wars, when massacres, disease and poison decimated First Nations, even as they fought a guerrilla war of resistance. Everywhere across Australia, great warriors like Pemulwuy and Jandamarra led resistance against the British. First Nations refused to acquiesce to dispossession and fought for their sovereign rights and their land.

Now it is not hard to show that this declaration is a caricature of Australian history. It falsely portrays people of Aboriginal and British descent as long-standing enemies, and it misrepresents British, Australian and international law, as the following points demonstrate.

"Aboriginal people are the First Nations"

The term "First Nations" derives from twentieth-century American politics and has been transported to Australia, where it does not fit. Aboriginal clans, hordes and tribes, which in most cases were no more than extended families, never attained any

status resembling nationhood either before 1788 or any time after. There were no First Nations on this land for 60,000 years, as the Uluru Statement asserts. This was confirmed in 1836 in the seminal judgment of William Burton of the New South Wales Supreme Court and has been repeated several times since by Australian judges, including the High Court's Harry Gibbs, who said in 1979:

> it is not possible to say … that the aboriginal people of Australia are organised as a "distinct political society separated from others", or that they have been uniformly treated as a state … They have no legislative, executive or judicial organs by which sovereignty might be exercised. If such organs existed, they would have no powers, except such as the law of the Commonwealth, or of a State or Territory, might confer upon them. The contention that there is in Australia an aboriginal nation exercising sovereignty, even of a limited kind, is quite impossible in law to maintain.

"We have never, ever ceded our sovereignty"

Before the colonisation of Australia, Aboriginal people never had any sovereignty to surrender. "Sovereignty" is a term from international law, or what was called in the eighteenth century "the law of nations". The two leading European authorities on international law at that time, Christian Wolff and Emmerich de Vattel, both argued that for a society to be a genuine nation it must have civil sovereignty over a territory and its people and, as a corollary, only nations could have genuine sovereignty.

Justice Burton's 1836 judgment found the Aborigines did not have anything that amounted to what the British and other nations could regard as statehood or nationhood. He said they

> had not attained at the first settlement to such a position in point of numbers and civilisation, and to such a form of government and laws, as to be entitled to be recognised as so many sovereign states governed by laws of their own.

It is worth noting here that, although Justice Burton's views would be dismissed by today's activists as an expression of white privilege, or some similar racist insult, he was an evangelical Christian who took seriously the status of Aboriginal people as subjects of the British Crown. His personal letters reveal he was long concerned about relations between Aborigines and white settlers on the colonial frontier. He pushed for the New South Wales authorities to investigate publicised claims of ill treatment and violence to Aboriginal people, especially alleged massacres. A number of these turned out to be groundless exaggerations but one of the worst of them was true. In 1838 eleven convict and ex-convict stockmen were accused of the Myall Creek Massacre of twenty-eight Aboriginal people near Moree in 1838. The stockmen were initially tried for the murder of one of the Aborigines but were acquitted by a jury. However, Burton moved for a second trial to be held on broader grounds. Under his jurisdiction the second jury found that seven of the eleven stockmen were guilty as charged. Burton sentenced all seven to death and they were hanged soon after.

"Sovereignty is a spiritual notion" derived from land ownership

The short version of the Uluru Statement still emphasises this claim, but tries to cover up its implications by redefining the concept of sovereignty and tying its meaning to the one fact that is in the Aborigines' favour, that they were the first to own the land on the Australian continent. The claim says in full:

> Sovereignty is a spiritual notion: the ancestral tie between the land, or "mother nature", and the Aboriginal and Torres Strait Islander peoples who were born therefrom … This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

There are three things wrong with this statement. First, sovereignty has never been a spiritual notion. It is not a sacred tradition but a recent invention. It is a European term, unknown to Aboriginal culture before 1788, and not adopted by any of the 200 or so different languages that the hunter-gatherers used in the nineteenth century. It was adopted from European political and legal theory in the twentieth century by university-educated, urban Aboriginal activists.

Second, sovereignty is not just about ownership of the land, as the Uluru statement says. Aboriginal activists and their academic supporters have argued that, because the High Court's *Mabo* judgment recognised Aboriginal clans had their own laws that made them owners of their land, they therefore also had sovereignty over those territories. However, this wrongly assumes that small tracts of land ownership entail sovereignty. No Australian who owns a farm in the country or a quarter-acre block in the suburbs

thereby becomes the "sovereign" of that piece of territory. Aboriginal people are legally no more privileged. In modern nations, sovereignty belongs only to national governments, not because they are landowners but because they have the necessary political authority and power.

Third, sovereignty is an absolute notion, it cannot "co-exist" between or among sovereign powers. One of them must prevail. There can only be one national government. If there are more than one, then there must be more than one nation on that territory. Neither of these would have genuine sovereignty until a civil war or other contest for sole political power resolved who actually ruled the realm. You can call shared power, where it exists, some kind of political arrangement, but it could not be sovereignty.

"Australia was invaded, not settled, and the British colonisation was illegal"

These claims are partly a matter of international law but also an issue in Australian frontier history. In eighteenth-century international law a "settled colony" was one which, at the time of its occupation by a European power, was either uninhabited or else inhabited by people whose political system and laws did not amount to those of a nation-state. In a colony of the latter kind, the laws that applied were not those of the local inhabitants but those of the new power. In early colonial New South Wales, the absence of any political structure among the Aborigines that the English explorers or members of the First Fleet could recognise as a nation or state meant they annexed it as a colony of settlement. This meant English law came into force, the British Crown became the sovereign of all the land it claimed and, in legal theory, the indigenous people automatically became subjects of the Crown, living under the protection of its laws. The legal judgment that eventually confirmed the settled colony principle was given in 1889 in *Cooper v Stuart* by the Privy Council in England. Yet the Referendum Council report wants us to go back and rewrite Australian legal history in order to accommodate today's left-wing political demands.

For the first 150 years of their practice in Australia, historians and anthropologists agreed with the legal fraternity on the question of invasion or settlement. There was no warfare waged by Aborigines against the British arrivals and no sustained resistance to the British presence. The most common violence in any of the new colonial settlements was simple retribution, or "payback" by Aborigines against individual settlers or convicts who had stolen or destroyed their canoes or weapons, or abused their women. On some occasions, Aborigines used violence, or more commonly threats of violence, to purloin game taken from the bush by settlers and convicts or fish they took from the rivers and estuaries.

But Australian history never resembled the real warfare waged by other indigenous groups in the Pacific region, especially that of the Maoris in New Zealand. In the Maori Wars of the early 1860s, about 4000 Maori warriors battled 1800 British imperial troops and local volunteers. In one confrontation at Paterangi in January 1864, some 3000 Maori warriors from twenty tribes met in battle an imperial army of more than 2000 men supported by artillery and cavalry.

Nothing on this scale ever happened in Australia. Governor Arthur Phillip of New South Wales wrote to Lord Sydney in London in 1790 that new settlers to the west of Parramatta "will have nothing to apprehend from the natives, who avoid those parts we most frequent, and always retire at the sight of two or three people who are armed". In 1828, Lieutenant-Governor George Arthur of Van Diemen's Land told Sir George Murray of the Colonial Office there was no "systematic warfare exhibited by any of them as need excite the least apprehension in the Government, for the blacks, however large their number, have never yet ventured to attack a party consisting of even three armed men".

The more convincing accounts of the early settlement of Sydney, Melbourne and Perth reveal the most common response by Aboriginal people to the British colonists was that of "coming in" or "accommodation".

Although Australian academic history has been dominated by supporters of the resistance and guerrilla warfare theses since the 1970s, the more convincing accounts of the early settlement of Sydney by Keith Vincent Smith, of Melbourne by Beverley Nance, and of Perth by Bob Reece, reveal the most common response by Aboriginal people to the British colonists was that of "coming in" or "accommodation". Reece writes of the 1830s in Western Australia:

> Far from retreating from white settlement, Aborigines were attracted to it, although their movements were still very much

> conditioned by [tribal] territorial boundaries and punishment for "trespassing". Those groups closest to the main centre of settlement adjusted their traditional pattern of seasonal movement in response to the relatively easy availability of European food … Although the Aborigines knew they were being dispossessed, there does not seem to have been any continued resistance to this process. The Aborigines were ready to make pragmatic arrangements with the whites to compensate for the loss of their land and the livelihood which it represented, and this readiness was acknowledged by the white authorities. Aboriginal "attacks" on livestock and "thefts" of flour and other property on the edge of the settlement seem to have been a response to the whites' refusal to share their resources rather than any "guerrilla" effort to drive the whites away.

The historical grievance expressed by the Uluru Statement of the Heart could never contribute to reconciliation or a more unified nation. It is a bid for power which, even if it wins constitutional approval, is bound to dishearten its advocates in the long run. The little, autonomous "nations" they want to establish are a political fantasy, as the failed history of the vast majority of secessionist movements in the modern era have proven time and again. They will have virtually no impact on the lives of the 80 per cent of people who identify as indigenous and who live in the suburbs of the capital cities and regional centres with much the same standard of living as their white neighbours. The remaining 20 per cent of Aborigines who inhabit the living hell of the remote communities are the only ones whose lives can possibly be affected. Yet the track record of the forty-year experiment of self-determination and self-government in the homelands movement in remote Australia since the 1970s has already proved, and keeps on proving, that the longer it exists the worse things become.

The Voice will simply be another expensive broken promise that will make national identities of a handful of activists who will rise to power briefly within its ranks but end up like their disappointing predecessors in the Aboriginal and Torres Strait Islander Commission. The only difference will be that, if they get the constitutional recognition they demand, no government of the day will be able to do what the Howard government, with Labor Party support, did to ATSIC in 2005 and shut down their office. Instead, if the Yes vote wins, the Voice will be there forever, an expensive, permanent embarrassment for the nation and a permanent contagion on the Aboriginal body politic.

Keith Windschuttle is the Editor of ***Quadrant*** *and author of* ***The Break-up of Australia****. This article appeared on* ***Quadrant Online*** *in July 2022.*

Peter O'Brien

One Australian, One Vote, One Vast Folly, One Remedy

Anthony Albanese continues to bluster and deceive on the Voice. At a recent press conference, he said the proposal comprises three elements. Words to the effect that (a) there will be a Voice, (b) it will give advice, and (c) Parliament will remain supreme. His claim about the second element is false. The wording of the proposed constitutional amendment says the Voice may make "representations". In fact, nowhere is the word *advice* included in the amendment. Representations can, and will, include demands.

As to Parliament remaining supreme and dictating what the Voice can and cannot do, that is totally disingenuous. The vague wording of the proposed amendment will offer fertile ground for the High Court, egged on by activists such as Thomas Mayo, Megan Davis and Marcus Stewart, to name but a few, to have the final say on the remit and powers of the Voice.

But even if Albanese's claim were true and the High Court could not intervene, the supremacy of Parliament is not guaranteed. Albanese's statement implies that Parliament would not cede any veto or political power to the Voice that was not envisaged by the general public who accepted his assurance that this is just about constitutional recognition, a simple change and "just good manners".

The logic underlying Albanese's implication, which we are meant to naively accept, is that Parliament would never do anything stupid. Like destroying our national energy grid in the fruitless pursuit of net zero. Or locking down entire cities to control a virus harmful only to the immune-compromised. Or establishing a First Nations assembly to dictate the terms of a treaty. Or passing Aboriginal heritage legislation that will burden businesses, and even home-owners, with yet another layer of bureaucratic brown tape. Or dismantling an effective border protection regime leading to 50,000 illegal arrivals and thousands of deaths.

What are the odds of the Greens, enriched (like uranium) by the addition of a couple of replacement Lidia Thorpes, wringing concessions out of a Labor government, more than half of whose members would be that Green-Left way inclined in the first place?

Meanwhile, Peter Dutton's suggestion that the referendum be shelved or delayed, while probably well-intentioned, is misguided. The last thing we want now is for Albanese to have a graceful way to get off this tiger he so smugly mounted back in May 2022 and announce with a heavy heart (and probably some tears) that owing to the misinformation being promulgated by the No "scare campaign" the referendum would be shelved. Postponement will just prolong the agony. We need to apply the garlic and stake right now, while we still have the chance.

At this stage, in the light of how the polls are trending, postponement would be Albanese's best play, but it will not happen because it's not Caucus pulling his strings on this issue. It's the Voice Referendum Working Group and the likes of Thomas Mayo. They will *never* allow a delay, even allowing what the polls are telling them to expect. This embryonic Voice would exercise its second veto over government policy—the first being to outright reject advice from the Attorney-General and the Solicitor-General to remove representations to the executive government from the proposal. On reflection, perhaps I am giving Dutton too little credit for political smarts. He probably knows this too.

Now here comes the shameless plug. It will not be enough to defeat the referendum. It must be defeated convincingly, and it must be defeated on the correct grounds. The Opposition's primary strategy based on calling out the lack of detail, rather than opposing a constitutional Voice on principle, suggests there is some form of the Voice

that might be acceptable in the Constitution.

We do not want the basis of the defeat to be that people voted it down because they didn't understand it. We want it to be that people voted No because they *did* understand it, that it is wrong in principle. That is where my book *The Indigenous Voice to Parliament? The No Case* comes in. It covers all the arguments for the Voice, including the emotive ones—the ones based on atonement for past wrongs—that are likely to resonate with different sections of the community. If you haven't already bought a copy, may I suggest you buy two—one for you and one for a friend. And ask your friend to do the same. My friend Rodger Lamb did that and he tells me his gift turned his friend from Yes to No.

At a recent family event, I sensed that the tide is turning against the Voice. We need to turn it into a flood.

Peter O'Brien's book ***The Indigenous Voice to Parliament? The No Case*** *is published by Connor Court and sells for $24.95. This article appeared on* ***Quadrant Online*** *in June.*

Salvatore Babones

Democracy, Liberal Authoritarianism and the Voice

Hatred of democracy is certainly nothing new. Indeed it is as old as democracy itself.
—Jacques Rancière

Who could possibly hate democracy? Well, lots of people, and the further back you go in history, the more you find. Of course, twentieth-century fascists, communists, Nazis and killjoys of all kinds were full of contempt for democracy, but they were angry about lots of things, and hatred of democracy was hardly their worst crime. In the nineteenth century, German philosophers buried democracy under thousands of pages of unreadable prose, and even unreadable poetry. In eighteenth-century France, neither the Jacobins nor the monarchists—the original "left" and "right" of the French Revolution—had much time for democracy. Enlightenment luminaries like Kant, Rousseau and Voltaire outright despised democracy. At the time they were writing, there hadn't been any democracies worthy of the name for more than two thousand years, since the glory days of ancient Greece. Even then, democracy was far from universally popular. Aristotle considered it a "degenerate" form of government. Plato equated it with "mob rule".

Today, by contrast, everyone loves democracy. Always "in crisis" or "under threat", democracy must nonetheless be preserved "at all costs". Right up until the Second World War, respectable intellectuals could criticise democracies for putting power in the hands of the uncultured masses or question the ability of democracies to face the challenges of the modern world. Not any more. After the war, democracy (or at least the idea of democracy) reigned supreme. As the Cold War kicked off in late 1945, the Soviet Union made a great show of holding democratic elections in occupied Hungary. The Soviets themselves went to the polls in February 1946, followed by elections in Czechoslovakia and a constitutional referendum in Poland. It seemed that even a sham democracy was better than no democracy at all. When the communist revolutionary Kim Il-sung proclaimed himself the "Great Leader" of the Korean people, he named his new country the Democratic People's Republic of Korea.

In the twenty-first century, everyone except the Taliban wants to be (or to be seen to be) a democracy. Even Pakistan's army holds regular elections to bring in civilian governments that can legally approve the military's budget. The Islamic Republic of Iran hasn't missed an election since the ayatollahs swept to power in 1979. When South Sudan voted in a referendum to break away from Sudan in 2011, it promptly held elections—then descended into a civil war over the outcome. When Russia annexed Ukraine's Crimean Peninsula in 2014, it held a referendum to legitimate its conquest, then an election for a regional parliament. When Myanmar's generals overturned an election they lost in 2021, they proclaimed their intention of holding fresh elections as soon as possible (don't hold your breath). Even the People's Republic of China claims to be a democracy: a "democracy that works". A government proclamation celebrating the 100th anniversary of the founding of the Chinese Communist Party helpfully explained that China's "whole-process people's democracy integrates process-oriented democracy with results-oriented democracy, procedural democracy with substantive democracy, direct democracy with indirect democracy, and people's democracy with the will of the state".

Once considered a crazy experiment fit only for Americans, democracy is now the only game in town.

Obviously, democracies are not all created equal. Leaving aside China's system of "whole-process people's democracy" and Russia's doctrine of "sovereign democracy", Western political scientists have described (and often advocated) a wide variety of democratic forms of governance: direct democracy, deliberative democracy, digital democracy, social democracy, liquid democracy, monitory democracy, participatory democracy, Solonian democracy

and even post-democracy. But the gold standard of democracy is and always has been liberal democracy. The United States was born under its Constitution a liberal democracy in 1789, and it remains one today. Despite all the criticisms of American democracy (and there are many), it remains the global gold standard for liberal democracy. Love it or hate it, all other democracies must ultimately judge themselves against American democracy. It may not be to everyone's taste (sometimes it seems as if it's to no one's taste), but American democracy is inevitably the touchstone against which all others are compared.

Not that political theorists agree about what, exactly, makes a democracy liberal. The prestige of liberal democracy is so strong (at least in the Western world) that every side wants to claim the term for itself. Thus in defining liberal democracy, it's best to turn to a dictionary, and to avoid cherry-picking of definitions, it's best to turn to the dictionary that modestly describes itself as "the definitive record of the English language". The *Oxford English Dictionary* is unique, not only for its scope and detail, but also for its scholarship. It takes a historical approach to language, documenting the origins of words and the ways they have been used throughout history. It is uniquely comprehensive and impeccably impartial. And it defines liberal democracy as "a democratic system of representative government in which individual rights and civil liberties are officially recognised and protected, and the exercise of political power is limited by the rule of law".

The dictionary is pretty clear on this: liberal democracy is a form of democracy in which people vote for their own representatives, and are free to vote without fear of retribution from their leaders. Liberal democracies might have presidential or parliamentary systems of government; they might have elected judges or independent judiciaries; they might have single-member voting districts like the United States or proportional representation like many European countries; they might or might not allow ballot initiatives, referendums and recall elections; they might have bare-minimum social security protections or boast generous welfare states; in short, liberal democracies take many different shapes, but they always prioritise the dignity of the individual over the majesty of the state. In a (specifically) liberal democracy, the freedoms of individual people always take priority over the needs of the collective People.

That has always irked some liberals. Today it irks many liberals. The dignity of the individual may be the foundation of liberal democracy, but that doesn't stop liberals from seeking to impose their preferred policies on recalcitrant unbelievers in the name of liberalism. They vilify their adversaries as being not merely wrong but immoral; they fervently believe that policies they oppose are not merely bad but intolerable. Nonetheless, American liberals have historically accepted the principle that their disagreements, no matter how deeply felt, should be settled through the democratic procedures laid out in the United States Constitution. No matter how passionate their electoral rhetoric, Americans have (almost) always respected the outcomes of elections, bided their time, and waited patiently for the next opportunity to compete at the polls. Only once in nearly two and a half centuries have Americans felt that the demands of justice were so intense that liberal policy reforms could not wait for a democratic majority. That democratic breakdown led to the American Civil War.

In the post-Trump era, many leading liberals believe (or at least say they believe) that a second democratic breakdown is imminent. They fear that the period 2021 to 2024 may turn out to have been only a Trump interregnum, and they seriously argue that the return of Donald Trump to the presidency would mean the end of American democracy. President Joe Biden has repeatedly invoked the memory of the Civil War, suggesting that former President Trump and his supporters pose an even greater threat to democracy than a conflict that killed nearly a million Americans. That original Civil War was fought in the service of a great moral cause: the abolition of slavery. Historians may split hairs over the causes of the war, but anyone who has read the contemporary sources knows that slavery was the key issue dividing the country. Biden and his supporters seem to genuinely believe that the current crisis is just as serious. Abhorrence of the former president, for them, actually rises to the grandeur of the nineteenth-century anti-slavery crusade. So they say.

People who equate Trump's Tweets with plantation slavery have either a limited understanding of history or a tenuous grasp on reality. While the former remains a possibility, the latter is a near certainty. Trump Derangement Syndrome is a very real malady, and the prospect that the former president might actually make a comeback drives some liberals crazy. The original template for Trump Derangement Syndrome was Bush Derangement Syndrome, which was first diagnosed in 2003 by psycho-political pundit Charles Krauthammer as "the acute onset of paranoia in otherwise normal people in reaction to the policies, the presidency—nay—the very existence of George W. Bush". One might as well add a Reagan Derangement Syndrome

and a Nixon Derangement Syndrome, and for those with long memories a Goldwater Derangement Syndrome. It seems every Republican president (or presidential candidate) sparks some kind of apoplectic response among liberals, both at home and abroad. You'd think people would have caught on by now.

The American liberal malady—also to be observed in Australia, and indeed wherever small-l liberals gather—is invariably associated with a horror for the supposed anti-intellectual predilections of the provoker. Trump was endlessly ridiculed for proclaiming "I love the poorly educated", and in fact the poorly educated voted for him in record numbers. The American liberal establishment openly mocks Trump's claims to be a "very stable genius". They don't even think he is an unstable evil genius. They think he is a moron.

They may be right, but if so, Trump is never going to admit it. What makes Trump Derangement Syndrome distinctive in American history is not that the American political establishment despises him, as it does all anti-intellectual conservatives. What makes Trump different is the evident (and very public) contempt he holds for the liberal establishment. Hell hath no fury like an establishment scorned, and Trump scorns them—all of them. So did those who voted for him. Having been warned that Trump was a rapist, a racist, a homophobe, an Islamophobe, a sexist, a Russian agent, and an all-round bigot, 63 million people voted for him anyway. After four years of incessantly shrill elite condemnation, an impeachment, and a pandemic, 74 million people voted to re-elect him in 2020. In the liberal establishment's calculus, that makes at least one-third of all American adults absolutely "deplorable". Yet Trump and his supporters stood their politically incorrect ground. They never gave in.

Mainstream political scientists ceaselessly assert that giving the voters what they want on the basis of majority rule is not "real" democracy but "demagoguery".

The last American president to stand up to the entire liberal establishment was Andrew Jackson, who held the office from 1829 to 1837. Jackson was a frontiersman, an Indian fighter and a military hero. He was the first president to be the target of an assassination attempt; when the assassin's gun misfired, the sixty-eight-year-old Jackson nearly beat him to death with his walking stick. Jackson is believed to have fought more than 100 duels. In one, he was shot square in the chest. Desperately wounded but still standing, he levelled his gun, took aim, and killed his opponent. Jackson's presidency came thirty years before the Civil War, but even then pressure for secession was already mounting in the south. Jackson, however, was staunchly pro-union, despite being a major slaveowner. When South Carolina threatened to secede in 1832, Jackson pledged that "if one drop of blood be shed there in defiance of the laws of the United States, I will hang the first man of them I can get my hands on to the first tree I can find". It was widely understood that he meant he would do it himself.

Donald Trump was known to speculate about whether the Civil War ever would have occurred under a president like Jackson. It's a fair question. The Black Lives Matter movement of 2020 certainly wouldn't have stood a chance.

By the standards laid down by Jackson, Trump's anti-intellectual intransigence is mild, and the reasons for it are not so clear. Maybe it's all that money. No one knows how rich Trump really is (one suspects that he refused to release his tax returns because they would reveal that he's not as rich as everyone thinks), but he's certainly rich enough not to be overawed by Wall Street or the Rockefeller Foundation. And whether or not he really is flush with cash, he's sufficiently full of himself to stand his ground in the face of near-universal pressure to conform to the dictates of authoritative institutions. He certainly wouldn't have been cowed into a bank bailout like Bush was in 2008, or into backing down over Syria like Obama in 2013. He may be no Andrew Jackson, but he's as stubborn and wilful as any politician practising today.

As president, Trump notoriously disregarded the opinions of established experts on everything from the border wall to the design of elevators on nuclear-powered aircraft carriers. The funny thing is, he was right on both. In time, he'll probably be proven right on ivermectin, too. But right or wrong is not the important thing, as seen from the liberal perspective. Trump's crime was believing that he—or even the voters who elected him—had the authority to make decisions for the American people without first gaining the approval of the liberal class and the expert policy establishment it supports. Trump's naive approach to the presidency was simply to implement the policies that he had promised to pursue. He actually fulfilled (or at least tried to fulfil) the sometimes-crazy promises that had got him elected. That made him unique in the American political landscape. Driven by negative polling, Hillary Clinton had matched Trump's promise to cancel the Trans-Pacific Partnership

trade deal, but no one actually believed her. Trump pulled out on his fourth day in office.

Business as usual in politics is to listen to the voters on the campaign trail, then listen to the experts in office. Everyone knows that, and (nearly) everyone plays the game. In the United States, how many Democrats have promised pro-union policies, universal healthcare and legislation to ensure abortion rights? How many Republicans have promised international trade protections, balanced budgets and legislation to prohibit the practice of abortion? Joe Biden's headline economic policy pledge was to renegotiate international trade agreements to allow the United States government to "buy American"; one of his headline foreign policy pledges was to end American "support for the Saudi-led war in Yemen". The first was inserted into his agenda at the behest of unions; the second, at the behest of peace activists. Each group was, in effect, bought off with a campaign promise that neither expected would actually be kept. That may seem like a low price, but who else could they support? Donald Trump?

No one serious took Biden's campaign pledges seriously, not even his supporters. In the minds of the liberal establishment, elections are not appropriate venues for serious policy discussion. The establishment consensus is exactly the opposite: the "politicisation" of policy issues is something to be condemned, and the keeping of election promises constitutes "pandering" to voters. Responsive politicians are no better than political pimps, finding out what the voters want and giving it to them in exchange for their votes. As mainstream political scientists ceaselessly assert, giving the voters what they want on the basis of majority rule is not "real" democracy but "demagoguery". In the liberal establishment view, promising policies to voters and then carrying them out once elected is actually a form of democratic breakdown. Such "majoritarian" democracy is no democracy at all.

Elite disdain for majority rule is a serious problem in the United States, but it has much deeper roots in Europe. Until the middle of the twentieth century, there was no consensus among European intellectuals that democracy was actually a good thing. Even after the Second World War, Western European politicians on both the Left and the Right arguably accepted democracy only as an inevitable consequence of Anglo-American occupation. They quickly sought to shift power to the supernational level as a way to mitigate the demands of electoral politics. Historically, the European elites attempting to subvert democracy were either monarchist or Jacobin, aristocratic or socialist, theocratic or atheist—anything but liberal. Seventy years of democracy brought liberalism to the fore, but it didn't change the elite distaste for democracy. European liberals, once a beleaguered minority living under anti-democratic regimes, are now an ascendant minority, yearning for an anti-democratic regime. Today, European liberalism is strongest precisely where democracy is weakest: in the administrative bureaucracy of the European Union.

If the Anglo-American world was the birthplace of liberalism, continental Europe was the birthplace of authoritarianism. Portugal's António Salazar was the first prominent political leader to be described as "authoritarian". By most contemporary accounts, he was an effective ruler, at least in his first two decades. Winston Churchill praised him; Oxford gave him an honorary degree. Salazar succeeded in keeping Portugal neutral throughout the Spanish Civil War and the Second World War, then got his country invited to become a founding member of NATO in 1949. His biggest mistake seems to have been falling for the dictator's perpetual dilemma: not knowing when to quit. He remained in office until he suffered a stroke and fell into a coma in 1968. There is little reason to believe that Portugal would have been better governed in the middle of the twentieth century under the unstable democracy that preceded him than under Salazar's firm authoritarianism. The most serious complaint that can be levelled at this, the archetype of all authoritarian regimes, is simply that it was not democratic.

The same charge can be laid against twenty-first-century liberal authoritarianism. It may be that independent central banks, apolitical court systems and fully empowered health bureaucracies can manage public affairs better than elected politicians. And it must be admitted that liberal icons like Hillary Clinton, Joe Biden, Justin Trudeau and Jacinda Ardern are often more reliable sources of "truth" than populist demagogues like Donald Trump. But democracy is neither a mechanism for producing good policy nor a tool for discovering truth. It is a process through which the amorphous will of the people is crystallised into concrete decisions, for good or (it must be admitted) sometimes for bad. Democracies aren't always on the right side of history.

To see that, just think of the slave-owning democrat Thomas Jefferson preaching the self-evident truth that "all men are created equal" and that "liberty" was an "unalienable" right. Or go back to the archetype of all democracies. In 427 BC, ancient Athens crushed a revolt in its client state of Mytilene and the Athenians voted to kill all the men and enslave the women and children. Thucydides wrote of how they famously reopened

the debate and reversed their harsh decision. Score 1 for democracy. The very next year, the Athenians conquered the island of Melos ... and voted to kill all the men and enslave the women and children. This time there was no heroic reversal. From Melos right through to Bomber Harris, Rolling Thunder and the Obama "kill list", democracies have repeatedly demonstrated their amorality in times of war. The fact that many non-democracies were not amoral, but absolutely evil, is hardly a ringing endorsement.

No, if we are to believe in democracy, it must be because free people believe in self-government. Authoritarianism is not so much a flawed form of government as an abnegation of human dignity. Europe's classic authoritarianisms were coalitions between clerical and security establishments to maintain consensus rule in the absence of strong political parties or genuine political competition. They were, in many ways, Platonic. Most of them were ultimately brought down, not by democracies, but by the revolutionary anti-authoritarian forces of bolshevism, fascism and Nazism. These movements replaced authoritarian regimes with totalitarian ones. Contrary to popular (and even academic) misconceptions, the party-based totalitarian regimes of the mid-twentieth century were absolutely not authoritarian. They were anti-authoritarian, pulling down established institutions to replace them with dictatorships based on pure power. These, too, have thankfully passed into history—at least in Europe.

But although Europe's old authoritarian regimes are now long gone, and old-style authoritarianisms persist only on the margins of the continent (in places like Turkey, Serbia and Russia), a new, transnational authoritarianism has taken root at the heart of Europe. It is the liberal authoritarianism of the European Union itself. Liberal authoritarianism is an emerging phenomenon, and as such it is not well theorised. It is a form of authoritarianism in which the relevant authorities are neither religious nor military, but thoroughly secular and intellectual. Like all authoritarianisms, liberal authoritarianism asserts that the moral authority of the political establishment is superior to the democratic authority of the majority will. It only differs from the old authoritarianisms in the identity of the political establishment that claims this moral authority. In the old authoritarianisms, establishment institutions inherited their moral authority from ancient feudal traditions. In the new authoritarianism, establishment institutions tend to appoint themselves.

Like all authoritarianisms, liberal authoritarianism asserts that the moral authority of the political establishment is superior to the democratic authority of the majority will.

Continental European liberals have rarely been successful in winning elections. They have, however, been much more successful in capturing bureaucracies, and especially Europe-wide bureaucracies like the Council of Europe (founded 1949), the European Court of Justice (1952), the European Central Bank (1998) and the European Union *tout court*. Insulated by design from the rough-and-tumble of democratic politics, these institutions are increasingly self-perpetuating and self-indulgent. Each has repeatedly expanded the scope of its authority in the absence of any additional legislative mandate: the European Court of Justice the authority to review member state constitutions, and the European Central Bank the authority (if not the power) to manage the climate of the very Earth itself. The democratic links through which the citizens of the European Union can oversee these institutions are weak and tenuous. These insulated institutions draw their authority from the acquiescence of the European political establishment, not from the approval of the European peoples. They are, by construction and in practice, anti-democratic tools of liberal authoritarianism.

This new, liberal authoritarianism is closely associated with globalism, technocracy and rule by experts. It is an attractive-sounding but ultimately anti-democratic approach to governance and reform. Whenever leading establishment figures insist that a particular policy realm is "too important" to be subjected to democratic decision-making, liberal authoritarianism is clearly in evidence. Whenever entire areas of policy-making are insulated from democratic processes by referring them to unelected technocrats, liberal authoritarianism is nakedly exposed.

The coronavirus pandemic made the arrival of liberal authoritarianism obvious to everyone. Establishment liberals throughout the Western world enthusiastically (some might say: sadistically) embraced public health strategies that compromised civil liberties in ways never before experienced in liberal democratic countries. They did this despite the fact that the global consensus on pandemic responses as late as September 2019 was that contact tracing and quarantines of non-infected individuals were "not recommended in any circumstances".

This, according to the World Health Organisation's expert panel. There is perhaps no better illustration of Lord Acton's maxim that "power tends to corrupt, and absolute power corrupts absolutely". Public health bureaucrats are not bad people, and there is no reason to believe they are inherently authoritarian. But given the opportunity to govern on their own authority instead of having to submit their recommendations for democratic scrutiny, they quickly conspired to accumulate power, suppress dissent and subvert democracy.

Since the passing of the pandemic, the authoritarian legitimation of power under the Biden administration has been extraordinary. It can be seen most clearly in the application of the law. A simple comparison of the aggressive prosecution of the January 6 Capitol occupiers with the relatively lax approach to Black Lives Matter protesters one year earlier makes that abundantly clear. The self-proclaimed anti-fascists who literally seized control of city centres while openly brandishing firearms, who burned down federal courthouses and local police stations, and who volubly called for the overthrow of the duly elected president of the United States, largely escaped prosecution or were let off with light sentences. Meanwhile the self-proclaimed patriots who streamed into the Capitol building "armed" with flagpoles and pepper spray have been branded "insurrectionists" for chanting anti-government slogans and propping their feet on Nancy Pelosi's desk.

The point of the comparison is not to exonerate the Capitol occupiers. It's to contrast the disproportionate government responses to these strikingly disproportionate criminal activities. And it's not only the United States that has become markedly more authoritarian in the wake of the coronavirus. Canada's Justin Trudeau actually invoked his country's Emergencies Act—intended for use in "an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency"—to aid his repression of trucker protests against vaccine mandates. New Zealand's Jacinda Ardern frankly asserted that her administration would be her country's "single source of truth" on health issues, and presumably on everything else. Victorian police actually arrested a pregnant woman for posting information about an anti-government coronavirus protest to social media. Anglo-American liberals were once queasy about appearing too authoritarian in their smug dismissals of dissenting opinion. Not any more.

Now Australia is about to get its first serious bout of national-level liberal authoritarianism. Forget about Victoria's Chairman Dan, and instead consider Anthony Albanese, a liberal if ever there was one. Don't be misled by the "Labor" label: the so-called "jobs summit" resulted in "jobs and training pathways for women, First Nations people, regional Australians and culturally and linguistically diverse people"—and a massive boost in immigration. Middle-class union staffers got to virtue-signal; existing union members got little more than nothing. One year in, the Albanese government has established an anti-corruption Star Chamber, put price caps on gas and coal (but not wind or solar), and made it a top priority to help people end their own lives. The last, presumably in support of its promises to "improve patient access to general practitioners ... multidisciplinary team care, including nursing and allied health" and to "decrease pressure on hospitals". Noble causes, one and all, and nary a nationalisation in sight.

If this is socialism, call it socialism with Australian characteristics. The Albanese government is thoroughly liberal, so liberal that the actual Liberals are now routinely ridiculed for being "Labor lite". The obvious implication is that Labor itself is really just "Liberal heavy"—that is, a party that embraces the same policy priorities as the Liberals (carbon targets, increased immigration and nuclear submarines), but with *feeling*.

And then there's the "Voice". Half of the Liberals in Parliament seem to endorse the Labor Voice, with the other half equivocating on support for a regional Liberal voice. The six teal ersatz Liberals are holding an informal competition to see who can get the highest Voice vote out of her electorate, with these blue-ribbon seats likely to post the strongest "yes" majorities in the country. The absolute consensus of Australia's liberal political class is that there should be some form of organised indigenous Voice, and that it should be organised now. Peter Dutton may argue that the Voice should not be enshrined in the Constitution, and the Samuel Griffith Society may quibble over the two words "executive government", but everyone in a position to have a voice on the Voice—from the frontbenchers to Facebook—supports it. Call it courtesy, or call it cringe: only retired politicians have proved ready to openly oppose the idea of an organised indigenous voice. And they're retired for a reason.

There are many good arguments in favour of constituting an organised indigenous voice to parliament (and government), and many well-functioning international precedents for such a voice. The United States incorporates 326 indigenous "domestic dependent nations" within its borders, each of them possessing quasi-sovereign powers of self-determination. The largest of these, the

Navajo, has more than 300,000 members. Canada officially recognises 634 "first nations". In 1999 it also carved out a territory, Nunavut, with the explicit purpose of creating an indigenous-majority subnational unit. Nunavut is more than 85 per cent indigenous, and the neighbouring Northwest Territories are more than 50 per cent indigenous. Both have indigenous premiers. Closer to home, New Zealand has seven Maori electorates. The Sami people of northern Norway have their own parliament with serious fiscal, educational and cultural responsibilities. The Sami in Finland also have a parliament with more limited powers. Even Ireland has home rule.

In each and every one of these cases, indigenous political rights are recognised in their respective countries' constitutions. And in each and every one of these cases, the opinions of indigenous peoples are amalgamated, distilled and expressed via formal democratic means. Even in Ireland. Throughout the Western world, indigenous peoples elect their leaders on the basis of universal adult suffrage. The principle of one person, one vote is so deeply engrained in today's norms of good governance that it's hard to imagine a developed Western democracy hosting an indigenous representative body on any other basis. It's hard to imagine—except in Australia.

The Voice might deliver "reconciliation" between elite indigenous activists and elite white Australia, but it would do little to involve non-elite indigenous Australians in the dignity of self-governance.

Here, the National Co-Design Group of the Indigenous Voice Co-design Process considered the option of holding elections for membership in the Voice ... and rejected it. The plan was for each state and territory to return two members to the national Voice in separate electorates, one for women and the other for men (there apparently being no non-binary indigenous Australians). But the National Co-Design Group had a "strong consensus" in favour of an alternative model under which local and regional bodies would "collectively" appoint members to the national Voice. The members of the National Co-Design Group include an AC, four AOs, three AMs, five CEOs, a PSM, an academic, a festival director, and a woman of the year. Together, they worried that an elected Voice would "be dominated by known, well-resourced metropolitan-based candidates, or candidates with large networks, to the disadvantage of community candidates".

A more discreet, less transparent selection process would, they felt, "build a stronger connection between the National Voice and communities". The eminent Professor Tim Rowse is quoted in the co-design report as explaining that "direct election is a bad idea because it is likely to provide the wider public with grounds for doubting the legitimacy of the Voice". More broadly, "many concerns were shared by a considerable majority" of the National Co-Design Group that direct elections would "threaten the legitimacy of the National Voice if Aboriginal and Torres Strait Islander people in a jurisdiction do not prefer elections". The National Co-Design Group seems not to have been concerned that the legitimacy of a stitch-up national Voice could be called into question if Aboriginal and Torres Strait Islander people in a jurisdiction actually did prefer elections. And, of course, no one is going to ask them. The last thing the Voice advocates want is a referendum.

In an earlier age, the arguments against constituting an indigenous representative body along democratic lines would likely have focused on the supposed "immaturity" of the indigenous electorate, their "backward" customs, and their "unreadiness" for democracy. The present-day euphemism for such racist generalisations is that indigenous representative institutions must "observe and respect traditional cultural governance systems". This, from KPMG Australia. As the accountancy explains in its Voice submission, in a passage picked up and highlighted in the co-design report: "Western and [indigenous] cultural systems of governance do not always align, and meaningful systemic and institutional change needs to occur for empowerment to be achieved." If there's a more polite way to imply that institutionally immature indigenous peoples must abandon their backward customs before they can be ready to embrace democracy, I'd love to see it.

It is an absolute misnomer acceptable for use only by activists, politicians and lawyers to call the proposed consultation mechanism for indigenous consultation an "Indigenous Voice", since it will not, in fact, give indigenous Australians a voice. In the spirit of present-day liberal double-speak, it will actually suppress the voices of the vast majority of indigenous Australians. Instead of holding an equal Jack's-as-good-as-his-master share in advising on policies for indigenous Australia, ordinary Aboriginal and Torres Strait Islander

people will be locked out of these debates. The Voice might deliver "reconciliation" between elite indigenous activists and elite white Australia, but it would do little to involve non-elite indigenous Australians in the dignity of self-governance. It would do absolutely nothing to "close the gap".

Instead of embracing democracy, the indigenous Voice proposed by the National Co-Design Group and endorsed by Prime Minister Albanese and the "Yes" campaign is designed to be nakedly authoritarian. It would draw its legitimacy from the consensus of establishment institutions, not the consent of the governed. It would have indigenous Australians be spoken for and spoken to, but it would not allow them to speak. Individual indigenous Australians would not have the ability to object to positions taken by the Voice within the Voice system; they would not have access to mechanisms for dissent; none would, to use the language of the law, have "standing" to challenge the Voice. The "No" campaign seems to be focused mainly on the divisiveness of inserting a race-based institution into the Australian Constitution. It should be more concerned with the criminality of disenfranchising Australia's Aboriginal and Torres Strait Islander citizens.

Sometimes it takes an outsider to tell you the truth you already know about yourself, but just can't admit. As a foreigner, a friend, and a Philistine, I'm here to tell Australians that the indigenous Voice on which you will soon vote is a dud. It is an anti-democratic mechanism for authoritarian governance that will set a precedent for other forms of liberal authoritarianism to follow. Today, the Voice. Tomorrow, the Carbon Commission. And soon enough, the return of the National Cabinet. All well-meaning, all thoroughly liberal, and all authoritarian.

Liberal authoritarianism is probably the best possible kind of authoritarianism, and if authoritarianism were unavoidable, it would be the authoritarianism of choice. Fortunately, authoritarianism is not unavoidable. No well-institutionalised democracy has ever actually fallen into authoritarianism. With the vigilance and conviction of committed democrats, we can reasonably hope that none ever will.

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Alasdair Millar

Is the Voice Redundant?

The arguments for and against an acknowledgment of pre-colonial Aboriginal presence in Australia and the insertion of an indigenous voice into the Constitution, and the referendum this will require, are the main issues of the day in Australian politics. The former is non-controversial, long overdue, and by all accounts supported by most Australians. By contrast, the latter is highly controversial and has raised raw emotional comments. It is marred by lack of information on its composition, function, cost, likely effectiveness and permanent existence regardless of future results. The two changes are combined into a single constitutional amendment and one referendum question. Voters at the referendum need to realise that there are in fact two overlapping proposals which cannot be voted for independently.

Several indigenous agencies whose purpose is to improve the status of indigenous people by influencing or advising the government already exist and are generously funded by the government. Why, then, is a new organisation being proposed and why cannot the functions set out in the proposed constitutional amendment be undertaken by the existing bodies? In other words, is the Voice really necessary?

The agency that appears to overlap most with the Voice is the National Indigenous Australians Agency (NIAA), established in 2019 by executive order signed by the Governor-General. The order-in-council specifies the following functions:

> i. to lead and coordinate Commonwealth policy development, program design and implementation and service delivery for Aboriginal and Torres Strait Islander people;
> ii. to provide advice to the Prime Minister and the Minister for Indigenous Australians on whole-of-government priorities for Aboriginal and Torres Strait Islander people;
> iii. to lead and coordinate the development and implementation of Australia's Closing the Gap targets in partnership with Indigenous Australians;
> iv. to lead Commonwealth activities to promote reconciliation;
> v. to build and maintain effective partnerships with Aboriginal and Torres Strait Islander people, state and territory governments and other relevant stakeholders to inform whole-of-government priorities for Aboriginal and Torres Strait Islander people, and enable policies, programs and services to be tailored to the unique needs of communities;
> vi. to design, consult on and coordinate the delivery of community development employment projects;
> vii. to analyse and monitor the effectiveness of programs and services for Aboriginal and Torres Strait Islander people, including programs and services delivered by bodies other than the Agency;
> viii. to coordinate Indigenous portfolio agencies and advance a whole-of-government approach to improving the lives of Aboriginal and Torres Strait Islander people; and
> ix. to undertake other tasks the Prime Minister and the Minister require from time to time.

The NIAA website reinterprets the above functions. It defines its role as:

> to assist the Australian Government to achieve its objectives in improving the lives of Aboriginal and Torres Strait Islander peoples, focusing on place, working in partnership and effectively delivering programs … We lead and influence change across government to ensure Aboriginal and Torres Strait Islander peoples have a say in the decisions that affect them … The NIAA is committed to implementing the Australian Government's policies and programs to improve the lives of Aboriginal and Torres Strait Islander peoples. The NIAA works to

> influence policy across the entire Australian Government. As an Executive Agency within the Prime Minister and Cabinet portfolio, the NIAA is well placed to coordinate across the Commonwealth.

These functions overlap substantially with those in the proposed constitutional amendment.

The NIAA reports to the Federal Minister for Indigenous Australians, Linda Burney. The NIAA website refers extensively to the Voice and the referendum, and the *Indigenous Voice Co-design Process Final Report* by Marcia Langton and Tom Calma acknowledges the support of the NIAA in the formation of the Voice. The minister must know that the aims of the Voice and the NIAA overlap, but it appears that the potential for duplication or waste if the NIAA continues after creation of the Voice, or why a body similar to others already in existence is being inserted into the Constitution, has been largely ignored.

In addition, the NIAA's annual report does not contain solid evidence that the social and economic problems of indigenous people are improving, and the project aims reported as having been achieved relate mainly to administrative functions. It therefore remains an exercise in hope. This is perhaps understandable given the relatively short period since the NIAA was established, but progress by one Aboriginal body is likely to be mimicked by a broadly similar agency.

The questions asked here reflect a similar comment by Rowan Dean on Sky News on March 12 this year. His claim that the NIAA could act as a Voice was examined by RMIT University Factlab. RMIT concluded that the claim was false, based on: (a) the NIAA is accountable to government, whereas the Voice would be independent; (b) the Voice will advise both the government and the Executive, whereas the NIAA advises only the Prime Minister and the Minister for Indigenous Affairs; (c) the NIAA is not truly an Aboriginal body, there being a non-Aboriginal majority (78 per cent) on the staff, whereas the Voice will have only Aboriginal representatives and therefore be truly Aboriginal; (d) the existence of the Voice will be guaranteed by virtue of its definition in the Constitution, whereas the NIAA can be abolished by another order-in-council.

These points are correct as stated, but do not exclude the possibility that the legal basis of the NIAA (the executive order) can be varied. The relevance of the analysis is also questionable. Some of the stated differences simply repeat the concerns many have about the Voice, such as advising the executive and the permanence of the body in the Constitution. Furthermore, point (c) is invalid as it confuses representation with administration. Surely the Voice will have at least a few non-Aboriginal employees? Thus Factlab missed the point: the NIAA already has Voice-like functions and the creation of the Voice in addition to an unamended NIAA would lead to unwieldy duplication of effort and substantial additional cost.

The National Aboriginal Community Controlled Health Organisation (NACCHO) is another Aboriginal body dedicated to improvement in Aboriginal health and welfare, in this case with emphasis on health. This agency has been funded by central government since 1997. The website states:

> The National Aboriginal Community Controlled Health Organisation (NACCHO) is the national leadership body for Aboriginal and Torres Strait Islander health in Australia. NACCHO provides advice and guidance to the Australian Government on policy and budget matters and advocates for community-developed solutions that contribute to the quality of life and improved health outcomes for Aboriginal and Torres Strait Islander people.

The published NIAA budget for 2022-23 from the federal government was $2.1 billion but the 2022 annual report states that $1.1 billion was also received from private sources. The main NACCHO funder remains the Department of Health: $32,162,185 in 2021-22 (annual report). The current government has promised a further $111 million. NACCHO's funding therefore is lower than the NIAA's, but its website is impressive and gives ground for believing that it could have significant effects on Aboriginal health. Indeed, Professor Fiona Stanley recently credited NACCHO with achieving a six-fold reduction in COVID-19 infection rates in Aboriginal communities during the pandemic compared to non-Aboriginal Australians. She declared that this indicates "proof" that the Voice will be successful in its aims. However, to claim that positive results from a pre-Voice era are proof the Voice will be successful is illogical, and in any case the result was due to co-operative effort between central government and many Aboriginal agencies co-ordinated by NACCHO. One might legitimately conclude from this example that there is no need for a Voice, at least as far as Aboriginal health is concerned.

But the question remains whether this success applies to Aboriginal health generally, and poor performance in the Closing the Gap projects suggests that it does not. Nevertheless, Burney cited

the poor results in Closing the Gap as a reason for the Voice. Are we to believe that positive results from the fight against COVID-19 and negative results in Closing the Gap *both* point to a successful Voice?

It might be possible to extract some truth from this confusion if Voice supporters had explained *how* the benefits of the Voice will be obtained, but they have not. Aboriginal spokespersons blame present failures on lack of understanding of indigenous culture by the wider Australian community and the involvement of incompetent or culturally ignorant Canberra-based bureaucrats. Such opinions ignore the active role, in the NACCHO example above, of central government in successfully engaging indigenous communities by stimulating, funding and co-ordinating projects. It does not appear to be the result of underfunding, as the NIAA budget shows.

Apart from Professor Stanley's comments, there has been little mention of existing Aboriginal agencies, particularly the NIAA, during the referendum debate. The impression one obtains on detailed perusal of the various websites and annual reports is that the indigenous industry (if one can call it that) is bloated, riddled with duplication of effort and expenditure and lack of progress, and therefore in urgent need of review. The annual reports are visually appealing but exude self-justification and are hard to assess because of excessive detail. There need be no doubt about the sincerity of the personnel involved or the justice of their cause, but adding a further body to the mix is likely to exacerbate the situation.

If the referendum fails, then an amalgamation of the NIAA and NACCHO represents an option for the government to create a Voice-like body outside the Constitution.

If the referendum result is positive I suggest that the Voice be formed by amalgamation with the NIAA and NACCHO, using their current webs of contacts, information flow, staffing and funding as described in their annual reports. If the referendum fails, then an amalgamation of the NIAA and NACCHO represents an option for the government to create a Voice-like body outside the Constitution. I am under no illusions that this option will be popular with the proponents of a Voice as described in the Langton–Calma report. They assume the referendum will pass, but current polls suggest it may not, hence a back-up plan will be required.

In summary, the example of existing indigenous agencies suggests that the Voice proposed in the referendum may be redundant. The suggestion proposed here is that whether the Voice passes or fails, the relationship between the NIAA, NACCHO and a Voice should be reviewed to avoid duplication of effort and wasteful government expenditure, and to increase the probability of Aboriginal progress.

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Keith Windschuttle

Yunupingu: The Lord of the Manor

Part One: 1963 to 1997

When the Queen died in September last year, Prime Minister Anthony Albanese gave her a respectful but formal eulogy, saying: "With the passing of Queen Elizabeth II, an historic reign and a long life devoted to duty, family, faith and service has come to an end." However, when the Aboriginal identity Galarrwuy Yunupingu died in April this year, Albanese could hardly contain himself. This once plain-speaking politician plunged into poetics:

> Now Yunupingu is gone, but the gurtha—the great tongue of flame and truth with which he spoke to us—is still here. And it lights the path ahead for us. We will never again hear his voice anew, but his words—and his legacy—will keep speaking to us … He lifted us up and held us there so that we could see as far as he did. And what a vision he shared with us …

Yunupingu's admirers among the Aboriginal political elite were even more complimentary. Melbourne academic Marcia Langton declared him to be "the greatest leader Australia had ever known". This was reported by the *Australian*'s indigenous specialist reporter Paige Taylor the day after he died, and has not been retracted since. So this exorbitant quote was not an error. Langton thought Yunupingu not just our greatest Aboriginal leader but Australia's greatest leader ever.

The news media worked hard to sustain this degree of adoration. The *Australian* devoted the entire front page of its April 3 edition to a close-up photograph of Yunupingu's face. Most other newspapers in the capital cities did much the same.

What did Yunupingu accomplish to deserve such acclaim? Albanese said he was the founder of the movement for Aboriginal land rights and a long-time symbol of the uncompromising persistence that was needed to win the cause. In 1978 he was made Australian of the Year for his contribution. Most news stories in April dutifully followed Albanese's claims. He said:

> He made sure with the sheer power of his advocacy for land rights. He made sure when he helped draft the Yirrkala Bark Petitions, which delivered such a powerful message that resounded within the walls of the nation's parliament.

However, none of Albanese's claims above were true. When broadcast at Yirrkala, they must have generated infuriated expletives among those who actually did conceive and draft the famous bark petitions. Moreover, the idea of making claims for land rights was not founded by Yunupingu and, when he did have a significant role in the movement years later, there was a stench of corruption about his distribution of the royalties, both to other clans and among his own. He attracted bad publicity in sexual politics too. In 2006, he stood in a Northern Territory court accused of a violent sexual assault that threatened the life of one of his four wives. To cap this list, on his watch and close within his family there was an awful killing of a woman for which the male culprit got off lightly.

Now, I'm not raising these distasteful topics just to disparage Albanese and the news media for the mythical creature they have created. Yunupingu's career also has implications for the constitutional change these parties are now promoting. If their referendum gets up, its romantic ambition of restoring traditional Aboriginal culture will preserve the careers of indigenous men like Yunupingu. Not only will the Big Men of clans remain dominant over many communities in remote Australia but the Voice will embed new generations of these indigenous oligarchs. Their constitutional protection will make them a law unto themselves, no matter how

badly they serve their dependent constituents. So let me outline here, and in our following edition, aspects of Yunupingu's career that the mainstream media coverage of his death largely omitted or got completely wrong.

The Methodist mission and the mining company

In 1935 a Methodist mission for Aborigines was established at Yirrkala on the north-east coast of Arnhem Land. Before the white men arrived, the monsoonal deluge from November to April always made it difficult for local clans to hunt, fish and gather plant food. They were glad to come, voluntarily, to the mission to get three free meals a day and sleep in dry beds. Most who came in regularly for food eventually decided to stay. This included Yunupingu's father, Munggurawuy Yunupingu, then the Big Man of the Gumatj clan, who brought into the mission his eleven wives and twenty-four children. The Gumatj were one of thirteen clans on the Gove Peninsula who identified as Yolngu. Galarrwuy Yunupingu was one of the sons educated at the Yirrkala mission school, where he learned to speak English.

In the Second World War the Gove Peninsula became one of the strategically important sites in the Northern Territory. As well as army roads into the peninsula, the Royal Australian Air Force constructed a runway there (on the site of the present mining town of Nhulunbuy), and built a causeway to connect Gunyangara, an island in Melville Bay, to the main peninsula, creating a base for Catalina flying boats. In short, before Yunupingu was born in 1948, the war had opened up the region to the modern world and the local Aborigines had accommodated themselves to it.

The pace of change accelerated in the 1970s when the Swiss and Australian company Nabalco gained a lease from the Commonwealth government over a swathe of land on the peninsula and began constructing an alumina mine and processing plant. It also built the township of Nhulunbuy to house three thousand employees, plus a range of modern facilities, including a hospital and three schools.

All of this took place close to Yirrkala and took up much of the peninsula's land. Yunupingu's father had accepted the Christian mission and the wartime industry, but he resented the transformation of the peninsula by the mine and industrial plant. In the early 1970s he decided his clan would make an exodus. He left the old mission at Yirrkala and took the clan to Gunyangara on Melville Bay, where he settled on Drimmie Head, a promontory in the bay, also known as Ski Beach. They were joined there by some of the Galpu clan. They were only thirteen kilometres west of the mining town of Nhulunbuy, which allowed them to keep in touch with the services there. The wartime causeway built by the RAAF meant Gunyangara was no longer an island, so access to the town was comparatively easy. Hence, the clan's exodus was anything but a complete break with the white colonialists.

However, the emigration never amounted to much. After his father's death in 1979, Yunupingu became the Big Man of the Gumatj clan and, even though he was then funded by Commonwealth and land rights money, only a small number of his people joined him. By 2011, the Australian census recorded that Gunyangara housed only 155 people. By 2021, the population had grown to just 207 persons living in twenty-seven households. At the same census, those remaining at Yirrkala, a mixture of Rirratjingu, Galpu and Gumatj clans, totalled 657 people in 187 private dwellings. In short, the Gumatj exodus could hardly be regarded as a feat of great leadership.

Most of the news stories about Yunupingu's death repeated heroic claims about his role as a founder of the Aboriginal land rights movement. In the 1960s he was supposedly one of the originators of the symbolic Yirrkala bark petitions to Canberra. In the 1970s he purportedly launched the first legal claim for land rights at Gove against Nabalco. In the 1980s he persuaded Prime Minister Bob Hawke to agree to a treaty for Aboriginal self-determination. And over this whole period he was allegedly loved and respected by his own people while his persistence and fortitude purportedly set an example for other clans to pursue the great cause of Aboriginal rights.

The Yirrkala and Barunga bark petitions

Now, it is true that when the two Yirrkala bark petitions were presented to the Commonwealth Parliament in 1963 they had a powerful symbolic effect by telling the Australian public that Aboriginal land rights were a political demand to be reckoned with. However, any suggestion that Yunupingu was one of the petitions' authors or creators is fanciful. In 1963, he was fifteen years old and his ambition to become a Christian missionary saw him leave Yirrkala to spend two years at the Methodist Bible College in Brisbane. Despite claims today by journalists that his artistic father produced some of the artwork on the bark petitions, there is no credible evidence that he did.

The petitions were actually conceived and drawn up by the Marika family of the Rirratjingu clan. Even though the Rirratjingu and Gumatj clans spoke similar languages and were deeply intermarried, they were long-standing bitter rivals and, at times, outright enemies. In the 1960s, and still today, Rirratjingu people were the largest clan of the community at Yirrkala. The authors of the original bark petition to Canberra were five brothers of the Rirratjingu clan: Mawalan Marika, Mathaman Marika, Milirrpum Marika, Dhunggala Marika and Dadaynga "Roy" Marika. They were the traditional occupants of the land that the Commonwealth leased to Nabalco. The National Museum of Australia in Canberra, which has published a detailed history of the bark paintings, also noted that the Marika brothers were assisted in the petition's drafting by Wandjuk Marika (Mawalan's son, who later became the first chairman of the Australia Council's Aboriginal Arts Board). Neither Yunupingu father or son rate a mention.

Twenty-five years later in June 1988, when Prime Minister Bob Hawke visited the Barunga Sport and Cultural Festival at Barunga, to the east of Katherine, Yunupingu presented him with a bark petition of his own. This became known as the Barunga Statement. It had artwork similar to the original Yirrkala petitions, and advocated a treaty to recognise Aboriginal "prior ownership, continued occupation and sovereignty" and to demand self-determination and compensation for loss of lands. On the day of the festival, Bob Hawke declared himself an enthusiastic supporter of a treaty and said he would sign one before the end of his term in office. However, when he got back to Canberra, and took advice about the full text of what Yunupingu wanted, he dropped the idea and never revived it. So the Barunga bark petition did not amount to an effective addition to the cause.

Hawke declared himself an enthusiastic supporter of a treaty and said he would sign one. However, when he took advice about what Yunupingu wanted, he dropped the idea and never revived it.

The Gove Peninsula land rights case

Much the same was true of the legal case in the Northern Territory Supreme Court in 1970–71 in which Yunupingu, then twenty-three years old, played a very minor role. The case was *Milirrpum v Nabalco*, which is frequently heralded today as the first land rights case in Australia. Aboriginal clans from the Gove Peninsula argued the Commonwealth government was wrong to grant mining leases to Nabalco Pty Ltd without consulting the local Aboriginal clans.

The Milirrpum in the title of the case referred to Milirrpum Marika of the Rirratjingu clan, one of the authors of the original Yirrkala bark petition. The two other plaintiffs were Galarrwuy's father Munggurawuy Yunupingu representing the Gumatj clan and Daymbalipu representing the Djapu clan and eleven other groups. Most of the evidence about Aboriginal land was given by white people, especially local missionaries and the anthropologists Bill Stanner and Ronald Berndt. The judge of the case, Justice Richard Blackburn, also heard evidence in person from local Aborigines. Ten witnesses from eight different clans appeared before the hearing. When those who couldn't speak English were called, Galarrwuy Yunupingu translated their words for the court. He did not give any evidence himself and his opinions were never consulted by the judge. It was obviously important for the justice of the case that people from the Gove Peninsula clans should be called to appear and have their evidence quoted. But, as is normal in court cases where translators are used, they are not treated as important members of the team. Hence, in the 294 pages of the Blackburn judgment, Yunupingu does not rate a mention.

Moreover, Paige Taylor's claim in the *Australian* that he was "central to the introduction of Australia's first land rights laws in 1976" is also mythology. It downplays the fact that the Gove case was a failure and Nabalco's right to the land it leased was endorsed. Moreover, the case produced plenty of first-hand evidence from Aboriginal witnesses who admitted that, before the whites came, none of their clans had an exclusive identification with one particular territory. Not one of them agreed with the white anthropologists about the structure of their bands or their clan organisation, or of their notion of exclusive identification with a particular territory. Blackburn's judgment reported:

> None of the witnesses said that in the days before the Mission he lived chiefly in his clan territory … The people of each clan were deeply conscious of their clan kinship and of the spiritual significance of a particular land to their clan. On the other hand … it was of

> no importance whether or not the members of a band had any relationships to each other, or conducted their food-gathering and communal living upon territory linked to any particular clan.

In short, the indigenous culture of the clans of the Gove Peninsula did not have any equivalent to the British notion of land or land ownership. Blackburn found there was no native title there at all. Rather than a great leap forward for the concept of land rights, the Gove case was, in effect, a setback that adherents had to overcome.

The clans' contest over land rights royalties

The push for land rights, however, did not stop. It continued in Canberra in the hands of white politicians and bureaucrats. Five years later, they accomplished what the Aboriginal plaintiffs could not. The Fraser government enacted the Aboriginal Land Rights (Northern Territory) Act 1976. This was a piece of legislation largely drawn up by the previous Whitlam Labor government in order to capitalise on the popularity of reforms for Aborigines. This appeal had been demonstrated by the 90 per cent Yes vote in the 1967 constitutional referendum. Whitlam was keen to claim the sentiment for Labor.

The main connection between the 1976 Act and the Gove case was that it was largely drawn up by Edward Woodward QC. As a barrister, Woodward had been legal counsel for the Aboriginal clans in the Gove case and Whitlam appointed him to conduct a commission of inquiry in 1973–74. Woodward brushed aside Blackburn's judgment about the absence of Aboriginal ownership and recommended the establishment of land councils of Aboriginal people who would themselves govern land claims. Their other main role would be to distribute the funds generated by rentals and contracts from mining companies operating on Aboriginal land. Initially, two land councils were established: the Central Land Council, with an office in Alice Springs, and the Northern Land Council, with an office in Nhulunbuy.

The inaugural chairman appointed by the board of the Northern Land Council was Galarrwuy Yunupingu, then aged twenty-eight. At the time his ailing father, who died in 1979, nominated his son to take his place as head of the Gumatj clan. The available literature does not reveal how Galarrwuy won enough support from the other board members to be appointed to the chair, nor how he was able to remain in the job for as long as he did. Nonetheless, Yunupingu gained the numbers to support him as chairman for twenty-five years, from 1976 to 1980, and 1983 to 2004. This was despite the fact that for much of this period he was engaged in a bitter conflict with the Rirratjingu clan about who had what rights to which pieces of Gove land. As chairman of the land council and head of the Gumatj clan, Yunupingu had a big say about how much each clan received.

When the mining began at Gove, Nabalco paid royalties to the Commonwealth government, which transferred some of these funds to the Northern Land Council for distribution among the traditional owners. The land council itself decided what proportion of the funds each clan should receive. Almost all of it went to the Gumatj and Rirratjingu clans. In the early years of royalties, the Rirratjingu did not contest the share they received because "royalty payments were relatively low then", and the distribution of shares and how the board decided the breakdown was not known by outsiders. However, the Rirratjingu gradually regretted they did not take active steps to measure the difference. By the 1990s, royalties had grown to around $2 million a year. The Rirratjingu clan formed a corporation to investigate the accounts and found that, with Yunupingu as its chair, the land council was giving his own Gumatj clan the lion's share of the proceeds. The Gumatj were getting more than three times the amount given to the Rirratjingu, a ratio of 76 per cent of the spoils to 24 per cent.

In front of the Drimmie Head property was a helicopter pad with a pilot and helicopter (hired for $1400 per hour) waiting to take Yunupingu to whichever of his wives' houses he chose to visit that night.

In 1993, complaints by Rirratjingu people and others to both the Northern Territory and Commonwealth governments about the distorted distribution of royalties eventually led to an investigation by the federal auditor-general. The subsequent audit found that, under Yunupingu, the Northern Land Council's budget had suffered serious over-runs and improper use of mining royalties. The eighty-two-page report, tabled in the Senate, recorded large cash advances taken by the chairman and repaid only belatedly. The land council's rejoinder was that Yunupingu was not spending

the money he took on himself. Rather, his position "placed extraordinary demands on him, particularly in relation to his cultural obligations".

Conspicuous consumption and superfluous ceremony

What gave a bitter taste to these concerns was the fact that, at this time of his life, Yunupingu was displaying numerous signs of conspicuous consumption. When journalist Elizabeth Wynhausen interviewed him at home in 1995 (*Weekend Australian*, January 6-7, 1996) his choice of car was the Territory's most coveted vehicle, a top-of-the-range Toyota Landcruiser, the same as those of the senior executives at the Nabalco plant. He had a boat as good as any of those anchored at the Gove Boat Club in Nhulunbuy. Wynhausen was shown around his best property, a mansion on Drimmie Head in Melville Bay, the prime location on the coast. "Like the well-to-do whites in Gove," she wrote, "he has all the latest gadgets, from a new icemaker to the big bathroom's spa bath, a big TV set, which covers half the wall." Nhulunbuy locals told Wynhausen he employed white gardeners and Filipino servants.

On one issue, however, Yunupingu easily outdid all the highest paid of the white mining managers. As well as his own home and office, he had four houses for his four wives. They were at different locations on the east coast, another on the north coast of Arnhem Land, plus an apartment in Darwin. In front of the Drimmie Head property was a helicopter pad with a pilot and helicopter (hired for $1400 per hour) waiting to take him to whichever of his wives' houses he chose to visit that night. Yunupingu told Wynhausen that the Gumatj clan had signed to buy a helicopter of its own.

The distribution of mining royalties amounted to only about half the income the clans at Gove received. The rest came from the pensions and handouts that all local Aborigines received from the Commonwealth government. They displayed no desire to work at the mine or processing plant, despite the best efforts of management to recruit them.

The Commonwealth paid pension money directly into individual Aborigines' bank accounts. Yunupingu decided this was far too impersonal a process and no way to generate loyalty. So he decided to hand out clan royalties publicly, doling out personal gifts of cash at a public ceremony. At one of these quarterly ceremonies she attended, Wynhausen said Yunupingu looked like the lord of the manor handing out money to humble subjects. To collect their share of the takings, four or five dozen people attended from both the local Gunyangara community and clans at Yirrkala. Wynhausen writes:

> Yunupingu has a lazily commanding presence that comes alive as he works the crowd that has gathered at Ski Beach for the distribution of the mining royalties … he talks and talks, repeating phrases, like a preacher, to wring a response from the crowd. The task is made easier because closest to him are several of his own sisters. Strong women in colourful print sundresses, they call out "yo, yo", the Yolngu for "yes".

However, at the function she saw, only a fraction of the annual royalty payment was handed out. Yunupingu took a batch of envelopes from his secretary and handed them to his older brother Joe. In turn, Joe handed out fifteen or so envelopes. Wynhausen observed: "It looks as if most contain several hundred dollars rather than the thousands the division of a little less than $500,000 might lead one to expect." She was referring to the fact that one quarter of the annual royalties of $2 million was due to be distributed but the envelopes obviously held much less than that. "This made it very difficult," she remarked, "for bureaucrats trying to regulate the use of public money."

Throughout the 1990s, complaints about Yunupingu's methods continued to mount. By 1997 they reached the point where the new Coalition government, pressed by its own constituents to modify the previous Labor government's legislation, decided to do something about land councils. John Howard appointed a Darwin QC, John Reeves, to review both the finances and the politics of the land councils and advise what should be done to either fix the system or close it down.

Part Two: 1998 to 2008

By the late 1990s, the claims by Galarrwuy Yunupingu and his Gumatj clan to be the traditional and exclusive owners of the land they occupied on the Gove Peninsula had been shown, both historically and legally, to be dubious. As Part One of this article recorded, long before Galarrwuy was born in 1948, the land where the Gumatj and other clans lived had been settled by whites, with the pragmatic consent of the clans.

After the Commonwealth government granted a lease to the Methodist Church in 1935 to establish a mission at Yirrkala, Galarrwuy's father brought

his eleven wives and twenty-four children into the mission to live off its more consistent food supply and its shelter in the wet season from the monsoon rain. Most of the other twelve clans that inhabited the region followed suit. The mission soon evolved into a sizeable settlement of several hundred Aboriginal people. There was nothing unusual about this. Much the same procedure had been followed by Aborigines across the continent over the previous 150 years. They gave up their dependence on a hunter-gatherer way of life for an easier and more reliable means of survival, either on missions, government welfare stations or white pastoral and farming properties. The practice was long known as "coming in".

During the Second World War, the Royal Australian Air Force built an airstrip on the site now called Nhulunbuy. The RAAF also dredged a causeway between the Gove Peninsula and an uninhabited island in Melville Bay to create a base for flying boats. The latter is still listed today on some maps and landing lists as the "Melville Bay Flying Boat Base, Melville Bay". Its Aboriginal name is Gunyangara but most locals, white and black, call it by its wartime name, Ski Beach.

A settlement by Aboriginal people was not established there until the 1970s when Galarrwuy's father emigrated from Yirrkala to get away—though not too far away—from the new mining and industrial town of Nhulunbuy. The Gumatj clan initially occupied abandoned pre-fab houses originally built at Ski Beach in the 1960s for Nabalco managers and contractors while Nhulunbuy township was under construction.

In 1970-71, in the case *Milirrpum v Nabalco*, the Supreme Court of the Northern Territory rejected the claims by the Rirratjingu, Gumatj, Djapu and eleven other clans that they were the rightful owners of the land occupied by Nabalco at Nhulunbuy. Judge Richard Blackburn found, mainly through Aboriginal witnesses, that none of them had exclusive identification with that or any other specific territory. None of them "conducted their food-gathering and communal living upon territory linked to any particular clan".

Nonetheless, in a bid to satisfy sympathetic white voters in the south of the continent, the Whitlam Labor government persisted with the issue. Determined to revise Blackburn's finding, Whitlam established a commission under barrister Edward Woodward QC. The Woodward Commission sat during 1973-74 and delivered the desired outcome. It recommended that local clans should be paid royalties by Nabalco or any other non-indigenous venture that gained such a lease. At least two land councils, one in the Territory's centre, the other in the north, should be established to decide which clans should be paid royalties for which land and what proportion of those royalties should be distributed to each clan. This eventually became law when the Coalition government, under Malcolm Fraser, passed the Aboriginal Land Rights (Northern Territory) Act 1976.

The first chairman of the board of the Northern Land Council was Galarrwuy Yunupingu. He held that role for most of the next twenty-five years, from 1976 to 1980 and from 1983 to 2005. During that time, he exploited his vested interests by giving his own clan the bulk of the available royalties. However, there was nothing in the Land Rights Act that rendered this favouritism illegal. As recorded in Part One, by the 1990s complaints from the more numerous Rirratjingu clan and others about Yunupingu's distorted distributions eventually led to an investigation by the federal Auditor-General. The audit found the Northern Land Council's budget had suffered serious over-runs and improper use of royalties. With Yunupingu as its chair, the land council was giving his Gumatj clan the lion's share of the proceeds: a ratio of 76 per cent to the Rirratjingu's 24 per cent.

By this time, it was clear that Yunupingu was not only Australia's richest Aboriginal person but also a strong candidate for the national rich lists of the financial press.

The Reeves Report and the white man's economy

The Howard Coalition government that came into office in 1996, especially its Minister for Aboriginal and Torres Strait Islander Affairs, John Herron, took a very dim view of what Yunupingu was doing. Herron regarded land councils, like the one headed by Yunupingu, as rent-seekers who wanted the benefits of modern society without working for them. In the wake of the complaints surrounding Yunupingu's role in the Northern Land Council, Herron decided that it and the other land councils were appropriate political targets. In October 1997 he appointed the Darwin QC John Reeves, a disillusioned former Labor politician, to review the legal rights and powers of Aboriginal land claims, including the finances and politics of the two biggest land councils.

Reeves delivered his report in August 1998. It

opposed almost every aspect of the existing land rights system. Drawing on the Blackburn decision on the Gove Peninsula case in 1971, Reeves said there was no such thing in Aboriginal culture as a "corporate land-owning group" which matched the definition of "traditional owner". He said the Central Land Council and the Northern Land Council were both unsuited to properly represent Aboriginal interests. The population group best suited to making decisions about land was not the dominant clans like the Gumatj and Rirratjingu, but what he called the local "regional community". Existing land councils focused almost entirely on making land claims, distributing royalties from mining companies and charging fees for permits to come onto Aboriginal land. The large land councils had abused the right to veto mining, and the royalties they received had "largely been dissipated in Land Council operational costs and cash payments to individual Aborigines". Reeves recommended abolishing the large land councils and creating a chain of smaller indigenous councils, collectively managed by the Northern Territory government, to handle the more familiar roles of local government such as health services, education, housing and road repairs.

Reeves also wanted the Territory government to establish one overarching organisation, the Northern Territory Aboriginal Council, to use the available royalties from mining for the economic development of Aboriginal communities. It would have "responsibility for developing Aboriginal skills, assets, culture, employment and self reliance". Its "major function will be to assist the long-term social and economic advancement of Aboriginal Territorians". Instead of the Big Men of the clans spending the money on themselves, Reeves wanted Aboriginal culture to take a different path: the introduction of private ownership of land and the development of commercial local economies.

When it was published in August 1998, the Reeves Report received strong endorsement from the Northern Territory's Country-Liberal government under First Minister Shane Stone. However, the Aboriginal political class and most of its white supporters were outraged. In a submission to the Commonwealth Parliament by the Northern Land Council, Yunupingu said, "Reeves has fundamentally failed in the execution of his task." At Yuendumu, supporters of the Central Land Council publicly burned the report. In Canberra, the House of Representatives Standing Committee on Aboriginal Affairs decided to conduct its own inquiry into the Reeves inquiry.

A number of former Liberal politicians, Malcolm Fraser, Ian Viner, Ian Wilson, Peter Baume and Fred Chaney—by now acting virtually as lobbyists for the Aboriginal industry—made their own submissions against Reeves. A long line-up of white left-wing academics also joined the fray. This last group were especially hostile to Reeves's suggestion that the development of a white man's capitalist economy on Aboriginal land was in the interests of Aboriginal people.

In the end, although it supported Reeves's recommendations, the Howard government found they would not be accepted by the left-dominated Senate. None of Reeves's recommendations were enacted into law. So Yunupingu survived this, the only serious challenge made by a government to dethrone him.

Yunupingu's riches and the poverty of his relatives

The failure of the political system to rectify the situation was recorded again in 2005 by another investigative journalist who filled in more of the picture initially exposed a decade earlier by Elizabeth Wynhausen (see Part One of this article). By this time, it was clear that Yunupingu was not only Australia's richest Aboriginal person but also a strong candidate for the national rich lists of the financial press. His total annual funds had gone from $2 million a year in the 1990s to almost $5 million. The journalist who revealed this was Jennifer Sexton of the *Weekend Australian* who wrote (June 11-12, 2005) a devastating expose of where Yunupingu's money came from and where it did and didn't go.

"Many in his own clan," Sexton wrote, "live in squalid and impoverished conditions while Mr Yunupingu has the use of a helicopter, four houses and a fleet of cars, including a Range Rover." She interviewed his fourth son, Sammy Yunupingu, his sister Gayili Marika Yunupingu and cousin Dhanjah Gurruwiwi, who said only some chosen members from his immediate and extended family had benefited from Yunupingu's distribution of Gumatj clan royalties.

At the time, Yunupingu was living with the second of his four wives, who bore three of his eleven children. Sexton compared them with their shunned relatives:

> They occupy the newest of about 40 houses on Ski Beach, on the turquoise waters of the Gove Peninsula. A few kilometres away lives Mr Yunupingu's sister Gayili in a tin house with a leaking roof and a fridge perched on the verandah. She lives just metres from Alcan's Bauxite Mine processing plant …

> Mr Yunupingu's cousin Dhanjah lives at the eastern end of the beach in similarly poor accommodation with her brother.

To rub in the contrast, Sexton observed that Yunupingu's helicopter had a pilot routinely at his disposal. He used it to reach the four houses of his wives on the Gove Peninsula and another on the northern coast. On the weekends, he would visit his newest and youngest wife, Valerie Ganambarr, at an outstation he kept at Nyinyikay, prompting local whites to dub the chopper the "Honeymoon Taxi". In the 2004-05 financial year the helicopter alone cost the Gumatj Association some $190,500 for maintenance and fuel.

Audit reports obtained by Sexton showed that, for the four years prior to 2005, there was no evidence that clan distributions of royalties and other funds to the value of $4.14 million had been "properly allocated" by the Gumatj Association when Yunupingu was in the Land Council chair. Of that sum, clan distributions worth only $1.822 million and $5,345 for community support were recorded. Sexton quoted chartered accountants J.C. Smith and Associates saying: "The recipients of some payments for 'clan distributions' and 'ceremonies and community culture' were not identified in the association's transaction records. Therefore [we are] unable to determine if all these payments were made in accordance with the objects of the association."

According to Sammy Yunupingu, this situation had been in existence for a long time. He was finally stirred enough to prepare a statutory declaration stating how over the previous decade almost $50 million worth of grants and royalty payments had been allocated but not clearly accounted for. He said most people who knew of this had been afraid to speak out because of their cultural reluctance to question elders, their fear of reprisal, and an inherent lack of accountability in the distribution process.

Sammy sent his information to the Commonwealth Minister for Aboriginal Affairs, Amanda Vanstone, and the Northern Territory Chief Minister, Clare Martin. Both governments had been party to the various funding provisions active in the Territory and, at the time, both gave positive responses to Sammy's correspondence. The Northern Territory government investigated his claims. It confirmed Sammy's complaints about the lack of transparency in the accounts over the distribution of royalties. However, it found no evidence of legal fraud. Sexton summed up the problem: "It is up to the Gumatj clan to determine how the money is shared, and Yunupingu is boss."

So, in 2005, when Yunupingu retired after twenty-five years as chairman of the Northern Land Council, his reputation for handling money was left unsullied by any white man's law. When Sexton tracked him down at the Gove Yacht Club, he could treat her questions with contempt:

> It's family money. How we break it up is our business … It's none of your bloody business. And as far as we're concerned it's peanuts. You can hunt as much as you like, but you won't find rope to hang me on.

Domestic violence and killings in Yunupingu's clan

In his recent three-part series for *Quadrant Online* (reprinted in this issue) summarising the appalling statistics of violence in Aboriginal families today, Tony Thomas also records how major Australian medical and academic institutions charged with monitoring the issue attribute responsibility. They argue that traditional Aboriginal society is blameless: "For thousands of generations, Aboriginal and Torres Strait Islander families and communities have raised their children strong and safe in their culture," says a recent report by a consortium of indigenous academics from Monash and UTS universities. Instead, they attribute the violence now so prolific within families to the arrival of the white man: "the consequences of colonisation, intergenerational trauma, and systemic racism continue to cause enduring physical and mental harm and perpetuate inequities relating to the social determinants of health".

However, the recent history of the Yunupingu family tells a different story. It shows that no matter how privileged some Aboriginal people are, even if they are among the wealthiest people in the country with the best of modern social and medical services at their disposal, they still succumb to what Tony Thomas calls "this scourge of Aboriginal males bashing their partners". In the last two decades, a time of real wealth for the favoured members of the Yunupingu family, its men have perpetrated some of the most violent cases of domestic violence and its women have been hospitalised and killed.

In 2000, Galarrwuy Yunupingu was following his late father's example and grooming one of his sons to eventually become the Big Man of the Gumatj clan. The chosen one was Gavin Makuma Yunupingu, then aged twenty-seven. As part of his preparations for higher things, his father had sent him for two years to one of Sydney's exclusive private schools, Scots College at Bellevue Hill. When his uncle Mandawuy Yunupingu formed the internationally

known rock band Yothu Yindi, Makuma became a member of the group and toured the world with them. He also had a role as an actor in the film *Yolngu Boy*, partly bankrolled by his father.

One balmy night at Ski Beach in August 2000, Makuma found his forty-year-old sister-in-law, Betsy Murrupu Yunupingu, sitting on the back veranda of his home. He walked up and kicked her in the face and neck. She fell backwards onto the concrete veranda. Makuma claimed he only kicked her once and his foot was bare when he did it. However, her injuries were critical: internal bleeding at her brain stem and a broken lower jaw. She lost consciousness and died the next morning in Darwin Hospital. Makuma was arrested and charged with her murder.

At the murder trial, Supreme Court Judge Brian Martin made a point of saying Makuma would not receive "special treatment" because of his well-known and influential family. The jury found him not guilty of murder but guilty of committing a dangerous act causing death. In sentencing, the judge expressed his concern about Makuma's previous record for violence against women, which included a drunken assault with a beer can on a female bar attendant. However, when his defence discussed sentencing, the judge was told Makuma had already organised two forms of retribution based on Aboriginal customary law. One of his relatives, Sidney Yunupingu, had already suffered, on Makuma's behalf, a ritual spear in the thigh from his victim's family as payback for her death. Moreover, after his release, Makuma promised to live in exile in central Australia until Betsy's family decided he could return to Arnhem Land.

Most people who knew of this had been afraid to speak out because of their cultural reluctance to question elders, their fear of reprisal, and an inherent lack of accountability in the distribution process.

In Darwin these days, taking such "traditional" measures into account is obviously not regarded as "special treatment". Although the crime carried a maximum penalty of ten years' prison, Martin gave Makuma a three-year sentence, to be suspended after he had served a mere fifteen months in prison. In the sentencing system of Northern Territory courts, the life of a young Aboriginal woman these days counts for very little.

This was far from being the only fatal assault in the clan at that time. The men of the Gove clans often inflicted this degree of violence on one another. In fact, three months after Makuma killed Betsy, Galarrwuy Yunupingu's brother, Murphy Dhalpirripa Yunupingu, speared to death a member of the local Djapu clan at Ski Beach, not far from Yunupingu's mansion on Drimmie Head.

In 2006, Galarrwuy Yunupingu himself was accused of a serious violent crime. That year, he faced Nhulunbuy Magistrate's Court after one of his wives alleged she had suffered a sustained and potentially fatal attack. The woman was his fourth wife, Valerie Ganambarr, who he had married nine years earlier when she was just twenty. Yunupingu had kept her separate from his other wives on the Gove Peninsula, installing her initially in a flat in Darwin and later at an outstation he provided for her at Nyinyikay on the north coast of Arnhem Land.

Yunupingu went to court after Valerie took out an interim domestic violence order against him. Journalists from the *Australian* (July 12, 2006), Jennifer Sexton and Ashleigh Wilson, reported the content of her affidavit. During one of his visits, Yunupingu had allegedly grabbed her by the neck, pushed her to the ground, kicked her in the back and pulled her hair. He said he would kill her, declaring "you are nothing but rubbish". He then took up an electric cord and tried to strangle her.

Yunupingu denied her accusations. He did not deny the incident took place but he told the magistrate his aim was not to kill his wife, but to save her life. It was she who put the cord around her neck, he said, and she was threatening to kill herself. To restrain her, he said he had to shake her, push her onto a nearby couch, and pull her hair. He said to her: "If you want to kill yourself, kill yourself properly, but not here, somewhere else."

The magistrate said he had "heard enough to establish that a bizarre and somewhat violent incident occurred between husband and wife". Valerie asked the Nhulunbuy Magistrate's Court for an extension of the interim domestic violence order she had gained earlier. However, at a later court hearing she agreed to an alternative proposed by Yunupingu that he would formally undertake to the court to keep away from her in future. He was never charged over any of the assaults she listed in her initial affidavit.

In 2009, journalist Nicolas Rothwell visited Yunupingu at his favourite outstation at Dhanaya, on the coast south of Yirrkala. By then the Gumatj leader had turned sixty. Rothwell found that Valerie and their three children were now living there with Yunupingu, in his own house. His second wife,

Margaret, was also there, living in a nearby house with her children and grandchildren.

The epidemic of suicides at Ski Beach

Domestic violence was only one of the social plagues endured by the clans of the Gove Peninsula. Another was suicide. In fact, in one two-year period in Galarrwuy Yunupingu's regime, the community at his homeplace at Ski Beach became notorious for recording one of the world's highest suicide rates.

In the early 2000s, police in the Northern Territory began to notice a rise in the Aboriginal suicide and attempted suicide rates on the Gove Peninsula. They started to keep count of those affected, including their age and locations. In the two-year period between January 2007 and December 2008 they found the worst-affected group were young people living at or near Ski Beach. Over the two years of the survey, six people at Ski Beach had taken their own lives. Another thirty in the area had attempted or threatened to do the same. This was out of a census count of 155 residents in 2011. It meant that, in just two years, nearly 4 per cent of the population had killed themselves and nearly 20 per cent had seriously thought about doing the same.

Indigenous activists looking for therapies for suicide and other Aboriginal social maladies have turned to politics, especially to dogmas now fashionable in North America.

How could this happen? How could such a high proportion of the youth of Ski Beach, by then the principal location of the Gumatj clan which boasted its faithful adherence to Aboriginal lore and custom—and which was then receiving much more than its fair share of $5 million royalties per year—find life so depressing that they wanted to end it? When asked for his opinion in a survey of Aboriginal elders in the Northern Territory, Galarrwuy's brother, Mangatjay Yunupingu, a performer with Yothu Yindi, exonerated his own culture and blamed it all on the whiteys:

> Nowhere in Yolngu history has there been any suicide. It came with the Balanda [white people] with the invasion of the Balanda. All kinds of things came with the mining company. One of the main things that pushed our young people over the edge was alcohol and illicit drugs.
> —*Elders' Report into Preventing Self-Harm and Youth Suicide* (www.cultureislife.org), Culture is Life, Melbourne, 2014

It is no doubt true that alcohol abuse and drug-taking very often accompany Aboriginal suicide and other killings, just as they do with white people. Moreover, suicide rates for all societies correlate strongly with child sexual abuse, domestic violence and unemployment. However, to understand the issue properly, the context of each deed needs to be taken into account. Two of those who killed themselves at Ski Beach during the site's suicide epidemic were close relatives of Galarrwuy Yunupingu. One was his younger sister, whose name and circumstance are no longer recorded. The other's name was highly publicised at the time largely because of his celebrity connections and the gruesome details of his death.

In July 2008, Nicki Yunupingu, the twenty-six-year-old nephew of Galarrwuy and Mangatjay, was a didgeridoo player in Yothu Yindi, which performed before an enthusiastic crowd on the oval at Yirrkala. The event was a big occasion attended by Prime Minister Kevin Rudd and his Labor cabinet. The traditional dance that opened the show was rarely performed in front of white people and this time was led by Galarrwuy himself, clapping his sacred sticks. The performance was rated a great success and once it finished, most members of the group moved on to celebrate at the Gove Yacht Club in Nhulunbuy where Galarrwuy shouted them all the drinks they could handle.

On the way to Nhulunbuy, Nicki Yunupingu had an argument with his wife and they parted. The drinking party had by then moved on to nearby Ski Beach, and Nicki followed them there. On the beach he met a twenty-three-year-old woman he knew. After some talk, he got into an argument with her too, which quickly turned into a rage. He unsheathed a knife and stabbed her fourteen times. She fell to the ground, apparently dead. When he saw what he had done, Nicki used the same knife to kill himself. The woman he stabbed was seriously wounded and hospitalised, but survived.

It would be hard to pin all the blame of an incident like this on the whites who supplied the venue and the grog. On the personal level, the propensity of this Aboriginal man to fly into uncontrollable rage whenever he had a disagreement with a woman was obviously one factor. On the cultural level, the misogynistic values of the Aboriginal clans and their failure to discipline their males to adopt more civilised behaviour towards women, should be held responsible too.

In fact, the only positive response to the Ski Beach suicides came from Aboriginal women who adopted the methods of the much-maligned white people. Galarrwuy's sister, Gayili Marika Yunupingu, who set up the community women's shelter Galupa for domestic violence victims, responded to the epidemic of suicide by broadening her scope. She had assistance from the Wesley Mission's One Life program. The solutions she pursued for suicide prevention came from an agenda developed by psychological counselling and modern social work: twenty-four-hour phone counselling services, speaker meetings and communal activities for those afflicted, public meetings with their families, and a total restriction on alcohol consumption.

When set up at Ski Beach, most of the staff and volunteers in the suicide prevention group were Aboriginal women. After their therapeutic package had begun functioning for a year, Gayili could pat herself on the back as she told a journalist that the Ski Beach suicide tally for the previous twelve months had been zero. She later won a National Indigenous Human Rights Award for her efforts.

However, in the decade and a half since then, the ideological pendulum has swung heavily in the opposite direction. Indigenous activists looking for therapies for suicide and other Aboriginal social maladies have turned to politics, especially to dogmas now fashionable in North America. One of the recent gurus of the Canadian indigenous movement, the left-wing academic psychologist Michael Chandler, has argued that Western solutions to indigenous problems do not work because their approaches to healing are individualistic rather than collective.

His alternative, a form of indigenous socialism, is made up of ingredients very similar to those now advocated in Australia by the authors of the Voice. Chandler says to reduce youth suicide, communities need a combination of indigenous self-government; title to traditional land; local control over health, education, policing and child welfare services; facilities for preserving traditional culture; and elected councils composed of at least 50 per cent women (never mind that the last of these is an incongruous white addition to indigenous traditions). All of these ideas are now echoed in Australia. The approach recommended in the *Elders' Report* on youth suicide by Arnhem Land elder, George Gaymarrangi Pascoe, is "cultural responsibility based on our customary lore". Like other elders today, he claims suicide is a product of colonisation:

> The only way to stop suicide is to fulfil our cultural obligation to our young … One of the biggest problems is that young people are growing up thinking that school is very important. That literacy and numeracy is very important. But what about our culture? Our Lore? We are trying to communicate to them the power of our knowledge and wisdom … It is the white way that is causing the deaths of our young Aboriginal people. The white people are introducing changes in culture and assimilating us so we rot and die.

Part Three: 2008 to 2023

In his eulogy on the death of Galarrwuy Yunupingu in April this year, Prime Minister Anthony Albanese called him "one of the greatest Australians … What he could see was not the reinvention of Australia, but the realisation of a greater one." Most of the news media took the same line. Paige Taylor of the *Australian* said Yunupingu was "honoured for a lifetime of advocacy for Indigenous Australians that enriched us all".

None of this is true. To paint Yunupingu as a national figure working towards a greater, enriched Australia completely misunderstands what he was on about. The focus of his lifetime was not the welfare of the Australian nation, which he spent most of his life scorning. He did meet eight Australian prime ministers and addressed them politely, but this was only because he hoped to get something out of them. His one true loyalty was to the close group of Aboriginal clans into which he was born. He made this very clear himself. In one his several autobiographical articles he spelt out precisely where his political allegiances lay:

> The clans of east Arnhem Land join me in acknowledging no king, no queen, no church and no state. Our allegiance is to each other, to our land and to the ceremonies that define us. It is through the ceremonies that our lives are created. These ceremonies record and pass on the laws that give us ownership of the land and of the seas, and the rules by which we live.
> —"Tradition, Truth and Tomorrow", *Monthly*, December 2008–January 2009

In 1988, in the midst of celebrations for the bicentenary of the British settlement of Australia, Prime Minister Bob Hawke visited Yunupingu. They met at the Barunga Festival in the Northern Territory where Yunupingu gave him the now famous Barunga Statement demanding a treaty. Hawke said he was very happy about the meeting but Yunupingu made it publicly clear he had

nothing to celebrate. He did not regard himself as part of the Australian nation. He said:

> Instead of forcing Aboriginal people to celebrate the bicentennial, the government should be passing a constitutional amendment which recognises us as the first owners of the country … So we need to begin to talk about sovereignty. We are a people, even if we are classified by languages. Our culture and belief in the land made us a distinct people.
> —*Treaty: Let's Get it Right*, ATSIC, 2003

Yunupingu meant what he said about sovereignty and being distinct. The Barunga Statement itself called on the Australian government to negotiate a treaty to recognise "our prior ownership, continued occupation and sovereignty". The few writers who discuss what he meant by sovereignty mostly attribute his principal loyalty to the tribal language group Yolngu, which includes twenty-three clans on the north-east coastlines of Arnhem Land. However, when it came to doling out funds under his charge, the only sovereignty he actually recognised was that of the Gumatj and Rirratjingu clans on the Gove Peninsula. In fact, as events in Part One of this article recorded, he allocated to the Rirratjingu people only a small percentage of what they claimed as their entitlement. He was also selective about which of the 155 members of his own clan at Ski Beach he rewarded, and which ones he had no qualms about leaving to fend for themselves.

The focus of his lifetime was not the welfare of the Australian nation, which he spent most of his life scorning. His one true loyalty was to the close group of Aboriginal clans into which he was born. He made this very clear.

From 1976 onwards, after the Fraser government in Canberra created two land councils in the Northern Territory to distribute royalties from mining companies, Yunupingu became chairman of the Northern Land Council. It was responsible for handouts to the three clans who claimed to be traditional owners of the land on which Nabalco's mine and smelter stood, and the associated township of Nhulunbuy. In the legal deal to set up royalties, the Northern Land Council gained the right to define what share of the local land each clan owned and, therefore, what proportion of the mining royalties were due to them.

Even though the Blackburn legal case in 1970-71 found there were no clear boundaries of land use in the traditional society on the Gove Peninsula, and no exclusive rights to any land were held by any of the local clans, Yunupingu, as chairman of the Northern Land Council, gained the right to define who owned what. He decided his own clan, the Gumatj, owned 76 per cent of the land taken up by the mine and smelter, while the Rirratjingu owned only 24 per cent, and the Djapu clan less than 1 per cent. Royalties were divided accordingly for the next three decades.

The Rirratjingu clan was very unhappy about this arrangement. But their protests to Territory and Commonwealth governments all ran up against the legal problem that the Northern Land Council, controlled by Yunupingu, was free to decide the structure of traditional ownership, and its word was law. Yunupingu even managed to retain control of this aspect of the deal from 2005 to 2011 when he had ceased to be chair of the land council but when royalty distributions were still based on the share he defined from the outset.

The Gove Agreement of 2011 and the white economy

In 2011, it looked for a while as if the Rirratjingu clan had finally got a fair deal. In June of that year, Prime Minister Julia Gillard went to Yirrkala where she announced the signing of what came to be known as the Gove Agreement. (Gillard called it the Rio Tinto Alcan Gove Traditional Owners Agreement, since by this time the founders of the mine and smelter, Nabalco, had been bought out by Alcan, who were subsequently taken over by Rio Tinto.)

On what she called "this historic day", Gillard said the new agreement made all the clans happy. It "redresses long standing grievances associated with the commencement of mining", she said. "Senior traditional owners Galarrwuy Yunupingu of the Gumatj clan and Bakamumu Marika of the Rirratjingu clan are to be congratulated for their vision for their people." Economic benefits were bound to occur, she said, allowing governments, industry and communities to close the gap in indigenous disadvantage.

In her speech, Gillard spent some time advocating what must have seemed to her left-wing supporters as political heresy. She raised ideas that had not been aired since the Reeves Report urged the Howard government in 1999 to emulate a white, commercial economy on Aboriginal land (discussed in Part Two of this article). She said the Gove

Agreement "paves the way for a range of financial, contractual, asset and employment benefits for traditional owners".

Tacitly chiding the spending habits of Yunupingu, who sat beside her, Gillard said "traditional owner entities" should put "constraints on individual cash payments" and "demonstrate good governance principles including independent directors with relevant professional skills". She said this would help "provide employment opportunities for Yolngu people across the region and opportunities for Indigenous owned companies to act as contractors". In short, she claimed that, instead of confining itself to royalties, pensions and Centrelink handouts, her government hoped to encourage an economy based on local Aboriginal businesses and industry.

However, the sentiments she announced for the Gove Agreement turned out to be powerless. In subsequent dispersals of royalties, the Northern Land Council kept largely to its original formula. It gave the Gumatj clan 72 per cent of the royalties, Rirratjingu 26 per cent, and Djapu 0.5 per cent. The Rirratjingu people found they were again stuck with the same deal they had long complained about.

The Rirratjingu clan spent much of the next decade, and millions of dollars from their royalty funds, pursuing legal cases against the Gumatj clan, demanding 50 per cent of current and past royalties for themselves. In 2014 they lost their case before the Federal Court and in 2015 they lost their appeal to the same court. In 2017 they made a second appeal to the same court on a different issue, but lost again. Later that year, the Rirratjingu people applied to the High Court to hear their case, but they were denied that right of appeal.

In every legal avenue the Rirratjingu tried, the judgments against them held that the Northern Land Council was free to distribute land as it saw fit. The land council had argued that if the Rirratjingu people succeeded this would represent an effective shift of power over royalties from the Aboriginal owners to the court. None of the courts wanted to take that step. Federal Court Judge John Mansfield said: "It was not the role of the court to determine how royalties were distributed."

The outcome, however, was that the Northern Land Council, and the other big land councils that emerged later in the Territory, were content to confine their roles to making claims for land and royalties, and dividing the money from these sources among themselves. That done, the only other incentive they had to generate income from the white man's economy was to charge visitors for coming onto their land. In east Arnhem Land, they set up tollgates at key sites where, to go any further, travellers had to make hefty payments.

The example set by Yunupingu of using the royalties to deprive his enemies and to empower and enrich himself became the goal for other Big Men in the other land councils. The role that William Reeves had advocated in his failed 1999 report, which argued that the available money should be used to fund loans for local Aboriginal businesses and freehold land purchases for those wanting to own and trade in properties and other assets, was nowhere in sight.

Social dysfunction in the land of the Big Man

In his maiden parliamentary speech in March 2002, the indigenous MP and Minister in the Northern Territory government, John Ah Kit, said it was now "almost impossible to find a functional Aboriginal community anywhere in the Northern Territory":

> I don't just mean the 10 to 15 communities that my department tells me that, at any one stage, are managerial or financial basket cases … I am talking of dysfunction that is endemic through virtually all of our communities, both in towns and the bush. We cannot pretend that a community is functional when half the kids don't go to school because they have been up most of the night coping with drunken parents, or because they themselves have been up all night sniffing petrol.

Five years later, after social research in the Northern Territory exposed prolific sexual abuse of children in Aboriginal communities, the Howard government launched the Northern Territory Emergency Response, better known as the "Intervention", which remained in force from 2007 to 2012. The statistics that generated this action were compiled in the *Little Children Are Sacred* report by Pat Anderson and Rex Wild (Northern Territory Government, 2007).

They found that child abuse occurred in every one of the forty-five remote communities they visited in the Territory. Three of those communities were Yirrkala, Ski Beach and Nhulunbuy, where the researchers conducted a total of ten meetings with authorities and residents and gained access to police records. These Gove communities were far from being the worst of those afflicted—Tennant Creek stood out with the highest rate of abuse per head—but they connected with those local incidents of domestic violence and suicide discussed in Part Two to reveal societies that were seriously maladjusted.

What's more, there were other social problems in these communities for which no statistics have been compiled but where the anecdotal evidence is persuasive. Three of the worst habits among Aboriginal youth on the Gove Peninsula have long been prostitution, petrol sniffing and bingeing on alcohol.

In 2008, after the Intervention had been in operation for eight months, Yunupingu helped organise media coverage in the *Sydney Morning Herald* (April 4, 2008) about the number of teenage girls in Yirrkala acting as prostitutes. Local residents told *Herald* reporter Lindsay Murdoch how Aboriginal girls were often picked up late at night and taken to or from Nhulunbuy. Leon White, a former school principal in Yirrkala, said there had been a "conspiracy of silence" about the abuse of vulnerable children and teenagers there. "The indigenous Intervention is yet to produce outcomes that prevent these things happening," White said.

Aboriginal girls as young as thirteen were being given cash, drugs, alcohol and taxi rides in exchange for sex. Yunupingu's daughter, Bernadette Guruwiwi, told the *Herald* she knew of a case where a man working for the Northern Territory government took two girls to his house and paid them for sex with him and another man. Yunupingu himself said he knew seven girls who were ready to give information to the police. "Everybody here knows what has been going on," he said, "and the time has come for us to put an end to this once and for all."

In an article in the *Australian* by Nicolas Rothwell (March 18, 2009) the author treats Yunupingu as the saviour of his people for his actions in curbing petrol sniffing and alcohol consumption. In response to an upsurge in petrol sniffing by local children, Rothwell writes, Yunupingu rounded up as many as he could and transported them to his favourite outstation at Dhanaya, south of Yirrkala, for "hands-on rehabilitation". "These were scarcely the actions of a high-handed monarch," Rothwell commented, "for Yunupingu, every member of his clan and its many connected groups is his own flesh and blood."

In the same article, Rothwell praised the great man for his approach to the rehabilitation of Aboriginal alcoholics. He made efforts to persuade the itinerant drinkers from his clan living on semi-permanent camps in the streets of Nhulunbuy to return to their homelands. "It was he who sat there with the drifters and town campers of his extended family," Rothwell wrote, "urging and pleading with his kinsmen, while puzzled locals looked on."

All the above are no doubt worthy acts, but Yunupingu's responsibilities were far more than those of a novice priest or social worker. He was the Big Man of his clan who decided the economic goals it would pursue. He was also the major beneficiary of the riches that had poured into his pockets over the previous thirty years. Persuading a few kids to give up sniffing petrol, or a few drunks to get out of town, were hardly the chief duties of the man supposed to be the ultimate protector of his clan. They were cheap political stunts, no more impressive than a local MP pausing for a photo opportunity. What Yunupingu displayed most in Rothwell's examples was not how to rescue people from their addictions, but the skill in which he was most expert: how to get a favourable plug from a journo in the big city news media.

Aboriginal traditions of violent male licence are deeply embedded and will never be changed by the Territory's mild-mannered policies of "behavioural management" and rehabilitation.

Another domestic killing within the clans

In October 2018, Lena Yunupingu, then twenty-nine years old, was killed by her de facto husband, Neil Marika, at her home in Palmerston, south of Darwin. In a drunken argument he stabbed her three times in the heart and lungs with a kitchen knife, killing her. On the day of the assault, Marika, thirty-six, had been drinking for seven hours beforehand. At his trial, he pleaded guilty to manslaughter while drunk.

At the time, he was subject to a domestic violence order for an assault two months earlier. He served just fourteen days in prison for breaching that order. He should not have been in Lena's house in October. Yet instead of murder he was allowed to plead guilty to the lesser charge of manslaughter, that is, unintentional killing, and was given a comparatively light sentence even for that offence. He was sentenced to nine years jail and would be eligible for parole after six years, meaning he is due for release in October 2024.

Last January, the Coroner of the Northern Territory, Elisabeth Armitage, announced that in June 2023 she would conduct a close examination and make public her hearings concerning four recent deaths of Aboriginal women killed during domestic violence. Lena Yunupingu was one of those on her list. The details of Lena's death,

and the long history of assaults she suffered from her husband before he ended her life, have already been revealed at Neil Marika's trial so any further information Armitage can uncover should further expose this tragic trail of events.

As their surnames indicate, the relationship of Lena Yunupingu and Neil Marika was originally organised by their families. For generations the Gumatj (Yunupingu) and Rirratjingu (Marika) clans had promised their female children to one another. It was almost an exclusive relationship, with only a small number of women from other Gove clans brought into the arrangement.

Lena was the daughter of Gayili Marika Yunupingu, who was Galarrwuy Yunupingu's sister. Although her mother and uncle arranged Lena's marriage from the one clan to the other, they should have known it would be a disaster. The Darwin court was told that Neil Marika's father, and a number of other male relatives from the Rirratjingu clan who arranged their side of the marriage, had served jail terms themselves for serious crimes against women.

Neil's behaviour replicated that of his father and uncles. Prosecutors told the court that in the twelve years before he killed Lena, Neil had "regularly inflicted brutal assaults" on her. The injuries began in 2006 when Lena was sixteen years old. During a "vicious" attack, Neil punctured her lung and "she came very close to death". He was jailed for four and a half years for the assault.

After that incident, Gayili retrieved her daughter from the relationship and took her to the Galupa community. Gayili had established Galupa outside Yirrkala as a shelter for women and children escaping domestic violence. However, Neil was able to persuade Lena to come back and live with him. Even though they subsequently had a child together, over the next decade Neil's further assaults on Lena had him convicted and imprisoned four times. His criminal record was notorious for breaching paroles and snubbing restraining orders. The incident in 2018 in which he killed Lena was his second breach of a domestic violence order that year.

In short, Neil was a product of an indigenous culture that left his conscience well beyond the reach of white man's law. As a chronic repeat offender, his behaviour mocked those liberal Darwin judges who thought such Aboriginal men could be reformed by light sentences and homilies from the bench.

It also mocked the authors of the Uluru Statement of the Heart who complained about Aborigines being "the most incarcerated people on the planet [when] we are not an innately criminal people". As the record of murders of Aboriginal women in northern Australia proves time and again, rather than being overdone, the prosecution of men like Neil Marika is seriously inadequate. They get very light sentences for horrendous crimes that in southern cities would see them imprisoned for decades. Aboriginal traditions of violent male licence are deeply embedded and will never be changed by the Territory's current mild-mannered policies of "behavioural management" and rehabilitation. If the Uluru Statement of the Heart was a genuinely civilised manifesto its priority would not be the rate of incarceration of Aboriginal men but the rate of their murder of Aboriginal women.

NB: As I am writing this, the news media reports that a Brazilian man in Sydney who strangled his Australian girlfriend in a rage has been found guilty of murder and sentenced to twenty-seven years in prison. Neil Marika's six-year incarceration values the life of his Aboriginal victim at only a fraction of that of her white Sydney counterpart.

Rent seeking and economic development

In July 2014, Rio Tinto closed down its alumina refinery at Nhulunbuy. A total of 1100 jobs were ended, accounting for 25 per cent of the town's population. Over the next three years there were major cuts to staff employed by the schools, hospital and local power plant. In August 2015, Qantas cancelled its regular flights between Darwin and Nhulunbuy.

The bauxite mine remained in operation but in 2022 the company said the mine would follow the refinery and would be closed by 2030, "or sooner". At present, the mining jobs remain intact but they only have, at most, another seven years before they too are gone. By then, most of the familiar services in the modest-sized country town, including the Woolworths supermarket, will be uneconomical and will close down too.

Some of the local businesses in Nhulunbuy, who have built up good assets over the years, believe the town can still survive as a tourist centre. This is possible, since the locale, in the dry season from May to November, attracts a lot of visitors. Sailing remains a popular offshore sport, although swimming in the beautiful azure sea is out of the question because saltwater crocodiles cruise the coastline. For the same reason, tourist fishing is risky too. Grey nomads would probably still come in caravans to this part of Arnhem Land to enjoy the coastal views. However, the landscape is very flat and nowhere near as attractive as the rugged

coastline and hinterland of the Kimberley. So, while it is possible that Nhulunbuy could fulfil its shopkeepers' hopes and turn into another Broome, it is not likely. The odds are that it will suffer the fate of most of the other once-wealthy mining communities in the Australian outback and slowly but surely become a ghost town. Members of the local Aboriginal clans who choose to stay will have the place to themselves again.

Of the two dominant clans, the Rirratjingu people still have the biggest population at Yirrkala. Rirratjingu leaders have long argued for a change of the land tenure by the Northern Land Council. The existing tenure means that, outside of Nhulunbuy, the land cannot be sold commercially, which in turn means that an asset that might be generated over a period by a shop or other small business could not be bought, sold or traded. The Rirratjingu argue that Yirrkala could attract business if the town land was converted to a ninety-nine-year lease which would, in effect, turn it into freehold. However, to do this they need the Northern Land Council to agree. But, loyal to the example of its great helmsman Yunupingu, this is something it will not do.

The result is that, apart from small businesses on Nhulunbuy land, neither the Rirratjingu land at Yirrkala nor the Gumatj land on Ski Beach have any businesses or employment worth noticing. The two clans say on their websites that they provide some contract labour and equipment services to the mine and to a handful of housing projects funded by the Commonwealth. Under the menu item "Business", each of their websites lists a canteen providing free packed lunches to children at the local kindergarten and primary schools. Apart from that, they have no real businesses that could ever survive on their own.

The result is that the people of the local clans have minimal experience in trading goods and services or adopting something that resembles a work ethic. Most of the handful of small businesses that do exist at Yirrkala and Ski Beach rely upon a white adviser or manager—usually someone connected to the former mission or local church—to keep their little enterprises going.

Although the local clan members were born, grew up and lived for decades alongside a major multinational mining and smelting enterprise, and although managers of the industry tried time and again to employ and train them, the Aborigines were not interested in white man's work. When journalist Paul Toohey of the *Australian Financial Review* was at Nhulunbuy in 2014, he asked how many of its employees had been recruited from the local clans. "In all the years that Rio had mined bauxite and refined alumina on the Yolngu lands," he reported, "the operation has produced only one qualified Aboriginal apprentice."

The consequences of this lethargic culture were described frankly in 2012 by Steven Etherington, who spent twenty-three years as an Anglican vicar at the Oenpelli community in Arnhem Land:

> Tribal Aborigines are a "kept" people: they are no longer required to grow or find their own food, are never required to become educated, never required to build their own homes, or buy their own vehicles. They are never required to accept global human rights standards, or even to adhere, in practice, to many of the laws of the state … The vast majority of adults are never required to learn anything, or to do anything. Erosion of the capacity for initiative and self-help are virtually complete. Most adults spend a large part of their time drinking or playing cards, paid by some form of unemployment or social security benefit. Most buy food from take-away sections of the community shops. The majority do not cook meals any more. They are not under any pressure to learn English beyond the basics needed to interact as dependants of the state.

This is the real legacy of Galarrwuy Yunupingu, the purported hero of the movement for land rights. The economic system he has installed in the Gove Peninsula will come to a dead end once the mine shuts down. Unlike the white miners, managers and tradesmen who can move on to other projects with their skills intact, the Aborigines will be tied to the existing land by their traditional culture and habits.

The Yunupingu view of how to manage economic affairs was based on using politics to gain the right to charge rents to big corporations. He persuaded politicians and the news media to influence the judiciary to support his view of Aboriginal economic activity. Of the rents paid to community organisations under his charge, very little was ever spent on investment and very much on conspicuous consumption by the local Aboriginal elite. Yunupingu acted like an aristocrat from a feudal society, the Lord of the Manor doling out morsels to his grateful tenants.

The concept of land rights, once unknown to Aboriginal culture, should be seen as simply another form of rent-seeking. Everywhere else that system has been in place for long enough it has generated obscene inequalities that eventually turn into economic stagnation. However, Yunupingu

and plenty of other Big Men in the remote communities expected their good fortune to last forever.

As the next and final section of this article records, for some of these Big Men, their income from rent and royalties probably will outlast their lifetimes, thanks to some recent decisions made by Australia's High Court and the Federal Court.

Yunupingu's $700 million legal claim

In May 2023, barely six weeks after Galarrwuy Yunupingu died aged seventy-four, the full court of the Federal Court of Australia handed down its judgment in the case of *Yunupingu on behalf of the Gumatj Clan or Estate Group v The Commonwealth*. Yunupingu launched the case in 2019 arguing that, under the Keating government's Native Title Act 1993, his clan was owed compensation for breaches of its native title rights. Between 1911 and 1978, he argued, the Commonwealth had made a number of land grants and leases on traditional Aboriginal land that caused these breaches. (The claim starts in 1911 because that was the year South Australia surrendered its responsibility for the Northern Territory to the Commonwealth government; it ends in 1978 because this was when the first royalties from Nabalco began to flow to the Northern Land Council.) Yunupingu told everyone, especially the news media, that the Gumatj people should be compensated a total of $700 million for their loss of land over that period.

Yunupingu told everyone, especially the news media, that the Gumatj people should be compensated a total of $700 million for their loss of land between 1911 and 1978.

Finding in favour of Yunupingu this year, the Federal Court applied to Native Title a constitutional point, Section 51 (xxxi). The section says that when the government acquires property within the meaning of that section, it must do so on "just terms". Whether this section of the Constitution should apply to land held under Native Title has long been a moot point in Australian law. However, early in 2019 the High Court awarded $2.5 million to traditional owners of land at Timber Creek in the Northern Territory for the loss of 179 hectares of land where native title had been extinguished. This was a test case which, once its precedent was set, was quickly adopted by Yunupingu.

At the time, according to the 2021 census, the Gumatj population at Ski Beach amounted to 207 people, and there were another forty or so members of the clan living with others at Yirrkala and some outstations. This meant that the $700 million compensation Yunupingu sought for the approximately 250 members of his clan amounted to $2.8 million per head—assuming of course, the very unlikely outcome that the money would be divided equally.

This was an extraordinary claim, unmatched per capita anywhere else in Australia. At the time of writing this article, the Federal Court judges had not yet decided how much of the claim they would award. The court will probably treat $700 million as an ambit claim and allocate a smaller amount in response. But that will still leave the Big Man with another substantial success. He has persuaded the judiciary and the political class to fulfil yet another of his avaricious ambitions.

Once the total sum is decided, Yunupingu's closest Gumatj descendants will more than likely emerge from the ensuing legal scrimmages with the lion's share. They are sure to follow their leader's example by keeping the distribution within their circle, while the majority of their fellow clan members remain poor, entirely dependent on the Commonwealth and Centrelink. The moneyed aristocracy of the Gumatj clan will continue to be the richest landlords of Aboriginal Australia.

Keith Windschuttle is the Editor of ***Quadrant****. Part One of this article appeared in the July-August edition.*

Peter Purcell

Secular Thoughts on Sacred Sites

While the Voice is being loudly proclaimed in parliamentary halls at present, and will likely echo through Australian society for decades, "sacred sites" will continue to stud the battlefields between Aboriginal and other Australians for the right of authority over land. This is well illustrated by the current controversy over new heritage legislation in Western Australia and the recent prohibiting of weirs on the Ashburton River because it is deemed sacred to the Thalanyji people.

"Sacred sites" have become a fundamental aspect of spiritual and political life in Australia but remain controversial and are, in the main, poorly understood. Aboriginal Australians generally consider the sites to be sacred personal links to Country, the capitalised term now popularly used for the ancestral tribal estate or even the landscape in general. The sites are taken to validate claims for legal title to land or effective custodial authority over it. Many other Australians agree with this perspective and commonly hold strong convictions about its higher morality.

Other Australians hold contrary views. Some see sacred sites and the status accorded them as a cultural anachronism, out of time in a modern democratic society. They disagree with the legal authority vested in sacred sites, which effectively weaponises them for groups opposing development projects or making land claims in urban areas. Put bluntly, they view most sacred sites in urban areas as fabrications for political or monetary purposes. Dinner-table conversations invariably reveal polarised opinions, with a romantic sentimentalising of Aboriginal culture on the one side and a dismissive view on the other. A clearer perspective is difficult to find, partly because of the limited insight most Australians have into traditional (that is, pre-colonial) Aboriginal culture, as opposed to the popular romantic version, and partly because few sites are sufficiently documented to allow rational evaluation of the claims or, by implication, the concept.

One exception with which I am familiar is P Hill on Noonkanbah Station in Western Australia's Fitzroy Valley and, before the Juukan Gorge incident, Western Australia's most famous "sacred site". Purportedly the mounded dirt from a hole dug in the Dreamtime by a mythic goanna and said to ensure a plentiful supply of goannas for the local community, P Hill was the focal point for opposition to proposed oil exploration drilling on the station. This confrontation occurred over forty years ago and has now largely faded from the public memory, but it is very well documented: Aboriginal demographics and culture in the region had been studied for decades by Australian and international ethnographers and the confrontation itself was the subject of extensive media coverage, court documents, government files and company reports, as well as several subsequent books.

I will draw on that material elsewhere to detail the ancient origins of the P Hill site, its fading relevance as traditional culture gave way to modernising forces, both black and white, and its recruitment and embellishment for political purposes during the dispute. Suffice to say here that the hill, which was known as Umbambur by the Djaba clans who had lived in the area in pre-colonial times, was a well-known feature in the Aboriginal mythology of the river plains. It was, however, no longer a functional part of the spiritual or cult life of the Yungngora community, who lived on the station and considered it their home. By the late 1970s, the community was dominated physically and culturally by descendants of desert clans who had moved into the valley in the early twentieth century, bringing the desert "law" with them and modifying it to suit their new life in the valley. They were also participants in the "travelling cults" of Woagaia, Djuluru and Jinimin, then widespread and popular in the Fitzroy Valley, variously preaching millenarian and revolutionary messages. The future golden age, with its freedoms and wealth,

was dependent on the people reviving their traditional culture—or, more specifically, what they now deemed traditional culture to be.

Relations between the oil companies and the community were relatively cordial in the early years of exploration work but, when opposition did emerge, it came to focus eventually on P Hill. Early discussions and site mapping had raised no concerns about work near the hill, but this changed in 1978 after formation of the Kimberley Land Council at a meeting of Aboriginal lawmen on Noonkanbah. The proposed drilling location was several kilometres from the hill across a relatively featureless plain, but new anthropological studies "discovered" a "sacred sphere of influence" extending three kilometres around the hill. Drilling anywhere within that area was said to risk spiritual and physical harm, even death, to the community. When the drilling location proved to be safely 3.8 kilometres away, the sacred sphere was enlarged arbitrarily by the Aboriginal Legal Service to five kilometres!

> *Many claims of the site's sacred significance—that is, its role in the continuing religious beliefs and practices of the claimants—are exaggerated to serve the interests of the claimants.*

P Hill was soon being described as a major secret-sacred site, and its sacredness only grew with time. Progressively through 1980, the hill was described by supporters and media as important in the mythology of the Kimberley and Pilbara region, then of the entire north of Australia, then as "the only Aboriginal worshipping place in Australia", then declared to be "supernatural, supreme of God", and finally accorded cosmological significance, with drilling said to "threaten the way Aborigines have of understanding the world".

It was none of these, of course: Yungngora community elders told the West Australian Museum anthropologist that "the hill has no song", leastwise not one that was remembered. My view was that the hill was not particularly significant to the community when the exploration commenced but, as opposition to the drilling increasingly focused on its proximity to the hill, a collective rethinking within the tradition-oriented community affirmed the hill's sacred importance and potential dangers arising from damage to it. A new exegesis, the anthropologists would call it: the Dreaming evolved to better serve the new circumstance.

Spokesmen always maintained the opposition was not connected with land rights, then relatively unpopular in Western Australia, but that was a lie. The battle was always about land rights: the P Hill "sacred site" was just a better battlefield. In the end, the conflict became a showdown between the West Australian government of Sir Charles Court and the unions led by Peter Cook (WA Trades and Labour Council) and Bob Hawke (ACTU). Hawke's son, Steve, was press secretary for the Noonkanbah community and one of the main orchestrators of the confrontation. After the community declared the entire station was sacred land and not subject to West Australian laws, the government took over the drilling program and outmanoeuvred union black bans on transporting and manning the rig. The well failed to encounter significant oil or gas and the community reportedly claimed a witch doctor had moved the goanna oil.

While the history of P Hill claim is obviously not representative of all sacred sites, nonetheless it highlights two basic and important points. First, the site was not invented, having been part of the local tribal mythology since pre-colonial time. Second, the claim that the hill was "sacred" *sensu stricto* was of questionable validity and the degree and extent of any such "sacredness" were greatly exaggerated. The first point is an important lesson for the cynics, who consider all sites as fabrications; the second, for the sympathisers who consider all sites are as sacred as claimed.

There have been cases, such as at Hindmarsh Island, where the site was a complete fabrication, but that is not the norm. Most features which are claimed as "sacred sites" have an archaeological or, more commonly, a mythological basis. It is equally true that many claims of the site's current sacred significance—that is, its role in the continuing religious beliefs and practices of the claimants—are exaggerated, often substantially so, to serve the interests of the claimants. This is not to say the claimant does not have strong emotional feelings about the site; just that that doesn't make it sacred—or oughtn't to. The problem arises where the relevant legislation defines the site as "sacred" and imposes restrictions that infringe on the rights and freedoms of other Australians.

Despite its current ubiquity, the "sacred site" terminology was little used in Australia until 1964, when it was adopted by the famous anthropologist Dr Ronald Berndt. Earlier in the century, according to the pioneering anthropologist A.P. Elkin, it was "the path of the totemic hero which

constitutes a person's country" with the areas off the paths being "a kind of no-man's land in which no-one is particularly interested". In the mid-century, seemingly in step with the emerging land rights movement, the focus shifted from the paths to the sites along them which were now seen as validating the tribal "ownership" of the surrounding land.

Appearing before the Northern Territory Supreme Court in support of the Yirrkala people's opposition to bauxite mining on Gove Peninsula, Berndt argued that a "song-myth-ritual-sacred site complex" underpinned the Yirrkala's ownership of the area. This was a clumsy term, he wrote later, and he chose to use "sacred site" as a "handy abstraction". His arguments were taken to heart by counsel for the Yirrkala, Edward Woodward (later Sir), who was later selected by the Commonwealth Government to inquire into land rights in the Northern Territory. In 1974 Woodward followed Berndt in his findings that an Aborigine's sacred sites were "more important to him than are places of worship of members of other religions", and also in retaining "sacred site" as the "most convenient" term, despite considering "sites of special significance" to be a preferable term in most cases.

The important point—the loss of which lies at the core of much of the "sacred sites" controversy—is that Woodward specified that the term should apply "only to sites of such importance in the clan's cult life that only the initiated men were allowed to visit there". The "sacred site", as originally recommended for Australian law, was to have significance only in the context of traditional cult or religious life of the community. It was not meant to refer to sites that were simply places in myths of old: fondly remembered perhaps, but now lore, not traditional law that governed the tribal religious life.

Within a few years, however, the Aboriginal Land Rights (Northern Territory) Act 1976 had redefined "sacred site" to refer to any site of significance according to Aboriginal tradition. In effect, any topographic feature or locality would be "sacred" if deemed to be significant by an Aborigine for one reason or another. This thinking soon underwrote Aboriginal heritage laws in most Australian states and territories and was widely adopted. Detailed knowledge of the mythology of the site and observance of the traditional rituals—the very basis for Woodward's "sacred" designation—were not required.

This is where much of the modern disagreement over "sacred sites" begins: with the abandoning of the requirement of validation by associated traditional spiritual beliefs and rituals. "Traditional" must mean "beliefs and rituals of long standing", even ancient; not simply the fragmented memory of them. But that is not the case in much of the public, legal or political perspective in Australia.

Witness *Forrest and Forrest Pty Ltd v WA Minister for Aboriginal Affairs* before the West Australian State Administrative Tribunal, where the Thalanyji people claimed that proposed weirs on the Ashburton River would upset the water serpent Warnamankura, for whom they were responsible, and he would attack them spiritually or physically with waterspouts and willy-willies. Despite this responsibility, the Thalanyji agreed that they had not performed the traditional rituals to ensure Warnamankura's well-being and their own for over a century. In finding for the Thalanyji people, the tribunal suggested that this neglect was not important because the spirit snake was still living there!

Current societal conflict over the West Australian Heritage Act 2021 is focused on its implementation but the real problem arguably lies in some of the basic assumptions underwriting the Act. It declares, for instance, that utilising land for the optimum benefit of the people of Western Australia will require that Aboriginal values be prioritised in heritage matters. Those values, however contemporary they might be, along with related practices, beliefs and customs, are defined as Aboriginal tradition, without any requirement of a link to the past. Out of this muddled thinking comes a requirement for heritage clearance from local Aboriginal groups on works conducted on land areas over 1100 square metres, effectively granting native title over freehold land, as *West Australian* columnist Paul Murray has astutely noted.

This mindset in the West Australian government is well illustrated by the gazetting as "sacred" of all the major rivers of the south-west region of the state, as well as several rivers in the north. The premise would appear to be that since rivers are known to be sacred to Aboriginal people, best to simply declare them sacred in their entirety and thereby avoid any problem vetoing proposed activity affecting them.

There is nothing intrinsically wrong with the "sacred site" term or the concept. Most people use the term for places they venerate or "set apart" because of their natural beauty or their significance, nationally or individually. In like fashion, Aboriginal people will hold "sacred" natural features or localities that are significant to them, whether they are archaeological in nature (habitation sites, artworks and graves) or cultural (ceremonial sites, localities mentioned in local mythology). Many of these sites deserve respect and preservation

and most Australians support that, as evidenced by the public condemnation of Rio Tinto over the destruction of Juukan Gorge in the Pilbara region in 2020. This archaeological site, with evidence of human occupation dating back 45,000 years, should—and could—have been preserved. It bears noting that Juukan Gorge is regularly described as a sacred site by the custodian communities and the media, especially—and understandably—in the aftermath of its destruction.

The societal conflict arises when the law prohibits or limits access to localities where the basis for the restriction—the claim of sacredness—is not convincing to other Australians who see it as a sham. This conflict looks certain to continue regardless of the outcome of the Voice referendum. Either way, mechanisms to demonstrate Aboriginal authority will include the use of heritage laws to limit or prevent access to areas deemed to be sacred sites. This seems likely to occur mainly in the more settled regions where there has been a marked revival of Aboriginal identity and aspiration among people of mixed Aboriginal and European heritage. Some will seek to affirm their indigenous identity and demonstrate its power by claiming authority over areas of renewed cultural importance to them. Efforts to ban climbers in the Grampians in Victoria and on Mount Warning in New South Wales are examples of this.

People who see nothing spiritual in a landscape created by the Christian God, reverently hold sacred mountains fashioned by mythic dogs and rivers carved by serpent spirits.

This is not to suggest that the conflict over "sacred sites" is a racial divide. As noted earlier, vast numbers of Australian people now empathise with the Aboriginal minority and support their demands for greater representation and authority on the national stage. Many consider Australians who hold a different view to be "racist". The increasing vitriol in the Voice debate further emphasises the two very different worldviews that persist among urban Australians. Reconciliation between them was difficult over forty years ago at Noonkanbah and is even more so now. In the case of P Hill, Western rationalism saw a hill created by Earth forces—a view informed by the science of geology; romantic primitivism saw a hill dug by a mythic goanna—a view informed by what might be called the anthropological perspective.

It is the romantic view of Aboriginal culture which has prevailed increasingly since, and it comes with an often low opinion of modern Australian society. It bears remembering that anthropology is, after all, "a kind of atonement for the wickedness of society and a search for mythical alternatives to the present day", according to the legendary anthropologist Claude Levi-Strauss. This mindset is typical of urban intellectuals who despise Western capitalist civilisation and, instead, venerate nature and "natural" man. This is not a new development, of course, being traceable back centuries, if not millennia, but it has become common in recent decades in Australia, spreading beyond the urban and cultural elite to many in the general public.

There has always been a romanticism about the land among urban Australians, including many with mixed Aboriginal heritage: that the "real" Australia lies in the "outback" beyond the city limits. But many now see that land as once populated by Aboriginal nations living peacefully in harmony with nature and each other and blessed with a spirituality unknown to "white" people. This idyllic society has more to do with Disney and New Age ideology than with the reality of pre-colonial Australia, but it is increasingly the popular view of traditional Aboriginal life.

Sacred sites are seen as proof of that timeless spirituality, unchanged and burning bright in the far "outback" but with embers still aglow in urban dreams. People who see nothing spiritual in a landscape created by the Christian God, reverently hold sacred mountains fashioned by mythic dogs and rivers carved by serpent spirits. Large footprints on the beach at Broome were not made by dinosaurs 130 million years ago, but by Marala, the giant Dreamtime emu; columnar structures at Burleigh Heads on the Queensland coast were not formed by cooling lava but are the fingers of the sleeping mythic giant Jabreen. For many, religion is an unsustaining secular blend of faded Christianity and mysticism, and sacred sites seem to provide a spiritual reassurance, as though satisfying some ancient longing for a sacred grove or, in the modern vernacular, a place where the crawdads sing.

Such beliefs accord well with the nature worship that is now so prevalent in Western societies, including Australia. Optimism and faith in society and technology are lost; pessimism and belief in nature prevail—the ever-changing balance in the Western mind that historian Geoffrey Blainey called "the Great Seesaw". Many Australians are metaphorically turning away from civilisation and back to the forest. This intellectual malaise blighting Western thought has worsened in recent

decades, courtesy of critical race theory and other woke notions. Science is dismissed as just another tool of Western racist colonialism; wisdom belongs with the "lived experience" of the elders.

The simple rational truth is that P Hill was not dug by a mythic goanna. The hill was not a source of goannas and it most certainly was not a font of sacredness that overflowed across the landscape, and it should not be declared so by law.

As Justice Woodward wisely counselled, the sacredness of a site should be acknowledged and respected as long as it is part of a community's continuing religious beliefs and practices. But if the community moves on, ideologically or geographically, the sacredness of the site would not survive, except in memory. When the myths have passed into legend, and the sites are no longer living, the fragments of memory of these places should be held sacred in the hearts of those who remember them, but not in a landscape that should belong to all Australians.

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Peter Purcell

The Ruse of Tradition

The societal conflict in Australia over Aboriginal rights is currently focused on a Voice to the Commonwealth Parliament, with its authority written indelibly into the Constitution. Beyond that are the demands for treaty and, in some form, the recognition of Aboriginal sovereignty over Australia or parts of it. These demands follow strategically from the successful land rights campaigns in the late twentieth century, which culminated in the "discovery" and implementation of native title rights. The current initiatives are led by the urban Aboriginal elite, but they are underpinned by a nationwide revival of Aboriginal culture, not only among Aborigines but also in the broader community. More precisely, they are underpinned by a re-imagining of Aboriginal culture, which now bears little resemblance to the reality of the past, having morphed in the popular imagination into a New Age idyll that is arguably as much Disney as Dreaming.

At the core of this revivalist movement is the dogma that Aboriginal tribes lived on precisely the same land for 50,000 years or so, with their sacred traditional knowledge unchanged across the millennia and faithfully passed down to each new generation. The ubiquitous claim of "oldest living culture" is its popular expression. This is not to deny the ancient presence across the Australian landscape of some of the ancestors of today's Aborigines; only to disagree that they were forever bound to a fixed place and cultural belief.

The dogma of perpetual "sacred" homeland and tradition—what might be called a myth of origin—serves many purposes, a detailed discussion of which is not intended here. Suffice to say that, first and foremost, it accords a sense of "sacred" identity to the individual. This can be especially relevant for urban Aborigines who are partly or even predominantly of Anglo-Celtic ancestry. It can also be important in remote communities that have experienced major demographic and cultural changes. It is intrinsic to the native title concept.

At the same time, the claim of "traditional" is a powerful shibboleth for many in the broader community, triggering substantial support for Aboriginal claims. This follows from the popular perception that the term identifies sacred cultural elements that are unchanged since their origins in the millennia long before colonisation. In a great many cases, perhaps a majority, the claim of unchanged ancient tradition is not true, though it may be believed by the claimant. The term is easily "weaponised" and it brings powerful forces into play in conflicts over Aboriginal claims. That, in turn, because the rights of other Australians are affected, should invite close scrutiny of all such claims, but this is rarely possible because there is usually very limited information available.

An exception to this was the confrontation that occurred over forty years ago on Noonkanbah Station, a pastoral lease in the Fitzroy River Valley in the southern Kimberley region of Western Australia. Widely acknowledged as pivotal in the campaign for Aboriginal land rights in Australia, the confrontation is unusual in the Australian context because it is so well documented: Aboriginal demographics and culture in the region had been studied for decades by Australian and international ethnographers and the confrontation itself was the subject of extensive media coverage.

Much is said these days about the need for truth-telling to cure the ills and hurts of the past. I would argue that truth-telling must do more than that; it must serve the future and to do so it must be bound by historical fact, not fancy and fabrication. Otherwise, it is unlikely to lead to well-founded and successful policies. Noonkanbah is a useful place to start, not only for the lessons inherent in the fabrication that occurred there but for the reminder that Aboriginal demographics and cultural beliefs are far more prone to change and evolution than Aboriginal dogma and popular romanticism allow.

The Noonkanbah pastoral leasehold was purchased in 1976 by the West Australian

government for the Aboriginal people who had lived on the station for generations and considered it their land. Earlier that same year, the West Australian government had granted an oil exploration permit to a small American oil company, Whitestone Petroleum, for whom I worked. When the company conducted a seismic reflection survey near P Hill in late 1976 to define a subsurface drilling target, no concerns were expressed by the local community about the work being near P Hill. In 1979, after several other companies joined the project and Amax Petroleum had become the operator, the group proposed to drill a deep exploration well about three kilometres from the hill on an otherwise featureless plain. The Noonkanbah community, who called themselves the Yungngora community, objected to the drilling plans and, after protracted negotiations with companies and government, refused access for the rig. The confrontation that followed, with the rig driven onto the station with a police escort, was an appalling development—but it was great publicity for the land rights movement.

What happened at Noonkanbah varies in the telling, of course, depending on one's side of the barricade. In my version of history, a group of land rights activists—some white, some black—exploited the very understandable xenophobia of the Noonkanbah community and orchestrated the confrontation to put "land rights" on the nation's front pages. The other side had its history written long ago by Steve Hawke (*Noonkanbah: Whose Land, Whose Law*, 1989), one of the principal organisers of the conflict.

My concern here is not with the events of the confrontation but with the fabrication of Aboriginal culture and history on which the opposition was mounted, and the consequences of it. Spokesmen and supporters claimed that the Noonkanbah community had unbroken ties across millennia to the land and its "law", and were living in accordance with their timeless traditions. This protest, they said, had nothing to do with land rights but was solely to protect the "sacred site" of P Hill, because drilling there would damage the goanna spirits beneath it and bring great harm, even death, to the community.

Believing—naively, as it turned out—that a better understanding of the local Aboriginal culture might help find a compromise solution, I began reading the extensive published anthropological literature. This told a sharply different story and was explicitly clear: major changes to the demographics, land affiliation and religious beliefs of Aboriginal people in the Fitzroy Valley had occurred in the twentieth century. There was no tribe living on their traditional land for millennia and practising an unaltered traditional law. Many of the people at Noonkanbah were not descendants of the river tribes but of desert clans who had migrated north into the river country, bringing their desert law with them and modifying it to better suit their new residence there. The main religious fervour among the valley communities in the 1970s was not an ancient code but several new cults with millenarian and cargoistic themes, preaching the end of white Australia. In short, Aboriginal society and culture in the valley in the 1970s bore scant similarity to the social structure and cultural beliefs that had existed before the arrival of "Europeans" at the end of the nineteenth century, and which constituted what the Australian public understood as "traditional".

The main religious fervour among the valley communities in the 1970s was not an ancient code but several new cults with millenarian and cargoistic themes, preaching the end of white Australia.

Despite this publicly available information, the claims of traditional tribe and culture were repeatedly made by community spokesmen and supporters, endlessly restated by the media, Labor Party politicians, sundry clerics and others. Some of them knew the demographic and cultural reality on the Fitzroy River plain and chose not to reveal it. Others were blissfully unaware and spoke out of ignorance. Don Dunstan, for instance, the former Premier of South Australia, described Noonkanbah as "the only land where traditional tribal culture remained", and suggested that any disruption would be cultural genocide. The National Aboriginal Conference protested to the United Nations that the drilling targeted one of the community's "utterly sacred areas representing the very essence of their law and culture [in] their ancestral home that has nurtured them for many centuries". These were nonsense but excellent strategy—though I doubt either of these speakers was lying; just that they had no understanding of the untruths they spoke. Regardless, many in the public were misled by the constant claims of "traditional", which they mistook to mean ancient unchanging Dreamtime ways. That was the ruse of tradition, as the famous Australian anthropologist Dr Kenneth Maddock would later call it.

This essay summarises the demographic and

cultural evolution of Aboriginal society in the Fitzroy Valley from pre-colonial time to the 1970s. Events so long ago now might seem irrelevant, but truth-telling is all the more important now when there is so little of it available. The essay is based on my writings then and since, all of which have drawn extensively from the many publications by Dr Erich Kolig, notably *Tradition and Emancipation* and his books *The Noonkanbah Story* and *The Silent Revolution*. Other key references are listed, but these books are referenced only where cited directly. (I should acknowledge that Dr Kolig has not been happy that I have used his work in drawing conclusions that are at odds with his perspective on the social and cultural developments among Fitzroy Valley Aboriginal communities.)

Population changes in the Fitzroy Valley

The Fitzroy River rises in the rugged Kimberley ranges of northern Western Australia and flows south, carving Geikie Gorge as it sweeps into the vast hill-studded plains of the Fitzroy Valley and meanders westward to the sea at King Sound near Derby. The valley has been part of the landscape as river plain or ocean embayment for hundreds of millions of years. For 40,000 years or more, it was home to Palaeolithic people who came there from Asia by ways and paths unmapped. The river valley was often, as it is now, the last constant and reliable water source before the vast desert to the south. History tells us that such fertile river land would have been prized and fought over, and early twentieth-century records of conflict between Aboriginal clans along the river testify to this. Profound disruptions of land occupancy were forced by major climatic changes and rising seas, especially during early occupation, and by the arrival of new people with the dingo about 4000 years ago. The migration into the Fitzroy Valley in modern times of Aboriginal clans from the desert to the south, ultimately overwhelming the river people, has been the latest chapter in the parade of people across the region.

In the late nineteenth century, immediately before the arrival of the Europeans, the Aborigines who lived on the Fitzroy River plains north of the river at Noonkanbah were the Djaba tribe. They were, in the modern vernacular, the "traditional owners" of that land. To the west, mainly south of the river, were the Nygena people, with whom the Djaba had such friendly relations that they have been described as eastern Nygena clans—though the different languages suggest they were a distinct tribal group. To the north of the Djaba plains were the Bunaba, with whom relations were more hostile. South of the river, among the rugged St George Ranges and beyond, were the desert clans of the Walmatjari.

In the mid-nineteenth century, before white settlement, the Djaba clans were slowly dying out, for reasons unknown, and the Nygena clans began to move across the river onto the Djaba land, including the Noonkanbah area. The Nygena "validated" their occupancy by learning the mythology and rituals (the law) of the Djaba clans, as evidenced by the many local myths that feature the Djaba language. By the time the last of the Djaba people died in the 1950s, the Nygena were the dominant tribe at Noonkanbah and firmly maintained as dogma that it had always been their country. Most published maps of the tribal areas show land occupancy patterns that post-date the Nygena migration and the Djaba are not mentioned. In essence, the "traditional owners" of the land at the time of European settlement have been forgotten and written out of history.

White pastoralists arrived in the valley in the early 1880s and slowly occupied the land along the river. Noonkanbah Station was established by the Emmanuel brothers in 1885, taking over land newly occupied by the Nygena clans and, later, when the station was expanded south of the river, the ranges and desert lands of the Walmatjari clans. Some Aborigines elected to "sit down" and work on the stations, while others remained relatively unaffected in the "bush". Within a few years, frontier conflict ensued, with "bush blacks" waging a guerrilla campaign against the settlers, fighting with spears and rifles and by setting fires.

In the early twentieth century, people from deeper in the desert began drifting into the river country, leading to intermittent conflict with the pastoralists over several decades but also causing disquiet among the relatively settled Aboriginal communities, who feared the "bush men", with their claims of powerful desert "magic" and their demands for women. These desert groups eventually settled on the stations—the super-waterholes, as the famous pioneering anthropologist A.P. Elkin called them. Proximity to "white" goods such as tea, sugar and tobacco was ultimately better than life in the desert, though the nostalgia for "home" would always remain. In the 1950s, a migration into the Fitzroy Valley of clans from deep in the desert, collectively called the Julbaridja, included a group of senior lawmen destined to play a leading role in the socio-cultural revolution that would sweep the valley in the decades ahead.

As this serial migration proceeded across the decades, the Nygena people and their descendants were progressively over-run by the desert people,

mainly Walmatjari. Intermarriage and widespread adoption of the Walmatjari language and desert law blurred tribal lines: the Walmatjari language became the *lingua franca* in the valley and anyone who spoke it was accepted as part of the Walmatjari "tribe". Identity became largely individual choice and did not always accord with an individual's tribal ancestry. Like people everywhere, the community members knew their ancestry but chose their "tribal" identity to their advantage. On Noonkanbah, the descendants of Nygena and Walmatjari were relatively well integrated and referred to themselves as the Kadjina tribe. (The distinction between Nygena and Walmatjari people was revived during native title proceedings, and today is manifest in separate "camps" in the Noonkanbah township.)

Over the decades, Noonkanbah Station functioned in two worlds, being both a marginally successful pastoral station, running sheep and then cattle, and a respected centre for Aboriginal religious activity. Generations were born and worked on the station and regarded it as their homeland. For the majority, this was based on their being conceived and born there, rather than having ancestors who lived there before European contact. Having resettled in the river country, the desert people sought some religious authority there by acquiring knowledge of the river law from the local lawmen. Of particular importance for subsequent generations was a re-emphasising of the importance of their *djarin* (the "conception site" where their spirit child entered their mother, not necessarily where she physically conceived), and an insistence that being born of the spirits of the river country gave them substantial rights there.

> *The Noonkanbah group subsequently withdrew from the Kadjina community and lost use of the name, but swiftly crafted a new identity by "redreaming" the mythology.*

In the late 1960s, a senior man, Friday Muller, emerged as the community spokesman and was, for all intents and purposes, their leader. Aboriginal living conditions on the station were appalling by contemporary standards and, in 1971, despairing of ever reaching agreement with the station management over improvements, Muller and the community "walked off" Noonkanbah and moved to the nearby town of Fitzroy Crossing.

By then, a major revival of Aboriginal culture had begun in the valley. It was not, however, a revival of the now-faded traditional river culture but based solely on desert law and driven by the Julbaridja desert lawmen who had arrived in the 1950s. These lawmen were appalled by the anti-social behaviour they witnessed in the various communities, especially after moving into the frontier town of Fitzroy Crossing. Living conditions there were terrible because of the over-crowding with people forced off nearby stations after the introduction of the 1969 Pastoral Award. Drunkenness, fighting and domestic violence were endemic. The lawmen blamed this behaviour on the degrading influence of "whitefella law" and set about revitalising the communities' religiosity.

Their solution was to re-establish desert law or, more precisely, their modified version of it, incorporating some traditional practices but also introducing new myths and rituals. In anthropological terms, these initiatives constituted a nativistic or revivalist movement. The lawmen's prestige and authority among the communities dominated by desert people empowered them to totally reorganise the traditional desert-based totemic classification system, introduce new desert-based cults, institute punishment rituals (including "bush" jailing and fire-singeing) and reactivate initiation ceremonies (circumcision and sub-incision—slitting the underside of the penis) for young men.

The dream of the Noonkanbah community under Friday Muller's leadership was the acquisition of their own land to start a cattle station. Initially they were not exclusively focused on Noonkanbah Station north of the river but wanted the Waratea pastoral lease area south of the river, within the traditional Walmatjari tribal land and purportedly the traditional country of Friday Muller's father's clan. To help them pursue this land claim, the group had adopted the name Kadjina several years previously and, while resident in Fitzroy Crossing, were legally incorporated with another group as the Kadjina Community.

Kadjina was a Dreamtime dwarf who had escaped from a giant mythic dog called Yungngora by climbing into the St George Ranges, where he became a dark-stained figure on a high cliff. From this high place, Kadjina was said to be not only overlooking Waratea land but also the distant homelands of other community members, thereby providing a mythological validation of the community's land claim. (In reality, Kadjina's position was not very high up the cliff and he could see little and not very far, but myth isn't bound by physiography.)

For various reasons, the Noonkanbah group subsequently withdrew from the Kadjina commu-

nity and lost use of the name, but swiftly crafted a new identity by "redreaming" the mythology. In their new version, Kadjina didn't outwit the dog Yungngora, but fled terrified up the hillside, all a-tremble at Yungngora's superior physical and spiritual strength. With this myth-based equivalent of an "up yours" to their previous Kadjina partners, they renamed themselves the Yungngora Community.

In September 1976, the West Australian Aboriginal Lands Trust, using federal funds, purchased the Noonkanbah and Waratea pastoral leases from Dalgety Australia Limited, and assigned the title over Noonkanbah station (north of the river) to the Yungngora community. The Waratea leases south of the river, the original homeland sought by Muller's Noonkanbah group, were given to the Kadjina community.

None of this is to say that many people on Noonkanbah in 1980 did not believe that they were living on their traditional land. They had been born there of conception spirits that many likely believed had been there since the Dreamtime waiting for them. That was the dogma: it was always their traditional land. Always was, always would be, in the modern vernacular. But, of course, it wasn't. In rational terms, their claims might not have been fabrication, but they were an untruth or, as the anthropologists would prefer, a new exegetical interpretation. In this, we are no longer dealing with anything resembling rational objective truth but with what the British philosopher Isaiah Berlin called "perpetual self-creation": the truth is what you choose it to be. The traditional tribal estate could be "reterritorialized as it [was] relocated within the living landscape", as one anthropologist put it.

In the late 1970s, the Noonkanbah community subdivided the station into areas over which individual families were said to have "traditional" authority. In reality, most of the claimants were descendants of desert people, mainly Walmatjari, with no historical (that is, pre-contact) ties to those areas at all. None of the claimant families indicated at that time that they had significant Djaba or Nygena patriarchal ancestry and the claims were based on the family patriarch's *djarin*, his conception site, on the station. Anthropologists would argue that this birthright was a traditional mechanism for acquiring religious authority over land and should be respected as validating "traditional ownership". Conversely, the significance of such claims in contemporary Australia is, or ought to be, debatable, given that some claims have little or nothing to do with pre-contact clan territories—but the time for that debate has passed in Australia.

The changing law

Major demographic and lifestyle changes, such as those which occurred over the past century in the Fitzroy Valley, with people from different "tribes", some far removed from tribal homelands, all living together in station "camps" or towns, intermarrying and self-identifying as they choose, are inevitably reflected in dramatic changes in the belief systems of the people involved. The pattern of dynamic change in the religious and cult life in the Fitzroy Valley, as described by various anthropological observers since the mid-twentieth century, is consistent with this. Pre-contact traditional religious belief systems of the river people were eroded by acculturation with new and dominant groups, both black and white, while the migrant desert people had to adjust to life remote from their traditional land-linked mythology. Ultimately, exotic "travelling cults" emerged to fill the void, some singing of the apocalypse, some of salvation in a world without white people.

The link between traditional Aboriginal clans or tribes and their land is the subject of a rich and extensive literature which focuses, often quite romantically, on the interweaving of the Dreamtime itself with a timeless and unchanging man–land bond. In reality, Aboriginal mythology and occupancy patterns have never been as unchanging as Aboriginal dogma and European romanticism would have it. The twentieth-century migration of desert people into the Fitzroy River Valley and the supplanting there of traditional and contemporary desert myths and rituals is but one example of this dynamism.

The traditional (that is, pre-contact) mythology of the river clans of the Fitzroy Valley is known collectively as the Walungarri and describes the activities of various mythic beings as they wandered across the land during the Dreamtime. They did not make the world, which had always existed: they simply gave it shape and place. One of the principal characters on the Fitzroy River plains was the eagle-hawk man Wunyumbu: he had speared the two snakes called Yungurrugu and their writhing bodies carved the river and its tributaries. Wunyumbu spoke the lost Djaba language, unequivocally evidencing the origin of the myth with, and the earlier occupation by, the Djaba people. Another prominent being in the river mythology was Looma, a female blue-tongue lizard who fled down the Fitzroy Valley to escape a great flood, carrying her children on her back and resting at a hill the Djaba called Umbambur but known in modern times as P Hill: this would become the "sacred site" at the centre of the Noonkanbah confrontation.

The travels and adventures of the mythical

Walungarri beings were still well known to Fitzroy Valley Aboriginal communities in the 1970s, as evidenced by the plethora of sites documented by various anthropological surveys. However, while greatly respected, they were no longer the basis of "law" for the resident communities. This was especially true for the younger generation. The songs and ritual dances had not been entirely forgotten and might still feature in corroborees, but they were no longer the sustaining code they had been in pre-contact times. The mythic sites had become, as it were, places on the map of the Dreamtime wanderings, with the locations and stories openly revealed to any interested party.

For all intents and purpose, the traditional culture that had prevailed on the Fitzroy River plains in pre-colonial times was gone. (Some would argue an anthropological counterview that the sites will embody and contain the Dreamtime spirits forever, and the peoples' traditional links to them will never weaken, even when the names and songs are largely forgotten. Even so, contemporary society might reasonably question whether such feelings were better seen as heartfelt nostalgia rather than sacred associations.)

The elite lawmen had been exposed to many new influences in the settlements and towns, and they syncretised all this with their ultra-conservative traditional thinking into an explanatory vision of white Australian society and its wealth.

The Walmatjari clans who lived south of the Fitzroy River in the St George Ranges and the surrounding region had a completely different mythology, reflective of their local landscape. A prominent being, dramatically expressed in this landscape, was the dangerous snake Djangaladjara who came from the desert and whose body is seen today in the spectacular eroded dome of the St George Ranges. There are numerous myths that record different aspects of life and the landscape. One of the main mytho-ritual complexes was associated with Balyarra, a rainmaker who had come from the west carrying phallic-shaped stones which he used to create water sources. Balyarra was associated with the Rainbow Snake, and many waterholes were made by his water serpent Mangunambi. It is Balyarra's giant dog Yungngora that gives the Noonkanbah community its name.

Major gatherings to sing and dance for Balyarra's rains, once fundamental to the local "law", were only vaguely remembered by the old Noonkanbah men in the 1970s and most details had faded from memory. The teaching of these half-remembered myths in community schools in the valley was admirable for future-keeping but it confirmed that they were no longer the secret traditional law of the initiated men and could more accurately be described as lore. In like fashion, the traditional links to animals and nature in the tribal social classification system were largely abandoned, "remembered but smilingly shrugged off as the religious excesses of the ancients".

In the vast desert to the south of the Fitzroy Valley, among the Walmadjari and Gugadja and other clans, the mythology tells of the travels in the desert of a diverse group of mythic beings and is known as the Dingari. Possibly a mythologised recalling of early migrations of ancestral Aboriginal groups, the Dingari "mob" had many characters, including Wadi Gadjara, the two-men; Malu, the kangaroo man; and Ganabuda, the mythical women. Traditionally, each of these beings was associated with its own myths and rituals and was the totem of a "lodge", to which belonged all the initiated men conceived along its journey-line.

By the early 1970s, the elite desert lawmen who were resettled in Fitzroy Crossing and nearby communities had, as part of their revival of desert law, orchestrated the discarding—"desanctification", if you prefer—of all the Dingari myths and lodges, except two. These two myths, known as Wandji and Djularga, spoke of the adventures of groups of initiated men and novices as they travelled into the desert from the western and northern coasts respectively. The other Dingari myths were all set aside to be viewed in future simply as legends from the "olden days", in the same way that the river mythology was ubiquitously described. An analogy might be seen in the Greek memory of the mythology of earlier centuries.

This consolidation of the desert traditions was an adaptation to the realities of life for the desert Aborigines, whose residence in the valley meant that a man's lodge could no longer be determined by his conception site in the far distant totemic landscape of the desert. A new criterion was needed and the reclassification of all the initiated men into these two totemic lodges "unified" the Fitzroy community and established a lodge affiliation system for the generations to come. Some "creative dreaming" was needed to validate these changes: initiated men from the discarded lodges now "dreamt" that their totemic ancestors had met the Wandji or Djularga

mobs at one place or another and by travelling with them a while had effectively become part of those mobs, thereby endorsing their new totemic identity. As it always has, the Dreaming changes when you need it to.

Dreams of cargo

Interwoven with this revival of desert law was a rather fanciful commercial scheme to provide for the future. The elite lawmen had been exposed to many new influences during their early years in the settlements and towns—white people, government agencies, younger more acculturated Aborigines—and they syncretised all this with their ultra-conservative traditional thinking into an explanatory vision of white Australian society and its wealth. Inevitably, this vision was flawed, based as it was on such a limited and unrepresentative sample of white Australia, and it had at its core a cargoistic mentality that reflected those misunderstandings. Their traditional beliefs in the pre-existence of all things as spirits created in the Dreamtime and their lack of any understanding of industrial production led the lawmen to assume that "white goods" simply pre-existed in the "white country" as a sort of cultural manifestation, with the main repository in Canberra, from where they were distributed by various governments.

The secret to the white people's wealth, the lawmen concluded, was their ownership of the land and the towns. If Aboriginal people were to share in that cargo, and enjoy the social equality it symbolised, they would have to acquire land or towns themselves, preferably both. Contemporaneously, as this all evolved, a sense of pan-Aboriginal identity progressively overstepped many clan and tribal differences and was expressed in the self-identifying Walmatjari term *bin*, and the contrasting, derisive *gadeja* (or *gudia*) for white Australians.

Government plans to construct housing in Fitzroy Crossing were seen by the religious leaders as a gesture of appreciation for their leading this revival of Aboriginal "law", and they looked to the next step when the government would buy them cattle stations to live on. Initially, the aspiration for land had been relatively modest, but it developed over time into an expectation that the government would progressively buy all the pastoral stations in the Kimberley and give them to the Aborigines. In essence, the underpinning aspiration had become emancipation: ownership of the land, both local and regional, where "traditional" Aboriginal cultural and laws would be observed by all, under the leadership of the religious elite.

The world would then revert to the order of the days before the great white cultural hero Gebnguk (Captain Cook) brough whitefella law to the land. Gebnguk's law had prevailed for a long time but Aboriginal law, which was older and had been on the land first, was gaining strength anew and Aboriginal people would soon reclaim their stolen birthright. The new society would be free of white people. Cattle would be the principal primary industry, but the main business would be religion: the buying and selling of a new "traveling cult" called Woagaia, which the lawmen had introduced into the valley communities, as discussed below. Expanded and accelerated trading of this cult from community to community was the starry-eyed business plan, with the traders and "sacred" cult paraphernalia to be transported in helicopters and planes, as was the practice with important white people and goods. Taken in conjunction with the cattle industry, or even in its own right, this trade was seen as sufficient to provide financially for the new Aboriginal society—though there would, of course, always be substantial input from the government in all its forms, be it in Canberra or Perth, or separate gold or diamond mining establishments.

As the Woagaia traffic flowed and the society blossomed harmoniously, governments of all persuasions would be bountiful with their praise and products. The white men would be gone—apart from sympathetic anthropologists—and all would be well. This revolutionary notion started as a vague perception, but it became a key element of the nativistic scheme and provided a powerful underpinning for the coming push for land rights by the younger, more acculturated generation of Aborigines and their white advisers.

Travelling cults

This home-grown movement was not the only revolutionary dream of a new Aboriginal world that was widespread in the Fitzroy Valley and across the Kimberley in the Noonkanbah years. Several "travelling cults" were also in play, invariably preaching a message of freedom from whites and a reclaiming of the land and its wealth. The lawmen's local scheme envisaged a lucrative business trading the Woagaia but the millenarian cults of Djuluru and Jinimin were promising far wider-ranging emancipation and wealth.

"Travelling cults" are so called because the songs and performances associated with the cults are sold from community to community, along with any associated "magical" powers, be they for good or evil. Known in Australia since the late nineteenth century, these cults commonly contain elements of both Aboriginal and Euro-Australian cultures and

are usually thought to be a response to the trauma of cultural contact: the associated mythology commonly has an apocalyptic or revolutionary thesis. The core beliefs and structure of the cults can vary considerably through time and place, as local beliefs and aspirations are syncretised, and the cults take on very different meanings, ideology and social purpose for different communities—as they do for the different anthropologists who describe them.

The best-known of the travelling cults and one which has, in various guises, been a component of several cults imported into the Fitzroy Valley is Kunapipi, a mytho-ritual complex about the travels and actions of the Kunapipi women, fertility figures connected with the Rainbow Snake. Commonly called Big Sunday in the presence of white people, Kunapipi might have originated as an All-Mother deity adopted by Aboriginal clans from Macassan visitors in the coastal Victoria River area of the Northern Territory. The cult spread slowly south in the late nineteenth century, with rituals that focused on "ritual copulation, female impregnation and fertility, and rebirth from the eternal mother", as would be expected of a female fertility cult.

A derivative of the Kunapipi cult, focused initially on its sexual elements and known as Gurangara, was in the Kimberley by the late nineteenth century. In its early stages there, Gurangara had a despairing apocalyptic message that looked towards the end of the world or, at least, the world as it had been. The copulatory rituals were orgiastic, involving group intercourse and ceremonial use of the collected semen. Later, these rituals were modified and merged with a new myth about the Kangaroo-man Djanba, a very dangerous spirit of the dead who came from the desert and was greatly feared for his black magic and evil. Djanba lived in a tin shed like a white man and grew leprosy and syphilis plants, with the power of life and death vested in his ceremonial boards. One "branch" of the Gurangara cult came though the Pilbara region, where it acquired a strong anti-white revolutionary component under the influence of legendary white lawman Don McLeod.[29] In the 1950s, it swept up the west coast and into the Fitzroy Valley communities where claims of Gurangara's black magic powers were still occasionally made in the 1970s.

By that time, the main travelling cult in the Fitzroy Valley was the Woagaia, which had been introduced by the desert lawmen as part of their revivalist movement. Woagaia was a collective term for all the myths and rituals traded into the Fitzroy Valley by the Walbiri people of western central Northern Territory. These myths were a syncretisation in the early mid-twentieth century of the Walbiri's desert-based myths about the Mamandabari men with moderated sexual rituals of the Kunapipi, which had become known in the desert as Gadjeri. Essentially, the Walbiri were trading the "ownership" rights to segments of their traditional mythology or to myths they had newly created about various mythic beings, with all the associated songs, rituals, objects and body paintings. These were traded westward through communities such as Balgo and Christmas Creek to Fitzroy Crossing and Noonkanbah, and thence to Looma and La Grange on the coast.

Arrangements for the sale and purchase of the Woagaia segments, including the teaching of the songs and rituals to the new "owners" or "bosses", were complex and often lengthy. The ceremony presented the myth in song and dance, taking place over several days and nights under the control of the "bosses", who instructed and directed the groups of singers and dancers from the local community. The songs and narrative of the Woagaia myths were in a language foreign to the Fitzroy Valley people and had to be translated for the audience by the "bosses", who had memorised them during the sale negotiations. This obviously allowed for great variation in detail as memory struggled and imagination took over, and the storyline of a particular myth could vary greatly from group to group and even from one performance to the next. Regardless of these language issues, the Woagaia performances involved familiar desert characters and themes, and were very popular events. They might be seen as akin to a Christian audience watching a foreign-language play about the Apostles and their followers.

As the Woagaia cult was traded westward, it changed considerably. In communities such as Myroodah, west of Noonkanbah, the Woagaia myths were merged with Christian beliefs and took on chiliastic or millenarian overtones. Woagaia performances now spoke of a future golden age in which, in one version at least, the white people would all be gone, the law would be led by a "Jesus Christ" figure called Jinimin, and a future fortune

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would flow from Noah's Ark. A desert Walmatjari lawman in Fitzroy Crossing was believed to be the reincarnation of Noah; another, at Myroodah, looked after the "holy bible". The influence of Christian missionary teaching on the evolving Aboriginal myths and rituals is clear.

The Jinimin cult had emerged in the early twentieth century among the Murinbata people at the Port Keats Christian mission in the Northern Territory, reaching the Fitzroy Valley and coast by mid-century. The mythical Jinimin was the son of the ancestral All-Father Augamungi and, despite having committed the serious sins of fratricide and incest, was seen as analogous to Jesus Christ. Jinimin was both black and white in colour and, as the cult spread southward, it preached a message of revolution and salvation: the land had always belonged to the Aboriginal people, Jinimin said, and it would again, bringing equality of power and wealth, provided they practised traditional law—or, more precisely, what had come to be defined as traditional law.

Jinimin was said to have first revealed himself in 1963 during a Woagaia performance, thereby linking the two cults and elevating the Woagaia to "God's Law". Symbolically, Jinimin/Jesus Christ was re-establishing Aboriginal religious authority over the land. The special sites created by the mythic ancestors had lost their "sacredness" through Aboriginal neglect and exposure to whitefella "law". Now, the spirits were returning westward on Jinimin's orders, resanctifying the land as they went and making the sites sacred again.

A new order was promised. Aboriginal land had been forcibly taken by the whites who had exploited its pastoral and mining potential to live in luxury, while the "true" owners of the land lived in misery. Jinimin promised that would soon change. As such, the Woagaia cult observed on the Fitzroy Valley coastal plains in the 1960s was already spiced with the seeds of social revolution—seeds that would grow and blossom in the land rights campaign of the 1970s and 1980s.

The future riches promised by Jinimin had been placed in Noah's Ark, which was believed to be deep in the desert to the south, laden with gold and precious minerals. Its "existence" had been revealed in the late 1960s to Frank Baynes, a Native Affairs officer, by Friday Muller and other old men at Noonkanbah, who spoke of a long and silvery boat-shaped object in the Barbwire-Worral ranges to the south. Said to have spades, shovels and axes lying around, it had been found by the leader of the Jinimin cult while travelling in the area years before. The "ark" or, more specifically, the feature from which it was imagined, has never been located on the ground.

The ark myth was told in many versions, and descriptions of the ark varied considerably, from rusted metal boat to a glass-like object, but, since no one had seen it, most descriptions were really "extravagant fabrication". In the common version of this myth, the ark *gumana* had sailed into the Fitzroy Valley during the Dreamtime flood, circled St George Ranges and drifted south, coming to rest as the water subsided. Some people believed that only Noah, animals and good Aborigines were aboard the ark and that all the whites and bad black people had been drowned, leaving Australia exclusively and idyllically the land of good black people until Gebnguk arrived. In this millenarian dream, the white people would all be drowned in the near future by another Earth-cleansing deluge, while the Aborigines would be safe in the ark, and its riches would provide for their bountiful and blissful future in a land free of white people.

By the late 1970s, among many Fitzroy Valley communities, the pleasures and promises of the Woagaia cult had begun to pale against the revolutionary zeal of a new cult called Djuluru. The motifs of this myth were very different from those of Woagaia or Jinimin, but the message of liberation and future wealth was similar. Djuluru is thought to have been created in the Pilbara around 1950 by either Jack or Peter Coppin, Aboriginal brothers with strong Marxist, anti-white convictions and involved over many years with the self-declared Marxist revolutionary Don McLeod. Coppin reportedly dreamt of Malay ghosts from a sunken ship and reimagined his dream into a myth about the adventures of a powerful and dangerous spirit known variously as Wuirangu or Djuluru. The ship is identified by some as the MV *Koolama*, which was sunk by the Japanese in 1942.

Wuirangu travelled around the region as a spirit-child, usually on horseback, but also by transforming into a car or an aeroplane, or even a cow bell. He was considered capable of causing great harm, including serious illness and death, as well as less serious mishaps such as car breakdowns and accidents. In the myth, and re-enacted in the related ceremony, Wuirangu witnesses the bombing of Broome and the sinking of the *Koolama* and meets with Hitler and German and other characters.

The Djuluru cult had been traded from the Pilbara up the west coast in the 1950s and subsequently into the Fitzroy Valley. The stories of Wuirangu's travels were told in key words and phrases in a language unknown to the Fitzroy people, and even the local cult "experts" who were responsible for translation had vastly different opinions of the myths and their esoteric meaning, with

imagination and fantasy having relatively free rein. The cult rituals took place over several days and centred on "sacred" poles containing Wuirangu's spirit, as well as canvas-covered enclosures which, in some versions, contained the spirits of the cargo which would soon arrive for the people. The dance performances depicted Second World War ground and air battles as well as the bombing of ships, and featured fire-singeing rituals between men and women, with attendant sexual privileges. The men marched back and forth with wooden rifles on their shoulders, but the metaphorical enemy soldiers were not Japanese invaders but white Australians.

In summary, by the end of the 1970s, as the Noonkanbah conflict erupted, the traditional and rigidly stern religious laws of the river and the desert people had lost their "cosmos-maintaining significance" and been replaced, on the one hand, by the holiday-like aspects of the Woagaia, with its "graceful playfulness and aesthetic enjoyment" and, on the other, by the millenarian and revolutionary promises of Jinimin and Djuluru. This is not to denigrate one or the other—there is no reason religion can't be fun and the promise of a better life has been a universal attraction for the faithful of many creeds. Nor is this very simplified description of these various myths and cults meant to mock them in any way, neither the rich tapestry of mythic characters and events that gave purpose and guidance for so long nor the millennial dreams of cargo and equality that replaced them.

Those travelling cults were an adaptation to the new world order that came with colonisation, an evolutionary stage between the old world and the new and not without a longing for the best of both.

At the same time, those contemporary cults, as fascinating as they are, were precisely that: contemporary cults. They might contain traditional Aboriginal themes and rituals, but they are not traditional *sensu stricto*. People are entitled to incorporate Jesus Christ or Noah's Ark into their belief systems, if they so choose, but those beliefs are traditional only within the Judeo-Christian context. In saying that, I am at odds with those who have abandoned the sense of continuity and long-standing the term "tradition" has long conveyed, and who now view as traditional any Aboriginal cultural belief or activity.

Those travelling cults were an adaptation to the new world order that came with colonisation, an evolutionary stage between the old world and the new and not without a longing for the best of both. Along with the modern motifs and millenarian dreaming, they retained a traditional flavour and they revealed on the Fitzroy River plains in the 1970s an older generation still profoundly tradition-oriented and still struggling through the rugged divide between the traditional Aboriginal landscape and the uneven terrain of contemporary white Australia.

Concluding remarks

The Noonkanbah confrontation now looks long ago, given all that has happened since, and might easily be judged as without lessons for the present. In suggesting otherwise, I am reminded of Dicky Skinner, the "leader" of the Noonkanbah community during the confrontation, who became a devout Christian a few years later and apologised for it all. "Land rights gets you into a lot of trouble," he said.

The Noonkanbah strategists always vehemently denied that the dispute had anything to do with land rights, but that was a lie: it was always about land rights, as they now acknowledge. It was, after all, a launching pad for the Kimberley Land Council. There is nothing inherently wrong with supporting land rights, of course, but neither is there anything wrong with opposing it, in principle or in practice. As the anthropologist Erich Kolig has noted, it is clumsy metaphysics to "hold that land title is bestowed on people by a supernatural or divine source, by destiny or blood or some such mystical inference".

Yet it is that clumsy metaphysics that has underwritten the land rights agenda for decades: only by reuniting Aboriginal people with their traditional land, we are constantly told, can Aboriginality be preserved, and pride and dignity restored. But decades after Noonkanbah and *Mabo* and native title, it is hard to see that this policy has enjoyed widespread success in remote regions of Australia.

In the years after the Noonkanbah incident, dozens of pastoral stations were purchased in Western Australia to provide Aboriginal communities with their "traditional" land. Native Title was subsequently granted over some 90 per cent of the Kimberley region, including Noonkanbah in 2007. Yet, today, across the entire region, the blight of alcohol and drugs and the related domestic abuse among many of these communities is beyond crisis levels, from Broome to Fitzroy Crossing to Kalumburu. Noonkanbah itself was, until a few years ago, plagued by alcohol and drug addiction

and related violence. In many remote communities, high levels of unemployment and the seeming uselessness of future dreams lead inevitably to chronic drunkenness and drug addiction, juvenile crime and high suicide rates. It is sadly all too clear that many people—not all, but many—in those communities have not found the return to the land ennobling in any way, finding instead that they are without jobs, dependent on welfare, devoid of any sustaining sense of self-worth and without any hope of a better future.

There are many complex issues and questions that might usefully have flowed from the Noonkanbah confrontation, had the truth been told at the time. What is the meaning of "traditional culture", for example, as understood by the layman versus the anthropological fraternity? What is the validity of "traditional ownership" and "traditional rights" in areas subject to serial migration since European settlement? Can "traditional ownership" of land be acquired in modern Australian times by being conceived there? Do relatively assimilated mixed-race people in urban centres have the same "traditional rights" as tradition-oriented people in remote settlements?

These discussions would have been useful in recent decades in the public and legal debates about *Mabo* and *Wik* and native title. Indeed, more informed discussion of these issues would have been useful during the Noonkanbah dispute itself. Instead, we had fabricated claims about traditional tribes and ancient laws and the sacredness of featureless plains. As noted earlier, the late eminent anthropologist Dr Kenneth Maddock described the claims about traditional culture at Noonkanbah as a "ruse" which might easily have backfired on the strategists, had the truth become known.

The fabrication of Aboriginal culture did not begin at Noonkanbah, of course, but it was encouraged by what happened there. I think Noonkanbah's revolutionary moment came at a pivotal time in the evolution of Australian attitudes towards the Aboriginal people. What had been largely passive feelings towards Aborigines by many Australians, notably those living in the major urban centres, had "given way to tumultuous feelings of guilt, responsibility, admiration and even yearning for the indigenous culture", to borrow Jonathan Lamb's trans-Tasman observations. Those feelings have deepened and spread during the decades since, and interacted symbiotically with the emergence of an increasingly vocal urban Aboriginal community.

Highly romanticised and poorly informed views about traditional Aboriginal culture now prevail among the general public, including many Aboriginal Australians of mixed heritage. In most descriptions, Aboriginal culture is barely recognisable as anything resembling its traditional pre-contact forms, even allowing for normal cultural evolution. The realities of the pre-colonial Aboriginal past, with all its hardship and violence, the revenge killings and infanticide, the sexual abuse and sorcery, have been replaced with visions of a noble and idyllic society, free of the avarice and inequality deemed characteristic of contemporary capitalist Australian society. All ills are said to have been learned from the "invaders", without whom Eden would not have been lost. These views have become the popular wisdom, are ubiquitous in the media, and are now taught as fact in schools.

> *It is the Aboriginal adaptivity to these awful demands of history that might more usefully be emphasised, not some imagined cultural fragility that better charms the urban romantic imagination.*

This pessimistic view of Australia's founding Anglo-Celtic cultural heritage has been developing and deepening since the 1960s. Suffice to say here that this intellectual drift—*demise* might be a better term—involves a loss of faith in Western culture, religion and technology, and a turning back to nature, even a worshipping of it: what historian Geoffrey Blainey called the Great Seesaw. The idolising of nature and "native" cultures has deep roots in the Western psyche: unhappy urban intellectuals hate the "city" and bemoan the ruination of man's inherent nobility by Western civilisation. Aboriginal people, especially those in more remote settlements, are seen to be closer to nature, with a culture that is socialistic in its sharing and caring. In this paradisial perspective, it is only a return to country and the reclaiming of culture, in the imagination if not in reality, that will restore a natural nobility to urban Aborigines and ensure a life free of burden or want. This, of course, is the age-old urban intellectual fantasy—flight from the despoiling city to the forests of his origins will restore man's soul—but the fantasy is now pervasively spread through the broader community. Nowadays, of course, the flight is metaphorical, seeking lift from a constitutionally enshrined Voice, but with Treaty, Reconciliation and Reparation in the wings.

That might be a lesson then, that Noonkanbah

offers the twenty-first century. Supporters regularly warned that the cultural and physical well-being of the Noonkanbah people were so fragile and finely balanced that the slightest disruption to the goanna site at P Hill would shatter them forever. This was a lie: what was being claimed to be timeless Aboriginal tradition at Noonkanbah was actually "a relatively recent and curious mix of post-contact and imported beliefs and practices". The community's religiosity not only survived the decline of their traditional beliefs but adapted to, and seemingly thrived on, the many changes that came their way in the twentieth century.

This experience was not unique to Noonkanbah or even the Fitzroy Valley. Similar patterns of serial migration and cultural adaptation have challenged most Aboriginal communities across Australia. It is, of course, a universal experience, so often bred of warfare and colonising migrations, perforce of population or climatic pressures, and is invariably burdened with great suffering. But it is the Aboriginal adaptivity to these awful demands of history that might more usefully be emphasised, not some imagined cultural fragility that better charms the urban romantic imagination.

The truth about the demographic and cultural evolution at Noonkanbah tells us clearly that neither the tradition-oriented person in remote Australia nor the younger part-Aboriginal person in the city need see themselves, or be seen by other Australians, as existentially bound to a fixed landscape or a constant mythology, and incapable of participating successfully along with their fellow Australians, as so many Aborigines already do, in our multicultural landscape.

In his 1989 essay "Creating the Past", the late Roger Keesing described falsehoods about Aboriginality and the Aboriginal attachment to land as valid weapons in political and environmental campaigns. As long as the lie is being used for resistance against "the oppressor society", Keesing said—in this case, the Australian public—the lie doesn't matter. The prevailing dishonesty about Aboriginal history and culture is not a concern to those who agree with him. But Keesing was wrong: the lie does matter. Because, if truth is lost, we cannot realistically expect future planning and policy to be well founded and likely to succeed.

John Greenway's counsel fifty years ago in *The Last Frontier* is a valuable caution in that regard: "humanitarianism is commendable enough, but it gets in the way of historical fact, and with facts gone or distorted, understanding and the whole purpose of scholarship vanish".

Paul Prociv

Glimpses of Life in a Remote Aboriginal Community

When I recently came across Kim Mahood's searingly frank description of whitefella workers in remote Aboriginal communities ("Kartiya Are Like Toyotas: White Workers on Australia's Cultural Frontier", *Griffith Review*, 2012), I was swept back in a wave of nostalgia to my own brief exposure in Arnhem Land almost thirty years ago. While my three visits there amounted to only about a month in total, the impressions gained were powerful enough to have survived all this time, with only some of the detail (including names of most of the key players) now lost.

It started around 1990, at yet another meeting of the University of Queensland's then new Tropical Health Program, when I couldn't help grumbling about how readily some mickey mouse research projects relating to indigenous health, generally of a "social science" nature (a successful one being praised was along the lines of "Birthing preferences in lesbian, single indigenous mothers"), were reliably and generously funded, while proposals for more onerous science and medicine studies were less likely to score. Some committee members reproached my envy, hinting at possible incompetence, even slackness, in compiling proposals with practical application.

This was a challenge that rankled, so shortly afterwards at a conference in Darwin I discussed the matter over lunch with a senior colleague who worked for Royal Darwin Hospital and NT Health. He was an experienced clinician whose work took him to every remote community in the Northern Territory, providing intimate familiarity with health and other problems. One that aroused my particular interest was childhood anaemia, found in up to 80 per cent of children in some regions. It was generally attributed to "parasites", essentially gut worms, and routinely treated with anthelminthic medications, given out to most amenable kids at regular intervals in some communities. He advised running a study in what he considered to be the "most functional" community in Arnhem Land, Galiwinku, on Elcho Island. Throughout our casual discussion, he scribbled some notes on a small sheet of paper. The conference soon ended, and I headed back to Brisbane, giving the matter little further thought.

Imagine my surprise, about a year later, to receive a phone call from a bureaucrat in Canberra, announcing: "Congratulations, Professor Prociv, your application has been successful!" Completely blindsided, I asked for an explanation. He was from the National Health and Medical Research Council, which that year was running a special initiative in indigenous health for projects initiated by the communities. The submission, compiled by my note-taking colleague but nominally from Galiwinku, was approved and I was invited to be the lead researcher. All that was now needed was the signature of the chairman of the local land council on a formal letter of invitation, and the funds would be released for the project.

Deciding this would make a solid PhD project, I sought a suitable candidate who had done my medical parasitology course, was temperamentally suited, and had experience living and working with indigenous people. A scientific officer of the recently disbanded Queensland Aboriginal Health Program agreed to provide technical assistance with the fieldwork.

However, there was a glitch: the critical letter couldn't be signed as the position of land council chairman (comparable to mayor) was vacant and would quite possibly remain vacant for some time because the community couldn't agree who should fill it. I later learnt that the population (ranging seasonally between 1500 and 2500, 90 per cent of them indigenous) comprised members of about twenty different clans with extremely complex hereditary interlinkages, who had been moved there under a Methodist mission in the 1940s for military reasons. According to an official website:

> During the 1950s a fishing industry started, a large market garden flourished and a cypress

> pine logging industry and sawmill began.
> During early settlement, the mission encouraged Aboriginal people to stay on their traditional homelands and use Galiwinku as a service centre. However, the mission ended when self-government came in the 1970s, and the community is now the largest Aboriginal community in north-east Arnhem Land.

The people call themselves *Yolngu*, which simply means "Aboriginal person" (as distinct from *balanda*, a whitefella) in the regional languages. They had scattered homelands and outstations, and spoke nine major language groups, with many local dialects, coalescing into two distinct clusters. Difficulties in reaching consensus on local matters was only to be expected, so our first obstacle was simply one of those occasions. With growing disappointment, frustration and then annoyance, we had to cool our heels another year, before finally obtaining that signature.

Eventually, the technician, my student and I were able to fly to the island in July 1994, via Darwin, to start our project. The final leg was in a small plane carrying about ten passengers, of whom we were the only whitefellas. A vociferous, inebriated male was seated at the back, loudly abusing, but unable to reach, the pilot. We found this most disconcerting, but the other passengers seemed unmoved. Arnhem Land was well serviced with passenger flights (as daily back-and-forth "milk runs" between Darwin and Nhulunbuy), liberally exploited by inhabitants of dry communities (including Galiwinku) to quench their thirst elsewhere. The flights also provided a huge boost to "sorry business" travel.

Even though the airstrip sits conveniently beside the township, every passenger was soon whisked away by waiting vehicles. We were met by the community doctor, an enthusiastic, idealistic young whitefella only a few years out of medical school, who kindly invited us to stay in his house, as he was about to head home for recreational leave (I never saw him again; shortly after returning from leave, he was violently assaulted in the clinic and decided to terminate his contract). His comfortable two-storey home was centrally located in the main community, giving us a good vantage point for observing its street life. My brief time there didn't allow for a detailed appreciation of the fine points of local cultures, but my student spent six months in total there, spread over seven visits between July 1994 and October 1996. However, my glimpses did provide insights into how the worldviews of the locals differed hugely from mine.

Our first evening was interrupted around eight o'clock by the howling of one, then a few, then what sounded like hundreds, of dogs. Just as we were starting to wonder what sort of night was in store, a woman's voice from nearby shouted out for them to shut up. A few went quiet, but then started up again, so the voice repeated, only louder, "Shut the f*** up!" Instant peace—which reigned for the rest of the night, apart from the odd domestic altercation or kids running through the streets.

We soon discovered that dogs possibly outnumbered people in the community, a consequence of uncontrolled breeding. Without care, veterinary or otherwise, many were extremely scrawny, some with severe scabies ("leather dogs") and other issues. While the responsible mites have trouble invading human skin, they do try, initiating lesions that readily become infected with streptococci, and so partly contribute to the high prevalence of rheumatic heart and chronic renal diseases in the human population. Humans have their own specific version of the scabies mite, which only compounds the problem.

The first real jolt came the following morning at my meeting with the council chairman. He was a man who had travelled the world on various occasions as an official Aboriginal representative. During our informal introduction, I couldn't help noticing the Queen's portrait hanging on his office wall, and remarked what a fine-looking young woman she'd been. His instant response was, "So why are you blokes so keen to get rid of her?" When asked to explain, he referred to the proposed republic referendum. I started mumbling about our democracy, leading him to clarify, with a genuine quizzical look: "If she goes, then where will your money come from?" It didn't take long to realise that he was deadly serious. Further discussion revealed that he firmly believed the Queen was the source of all money, which she handed out to governments, whose main job was to distribute it. This then extended to his role in the community, directing where incoming money should flow—and might have explained the protracted fight over the council chairmanship. I later found that this sort of understanding of economics wasn't a localised idiosyncrasy.

Another stark, early impression was how few people were to be seen walking around during the day. I assumed at least there would be plenty of kids in the school, but that was not the case; just a few playing outside between lessons. Then one day, as we ate lunch on our veranda around noon, the door opened in a hut across the road and small children started to trickle out. First it was three, then five, mingled with a few teenagers, then a few adults; all up, maybe fifteen to twenty people eventually emerged (as in an old silent movie). I asked some

older boys what had been going on, and they told me it was the movie *Robo Cop*. They also expressed a liking for Arnold Schwarzenegger, plus Hollywood soaps. Instead of attending school, these kids were learning about the "real world" by watching junk videos. Did they think that maybe I came from such a world?

Looking through the door of the hut, I noticed there was no furniture, the floors being strewn with mattresses and blankets, upon which everybody had been sitting or lying. I was told later that pornographic videos were widely enjoyed throughout Arnhem Land and beyond, at the time sourced by mail order. Again, what impression would it convey about the world from which we came, not to mention human sexuality and the treatment of women?

A few days later we were driven a few kilometres across to the south-eastern corner of the island to meet the cargo barge, which visited every three weeks on its routine run along the coast from Darwin to deliver essential supplies. It seemed half the community was there, waiting on the beach as the vessel chugged up the passage to drop its front ramp on the sand. The whitefella crew efficiently forklifted off pallets of 200-litre fuel drums, produce that included cartons of Coca Cola, potato chips, Twisties, Mars Bars, Coco Pops and Fruit Loops, as well as large parcels and odd bits of equipment. The unloading was all over quickly, and the barge headed off to its next stop, a day or so away.

The locals depended almost entirely on imported, energy-dense, processed food, contributing to the very high prevalence of obesity and Type 2 diabetes.

On the drive back to "town", I asked about a burnt-out late-model Toyota Land Cruiser sitting on a bush track about 100 metres off the main road. It was explained that, a few barge visits back, this new vehicle had been delivered to its proud local owner, who gathered a bunch of mates for a trip to their outstation. Sadly, he hadn't thought to fill the tank, and so it came to a halt shortly after they set off. He left the vehicle there overnight, returning the following morning to find it had been set alight by a bunch of kids. I couldn't ascertain if there were any consequences (it seemed no one was too bothered about it), but also couldn't help wondering what all those people involved might have known of the origins of such machinery and the money that pays for it. Perhaps the kids had seen burning cars in some of their movies? In my mind, "easy come, easy go" was emerging as the operating principle regarding much communal life here.

One day some boys climbed the island water tower to have a swim, and thoughtfully crapped into the water. The system had to be shut down, awaiting the arrival of engineers from Darwin to drain the reservoir tanks and sterilise the system. This was overkill, in my view—those kids wouldn't have had anything in their excrement that was alien to the locals. But it did show concern by administrators, and made a lot of contractor money for some industrious tradies.

Another conspicuous feature on the outskirts of town was a quarter-acre compound, enclosed in a high chain-link fence topped with barbed wire, and holding new-looking trucks, bulldozers, excavators and graders. My expression of pleasant surprise was met with the response that this wasn't the well-equipped council depot I'd assumed, but a scrapyard! Apparently, there were no locals who could fix any machines that broke down, and it was too expensive and difficult to bring out mechanics, so the equipment was simply left to rot. I imagined how a keen entrepreneur might easily fix and capitalise on this treasure trove of heavy equipment. No doubt the administrative obstacles would be mind-boggling.

Next, we had to fuel up our vehicle. The only "service station" was a metal shed holding several drums of diesel fuel, one of which was fitted with a metered hand-pump. An exercise book and pencil on a string were hanging off the wall, for drivers to record their usage. I noted the last entry had been a few weeks previously, and was told that, as soon as one driver failed to account for his consumption, that triggered others to do likewise. The council, which purchased the fuel drums, regularly threatened to shut down the station if the practice continued, but to little avail. Did the drivers ever wonder where their fuel came from, and who paid for it, or did they just accept it as a free gift, another "basic human right"?

Early in our visit, we met at the council offices with the chairman and a group of other key people, mainly whitefellas, whose exact roles I forget except for the community accountant. They were less interested in the details or purpose of our project than in its financing. It was peremptorily announced that the council would take 60 per cent of the total $115,000 budget for "administration costs", while I could use the remainder for our work, which included all our travel, living and lab expenses, plus the wages of the local assistant fieldworker/interpreter, a Yolngu nursing aide from the health clinic. We did manage to keep our work within this budget, and to acquit

our expenses at the end, but I have no idea where the "administration" allocation went.

We visited the health clinic to meet our local fieldwork assistant, whose command of English was hardly reassuring. There were also several white workers and visitors, one a dietician from Darwin trying to improve community nutritional practices. She proudly showed us her recently compiled recipe book for mothers. First off in the compendium were instructions for making baked bean sandwiches: "Open a packet of sliced bread; remove two slices; spread butter on one side of each with knife; open can of baked beans ..." My conversation with the author revealed an appalling lack of interest by many adults, including mothers, in what their children ate.

Of the few kids who attended school, many didn't have breakfast at home beforehand. It was not uncommon for a child's daily rations to consist of a bag of potato crisps or Twisties, with a can of Coke. I gained the impression, previously noted in some remote north Queensland communities, that many children seemed to free range, moving erratically from house to house and sleeping with different relatives (lots of "aunties", "uncles", "brothers" and "sisters"), so that parents often had no idea where their child might be. When the child awoke in the morning, it had to fend for itself; the adults were either asleep or showed little interest in preparing breakfast. Our idea of a nuclear family certainly didn't fit the pattern here. As I had learnt, this movement of children was often associated with a name change, which makes it almost impossible to keep track of them in health records without detailed local knowledge.

A visit to the local store, managed by a whitefella, revealed the same range of goods we'd watched being offloaded from the barge, with plenty of sugary drinks, lollies, ice-cream, sweet biscuits, long-life cakes, sausages and minced meat, white flour, white rice and refined sugar, but almost no fresh vegetable or fruits (and what was there looked very tired). The manager said that when he made an effort to boost the supply of heavily-subsidised fresh greens and fruit, the customer response was poor, despite initial expressions of enthusiasm, so that most had to be dumped. An enterprising local had set up a hot-roast-chicken booth nearby, and I watched as a child of maybe six to eight paid for a bagged chicken with a $50 note, trotting happily off without collecting any change.

During the mission era, the community was almost self-sufficient in fruit and vegetables, produced in its own thriving gardens and orchards, but once the missionaries were sent packing, this activity collapsed. Outside of town, alongside the outflow from its sewage treatment plant, I came upon a small garden and orchard established and run by a hermit-like Chinese-Aboriginal man regarded as an outcast by the main community; he produced very little surplus, mainly bananas and papayas, for sale. (A recent website claims that communal gardens and orchards are making a comeback in Galiwinku, which I hope is true; maybe *Dark Emu* has provided inspiration?)

While there was much talk of "bush tucker", I saw very little evidence. On one occasion, with much fanfare, we were invited on a trip with some elderly ladies to seek food in the mangroves. After driving and walking for several hours, all they came up with were some fat worms extracted from the trunks of fallen trees and eaten on the spot, plus one small crab and a few fat clams dug out of the mud, taken home for cooking. Our few fishing forays provided extremely poor catches (and little relaxation, given the need to constantly look out for crocodiles). The locals depended almost entirely on imported, energy-dense, processed food, contributing to the very high prevalence of obesity and Type 2 diabetes.

I saw very little in the way of meaningful work by any Yolngu people, with most adults, while outside, either idly sitting around and chatting, or driving around in vehicles. The power station was run by a white engineer, with several local offsiders. The store had a white manager, with local girls at the checkout (which caused problems when their relatives demanded payment-free goods). The health clinic was run by white staff, with local assistants (including our interpreter). The schoolteachers were white, with local aides (the same applied to the local cop). On my last visit, I encountered a team of contract builders finishing six new houses in town (costing about half a million dollars each). My query about the absence of local apprentices was met with awkward silence. I later learned that they had tried to employ local assistants, but the few youngsters who turned up didn't show much interest, were slow to learn useful skills, and were unreliable in attendance. It was far quicker, and less stressful, to do the work without such local "help".

There didn't seem to be any skilled tradesmen in the community. Blocked sewers, a regular occurrence with disposable nappies and drink cans being thrown into toilets, sometimes required calling in a plumber from Darwin or Nhulunbuy.

Early one morning, on a walk along the island's western beaches, I stopped to marvel at the swarm of white plastic outers of disposable nappies that had blown ashore and caught up in mangrove roots and branches (the soft inner parts had long gone, as

they comprise an essential part of the local canine diet). An approaching middle-aged man could see my discomfort, and pronounced, "Disgusting, isn't it? When's the government coming out to clean this up?" It was clear he was not joking, that the locals take the meaning of "public servants" literally. Just a couple of hours of light work by a few energetic adults (or even kids) could have cleared it all up, but that would require a degree of organisation and initiative.

Our study proceeded far more slowly than expected, for a variety of reasons, one being the frequent absence of our field assistant. My student planned his biggest "onslaught" around the middle of his time there, aiming for three months of intense collection and interviewing. He had arranged all his supplies and equipment, teed up with the assistant and flew off to the island only to find she'd gone away just before his arrival. The explanation? Sorry business. This had happened on half of his visits to the community. Her involvement was essential, given the lack of English among the locals. The few surviving elderly folk spoke English eloquently, having been taught by the missionaries, but the younger population, especially the children, could speak only the bits of Hollywood-ese they picked up from movies. The current demands to teach local languages (already widely spoken) in remote schools when the children are in desperate need of mastering practical English is beyond my comprehension.

As for sorry business, this is based on traditional funerary rituals that can go on for weeks or even months. In the old days, attendance would have been limited, in numbers and distance covered, but with modern communication technology, and daily flights to just about anywhere in Australia, not to mention the availability of copious food, sorry business has become a dominant diversion. Considering most Aboriginal people have many, sometimes hundreds, of "relations" spread widely across the country, this demanding practice can seriously intrude into work commitments, as we discovered repeatedly.

While sorry business slowed and restricted his work, my enterprising student wasn't too inconvenienced; he'd teamed up with some local young blokes to go exploring, fishing, hunting (mainly feral pigs, with rifles) and chasing rare pythons (he was a certified snake-breeder).

Our study did eventually produce sufficient findings to allow a reliable conclusion: gut parasites were present in the people of Arnhem Land, but not at a level to account for the widespread anaemia in children. While we didn't formally evaluate nutrition, it was obvious that many kids were, in effect, starving; they were not eating sufficient protein or iron, both essential for maintaining adequate blood levels of haemoglobin. This would have serious effects on their development, as well as on their physical and intellectual performance. I conveyed this information to the council group on my last visit to the island, but felt my message didn't register. Their most pressing question: Could I provide funds to help sort this out?

It also reinforced my suspicions of "affirmative action" in supporting indigenous research—although it could be argued that our funding proposal, which I never saw, was an outstanding one. And, strictly speaking, it was not submitted, or managed, by me, but by the community. Furthermore, it did produce potentially useful findings. If only the community could be motivated to feed its children properly!

My visits to the island and community weren't all bleak, and I came away with many warm and positive memories, but my point here is to convey impressions which highlight a fundamental problem in Aboriginal communities. It fits consistently with observations elsewhere, and with the meticulously detailed conclusions of Tadhgh Purtill, whose ideas crystallised over two and a half years working as manager in an isolated community. His 2017 book *The Dystopia in the Desert* should be essential reading for all our politicians, as well as anyone else seriously interested in indigenous matters. It is clear that traditional indigenous cultures are well and truly dead, replaced by a rapidly emerging hybrid culture, a symbiotic (host-parasite) patchy edifice that suits the needs of the locals (or at least their "leaders", who are its main drivers) as well as of those outsiders whose careers depend on "helping".

I was repeatedly surprised by the daily comings and goings of whitefella newcomers—community staff, government and NGO workers, consultants, tradespeople, occasional academics and others. Some seemed genuinely interested in helping, others more like opportunists reprising the old adage, "missionaries, mercenaries and misfits". Where did I see myself? Maybe a combination of missionary, given my hope to be doing good, and mercenary, seeing this was integral to my academic career. As for "misfit", that's for others to decide.

I didn't see a single "welcome to country" ceremony, nor leaves smoking, didgeridoos playing, clapsticks clacking or men in loincloths stomping about in the dust. Either these hadn't been invented at that stage, or they were kept for special occasions to entertain and seduce VIPs, politicians, business leaders and royalty. What realistic impression could such shepherded and choreographed fly-in-fly-out

visits give of life in such a place? Even a month's stay wouldn't be enough, especially if one didn't know the local languages. For well-meaning but naive and ignorant city-dwellers, there's no hope of grasping the reality.

The remote community dwellers depend entirely upon material inputs from the outside world, of which they must have a very distorted view. Add to this their concept of money, and we have a cargo-cult mentality. Everything arrives magically, fully assembled, and even the money to pay for it appears effortlessly every fortnight. Where is the incentive to change? When the locals speak of "self-determination", they're not referring to taking over meaningful workloads, or administrative responsibilities, but simply the right to satisfy their needs, to point out what should be provided and what should be done by outsiders but without the imposition of external restrictions.

As for "closing the gap" in public health and longevity, this is a useful mantra for tapping into whitefella guilt. Personal health is not something to be handed to people on a platter, but the outcome of active personal involvement in caring for oneself and one's family. Most indigenous people living in towns and cities are as healthy as their white counterparts. Hygiene, nutrition, exercise, recreation and social connections all feed into this. The contribution of the healthcare system is of secondary importance—fully-staffed and well-equipped hospitals in each community would have little effect on overall population health without reciprocal effort on the part of locals to improve their lot. In effect, the "gap" serves as a tool for mega-humbugging, an extension of a traditional sharing practice by which less thrifty individuals are entitled to the resources of their better-off relatives. Anyone not familiar with humbugging is advised to watch David Gulpilil's last film, *Charlie's Country*.

My glimpses into this community raised other questions. What is "reconciliation", that drives thousands of our urban fellow-citizens to walk *en masse* across bridges? I've always thought of reconciliation as a two-way process, between parties that have become estranged. If it's about reconciliation between remote community dwellers and the rest of our population, forget it—we hardly seem to figure in their thinking (except as the source of all their material sustenance and televised entertainment). If it's about getting Australians to recognise and respect each other, then reconciliation in those communities should start at home, between the various tribal groups who live there. Given that many have "always" been traditional enemies, this might be an insurmountable challenge.

Related to this is the concept of an "indigenous voice", which I find laughable. It took more than a year for just one small community, made up of closely related tribal groups, to agree on who should chair their local council; what hope is there of more widespread consensus? Every person has something to grumble about, something to request, which is hardly different from the rest of us—that's why our political systems have evolved to their present state.

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Several years after the completion of our project, while visiting Nhulunbuy I was taken by friends on a sailing trip from the Gove Boat Club. Heading down the inlet for a few miles, towards the Gumatj settlement, we came upon a beachside two-storey mansion. Reaching out from it was a small jetty supporting a helicopter on floats. "That's where Galarrwuy Yunupingu lives," I was told, and that was his private helicopter.

Not far away was large, warehouse-like building, apparently the studio of the band Yothu Yindi, made up of relatives of Galarrwuy. I recalled the man from years before as long-time chairman of the Northern Land Council and regarded widely as the "king" of Arnhem Land, expert at schmoozing politicians (he'd been portrayed as a friend of Bob Hawke, among others) and directing expenditure of mining and alumina plant royalties.

Returning home, I started wondering if all that had been a dream, until coming across an old article in the *Australian* by Elisabeth Wynhausen that featured a photograph of that helicopter and explained it was used for, among other things, fishing and hunting (possibly for buffaloes, turtles, crocodiles and dugong). So much for socialism, or environmental conservationism, as deeply innate features of Aboriginal life—although nepotism seems alive and well.

Paul Prociv is a former Professor of Medical Parasitology at the University of Queensland. This article appeared on Quadrant Online in May.

David Barton

The Voice Roadshow Comes to Town

The small Victorian town of Woodend was truly blessed on Saturday, June 24, to have four Voice luminaries descend from on high. It was never revealed why Woodend (population 4500) was chosen to have the elect—in the form of Jon Faine, Marcia Langton, Rachel Perkins and Marcus Stewart—grace the rural locality with their presence and wisdom. The free-ticketed event was booked out within forty-eight hours of being advertised. The audience of some 350 people, many adorned with "Yes" badges, seemed to have an average age of sixty-plus, with nary a young person in sight.

On every seat was a brown showbag of Voice goodies, including a program, a pocket edition of the Constitution, a copy of the Uluru Statement from the Heart, some notes about the Voice proposal and a "Yes" voters resources list (but nothing for "No" voters). Faine welcomed everyone and noted his "respect for all the First Nations people here" but no respect worth mentioning for anyone else. The former ABC Radio gabbler advised us that no questions would be allowed from the floor, so this was to be a two-hour lecture. Despite later talk of Aboriginal dispossession, powerlessness and disadvantage, it seemed from the outset there was not a bit of disadvantage on that stage. Indeed, only privilege and wealth, and a great deal of reflected white privilege at that—or is that now "black privilege"?

Langton and Perkins were bedecked in R.M. Williams boots ($650 a pair) along with puffer jackets, while Marcus Stewart sported his trademark Akubra and a pair of new white Nikes topped with white socks—Nike's reputation for poor wages and exploitative employment practices in the Third World evidently not an issue.

At a glance, Stewart appears to all intents and purposes a "whitefella". He'd have had no trouble leaning on a whites-only bar in a pre-1967 Aussie pub. He strikes me as a clear example of the deeply flawed "one drop" policy—that is, if a person has only a dash of Aboriginal blood, irrespective of how far back in history that might be, he or she can claim 100 per cent Aboriginality. To any rational person this must seem absurd. Most of the time Stewart looked bored, as did Perkins, who also manifested what I took for odd flashes of impatience. Langton just appeared angry.

After the obligatory background introductions, Stewart was asked to say the "welcome to country" which, in fact, he didn't do, instead opting to talk of Woodend's proximity to Hanging Rock and citing Taungurung ritual initiations into manhood held at the site. What he neglected to mention were penile subincisions, scarring, ritual cutting and burning and possibly even forced sex with young girls. Stewart later noted his fight to "retain and preserve Aboriginal culture", but obviously not *that* culture, only the palatable modern-day inventions. Apart from wearing a possum cloak, painting your face and eating some bush tucker, there's arguably little left of traditional pre-settlement Aboriginal culture in Victoria, and that's likely a good thing. Stewart seems to me to be an example of cultural appropriation, which in anyone else we could expect him to roundly condemn.

It's worth noting that Stewart is married to Victorian Senator Jana Stewart, who replaced Kimberley Kitching in the Senate after the latter's death. Very in-house Labor. (You can read about Marcus Stewart's curious heritage at the Dark Emu Exposed website.)

As moderator, Jon Faine was spruiking like a red-ragger from the 1970s, so much so that Rachel Perkins had to keep him in line as he repeatedly attempted to turn the discussion into a let's-bash-the-Liberals pile on. Later, Tom Calma and Greg Craven were repeated butts of derision from the panel, and John Howard, Mal Brough, Peter Dutton, Jacinta Price and Warren Mundine all came in for verbal bashings as well.

Langton led the charge with a potted history of Aboriginal activism since the 1960s, then moved to focus on more recent events like the Northern Territory Intervention, of which she was scathing

(“harming our people”), Aboriginal deaths in custody (“institutionalised racism”), stolen generations (“attempted genocide”), child abuse (that’s “the churches”) and the usual grab-bag of victimhood complaints. Langton argued that the Voice is needed to “limit the ability of the Parliament to cause us harm”—just how precisely is that to occur? And, of course, what “harm”—the annual $36 billion spent on Aboriginal affairs? Langton also trotted out the old “terra nullius” furphy, and the audience drank it all in with rapturous applause.

She also spent some time drilling into us that there is “no biological evidence whatsoever for ‘race’—it doesn’t exist”, which is highly disputed, plus the usual claims to 65,000-plus years of history, also hotly contested. Langton seemed blithely ignorant of the inherent illogicality of her own argument. If “race” does not exist, then why do we need a race-based “Voice”? She said indigenous “spirituality” and connection to the land make Aborigines special, but there’s no biological evidence of intergenerational genetic or DNA transfer of “love of land” to suggest that contemporary Aboriginal people have any greater feeling of attachment to the land than anybody else.

Langton continued to bang the drum of “disadvantaged tribal Aboriginal people in Central Australia” as justification for the Voice. But these tribal people represent a minuscule fraction of the 3.4 per cent of Australians who identify as Aborigines, and much of their current situation is a direct result of their own choices. Tribal Aboriginal people have bad diets because that’s what they want to eat. White colonialists don’t *make* them eat unwisely. The panel made reference to the high prevalence of diabetes in Aboriginal communities, again implying it’s the whitefellas’ fault, without making any reference to tribal Aborigines’ lack of tolerance for sugar, which promotes the increased incidence of diabetes.

There was more of the same about the “housing shortage”. Tribal Aborigines’ homes get trashed because so many families and individuals live in them communally because of “humbugging”. But no mention was made of that, yet Perkins and Langton would be familiar with the problem. We don’t need a “Voice’ to sort out those problems, which have been around for over five decades. We need to admit that much so-called “Aboriginal culture” is very damaging to Aboriginal people and that only by greater integration into our modern Western society will these problems be solved.

The “intergenerational trauma” experienced by Aborigines has nothing to do with colonisation or alleged inherited “genetic or DNA trauma”, as the panel asserted. It has everything to do with intergenerational lifestyles of poverty and violence. Self-determination has been the problem; it is not the solution.

Langton insisted that the Voice would only “advise on things that specifically and directly affect Aboriginal people”. However, that’s not what the Voice wording says, so such an assurance is worthless. She derided the idea that the Voice would result in Australians having to pay rent on their land or homes, but another leading Voice advocate, Thomas Mayo, has indicated that’s *exactly* what the Voice would be advocating, along with “reparations and compensation” from us colonialist whitefellas.

Almost laughably, the panel members agreed the Voice would be “cost neutral” as the “efficiencies and reduced duplication would save what the Voice would cost”! Haven’t we heard that one before! The panel also claimed that “research shows” 86 per cent of Aboriginal people support the proposed Voice, but provided no real evidence for that claim.

To her credit, Rachel Perkins resisted Faine’s every effort to drag her into his attempts at a political belting of the Liberals. Unfortunately, Perkins claimed towards the end that the Voice “won’t affect most Australians at all, but we will all feel better”, and that it’s a “modest invitation of great unity”. These are the big lies. A successful Voice referendum will affect all of us, we won’t “feel better”, it’s not “modest” and it’s already divisive.

Despite Langton’s disavowal of the existence of “race”, Marcus Stewart, who is in touch with his true Aboriginal self, is now somehow special—more special than fellow Australians because of his “race”. Langton seems to have developed a real hatred of what was supposedly done to those she referred to as “my people” by the white colonialists. This bitterness seeps out every time she speaks.

In summary, Jon Faine’s agenda was clearly to bash the Liberals and extol socialist Labor, his love of Gough Whitlam being not even barely disguised. At least from Rachel Perkins there was a sense of integrity, even if misguided; however, from Marcus Stewart there seemed nothing more than a display of conspicuous virtue, and from Marcia Langton, just tired bitterness and anger.

What was really astounding was the level of acclamation from the floor. After the event, I chatted briefly to the old chap seated beside me, but didn’t dare ask him if he were a Yes or No voter.

You see, we’re already divided.

Dr David Barton is a proud Celtic and Anglo-Saxon man with a long family history in Australia. He lives in central Victoria. This article appeared on ***Quadrant Online*** *in June.*

Stephen Mason

Creating the Voice: A Shambles of a Process

The government is steadfastly refusing to say how the Voice to Parliament will be established. The Voice website explains:

> After the referendum, there will be a process with Aboriginal and Torres Strait Islander communities, the Parliament and the broader public to settle the Voice design. Legislation to establish the Voice will then go through standard parliamentary processes to ensure adequate scrutiny by elected representatives in both houses of Parliament.

The only real, detailed clue we have right now is Marcia Langton and Tom Calma's 2021 report *Indigenous Voice Co-design Process: Final Report to the Australian Government*. Will the government adopt the Langton–Calma report recommendations? We don't know. But it's all we've got to go on and the government and supporters point to it whenever the cry goes up for more details.

The Voice Working Group has agreed on some "Voice Principles", but the government hasn't formally committed to them either:

> Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government.
>
> To ensure cultural legitimacy, the way that members of the Voice are chosen would suit the wishes of local communities and would be determined through the post-referendum process.
>
> The Voice will be representative of Aboriginal and Torres Strait Islander communities, gender balanced and include youth.
>
> Members of the Voice would be Aboriginal and/or Torres Strait Islander, according to the standard three-part test.
>
> The Voice will have balanced gender representation at the national level.

The Yes Case pamphlet, prepared by MPs who voted for the referendum to be held, sets out some "key facts", including:

> • A committee of Aboriginal and Torres Strait Islander people.
> • Representatives from all states and territories, the Torres Strait Islands and remote communities.
> • Will include young people and a balance of men and women.

Well, we can't rely on any of that. It's all to be designed through the post-referendum process. The Langton–Calma report and the MPs' views will all be up for grabs.

Essentially, the Langton–Calma report proposes an electoral college model: local or regional Voices are created, and they select or appoint the members of the national Voice.

The report's process is complex, ill-defined, overly elaborate and variable. It has multiple points of failure. All states and territories (and, probably, the Commonwealth) will have to pass co-ordinated enabling legislation. It bristles with constitutional issues. The national Voice can't assemble until all the local or regional Voices are operating and validly appoint national Voice members. How long will that take?

To understand the process, it's best to follow, chronologically, each step along the way. It's a long and difficult journey—you'll need to bring a cut lunch.

First, establish your regions

First, you have to identify the thirty-five regions that will form the basis of the local and regional Voices. (Why thirty-five, and not, say, forty, is not explained in the report.)

How is this to be done? "Key" Aboriginal and Torres Strait Islander community groups and "stakeholders" in each state and territory come together with the Australian government, the relevant state or territory government and the peak local government association, to agree on the boundaries of the proposed regions. Communities and "stakeholders" in each proposed region (presumably, these are the non-key stakeholders) would be consulted. Then, the initial group of governments and key Aboriginal and Torres Strait Islander community stakeholders would "finalise the details".

There are some practical issues that the report just doesn't address. Who runs this show? Who appoints the group to make these decisions? Who issues the invitations? Will the local farmers' federation, or the big foreign-owned mining company with exploration permits in the state or territory, be a "key" stakeholder, entitled to a seat at the table? What about unions? How does whoever it is organising this exercise balance urban and regional communities—Balmain and Bourke?

The report does not suggest any organising principle, for example, regions in a state or territory having roughly equal Aboriginal and Torres Strait Islander populations. And of course, there's no idea that all thirty-five regions across Australia should have roughly equal Aboriginal and Torres Strait Islander populations, as federal electorates do.

What if a relevant peak local government association decides not to show up? What if the state government decides not to co-operate? What if someone decides to "run dead" and not agree to outcomes that everyone else at the meeting agrees on?

How do decisions get made? Consensus? If so, who decides that a consensus has been reached? If or when a decision as to boundaries is agreed, who validates it so that it's a binding decision?

And things change over time. What's the process for boundaries to change to reflect, say, changing demographics or other circumstances? What happens then?

Then, design and establish a local and regional Voice for each region

Not so fast. What are these local and regional Voices?

Well, they seem to be some sort of "governance arrangement". Their functions are unclear, but apparently include "shared decision-making" with governments. What decisions are included is not addressed in the report. Could be anything from road maintenance to the future role of Pine Gap.

It seems that Langton and Calma see these local and regional Voices as quasi-governments, working "in partnership" with all levels of government. Governments (not sure which ones) will, of course, resource, support and enable this. (By the way, local and regional Voices aren't local: they'll be at a regional level.)

It's unclear whether "shared decision-making" involves local and regional Voices needing to *agree* to a particular decision for the decision to be valid. The idea of "partnerships" seems to suggest that's what they have in mind.

The Langton–Calma report says there's "a clear sense that this will require significant reforms to the way governments work with each other, across multiple portfolios and with communities".

Well, yes.

And how will Commonwealth legislation achieve this? New section 129 doesn't say anything about local and regional groups. It certainly doesn't give the Parliament power to legislate to create them. This whole proposal for another layer of regional government raises significant constitutional difficulties, since it strikes at the heart of state governmental power (something the High Court has held the Commonwealth can't do). New section 129 doesn't say anything about this—and it will need to, if the Langton–Calma report model is to get up.

Once we've worked out what the role of these local and regional Voices is, who, according to the Langton–Calma report, will be members?

> Each Local & Regional Voice will comprise a broad range of Aboriginal and Torres Strait Islander people, family groups, communities, organisations and other stakeholders.

We'll need to hire the local hall to fit them all in. How are local and regional Voices established? We don't know.

> Local & Regional Voice arrangements will be designed and led by communities, according to local context, history and culture in a way that is consistent with the principles.

Guidance materials and a resource toolkit will be available. Oh, good.

So the Langton–Calma report doesn't tell us how local and regional Voices are established. Wait for the guidance materials! But you may have to have "community-led 'design groups'":

> A range of individuals, groups and organisations from across communities in the region come together to form a community-led design group

to design Voice arrangements.

These groups comprise a broad range of Aboriginal and Torres Strait Islander stakeholders. They'll work with individuals, families and other groups to "design, establish and progress 'formal recognition'"—from whom?—"of Local & Regional Voices."

How are these groups, critical to the process, to be established? It's not clear.

> Membership to be consistent with the framework principles, in particular, the principles of "Inclusive Participation" and "Cultural Leadership", to ensure:
> • representation of traditional owners and historical residents alike
> • appropriate gender and age balance in each region, and broad inclusiveness
> • appropriate geographic and cultural representation from across the region
> • appropriate balance between existing (e.g., organisation based) voices, and those who are not involved in any existing groups but who wish to participate.
>
> To be developed in consultation with a wide range of community members, family groups, leaders and existing Aboriginal and Torres Strait Islander groups, bodies and organisations in relevant locations (such as land councils, ACCOs and other bodies and groups).
>
> Membership to be inclusive, drawn from individual community members as well as the existing groups across the region, ensuring there are pathways for all who want to have a say (e.g., through open meetings or other mechanisms as appropriate), particularly those whose voices have been historically marginalised or who are often unheard.

The same basic questions raised in connection with identifying regions arise here, principally—who's running the show, and who gets a guernsey? Who determines what's "appropriate"? Who decides what method to use? Who runs elections or makes appointments? Who do you send your nomination to? Who signs off on the outcome of all this effort?

The one thing these design groups won't be is *representative*, that is, elected by all affected Aboriginals and Torres Strait Islanders in the area or region.

So, once your community-led design group has designed your local and regional Voice, you'd think that the local and regional Voice members could be chosen. Not so fast! Each local and regional Voice will need to meet a set of vague "minimum expectations" and be formally recognised, but the minimum expectations can be waived or modified.

And there'll be minimum expectations for governments, too. They'll be expected to commit to meeting these minimum expectations as part of their formal commitment to implementing the framework. If one of these governments does not or will not reach agreement, or is judged (by whom?) not to satisfy a particular expectation, the whole exercise fails, because there will not be a local or regional Voice for that area (potentially, even, for that state or territory), and so Aborigines and Torres Strait Islanders in the area will be disenfranchised in selecting members of the national Voice.

So you establish these structures (all thirty-five of them) and the "community stakeholders" and "relevant governments" (I've never heard of an irrelevant one) heave a sigh of relief and agree that the local or regional Voices are "ready for recognition".

Not so fast! You can't trust the community and governments to get it right. No, the whole thing must then be assessed against "recognition criteria" by an independent party, who gives a recommendation to "relevant Australian and state/territory ministers". (By this point the community has been forgotten.)

So the process that Langton and Calma envisage is that relevant ministers agree that a particular local or regional Voice is ready for recognition by relevant ministers. An independent body reviews their conclusion and makes a recommendation by "formal advice" to relevant ministers. Only then can relevant ministers "formally" recognise the local or regional Voice.

Ministers won't waste their time with this nonsense. Once they decide, they decide.

And who is this "independent party"? The report tells us it will be an assessor drawn from a panel of Aborigines and Torres Strait Islanders "with relevant skills and experience". Presumably, to preserve independence, the assessor will have to have no connection with the area or communities for which the local or regional Voice is being established.

We'll have the unedifying spectacle of one group of Aborigines or Torres Strait Islanders having to explain and justify their carefully worked-out arrangements to another Aborigine or Torres Strait Islander who has no local knowledge or affinity with the area or region and its concerns. That'll work.

By the way, who appoints the panel members? That's a secret.

And after all that, who, ultimately, makes the critical decisions about local and regional Voices—formally recognising them? Certainly not the local Aborigines and Torres Strait Islanders! Ultimately, it's "government". It's not even clear which government—Commonwealth, state or local. And it seems

that the Commonwealth and all state and territory governments must all agree on all local or regional Voices.

And members of these local and regional Voice members must pass a "fit and proper person check"—developed, strangely, by the members of the local or regional Voice. You can be caught by this test if, among other things, you are "deemed"—by whom?—"to repeatedly break the law". So if you want a slot on your local and regional Voice, make sure you always cross the road at the lights!

And now the national Voice

We've survived all this (thirty-five times) and now have local or regional Voices for all thirty-five regions. Now we have to get the members of the national Voice.

The Langton–Calma report recommends only twenty-four national Voice members, based, essentially, on state and territory boundaries. (Again, this number seems to be plucked from thin air—there's no explanation why twenty-four is the appropriate number.)

But the result is that six regions in the Northern Territory would have in total the same number of members on the national Voice as the one ACT region. And the same for Western Australia. The Langton–Calma structure is not representative of the Aboriginal and Torres Strait Islander population.

Equal representation of the states in the Senate is a result of Federation being a federation of states. But why is the national Voice's membership to be decided on state and territory boundaries when local and regional Voices are to be designed on regional lines? Langton and Calma give us no explanation.

If we look at the most recent census figures, a more appropriate number is twenty-seven, distributed (proportionately) as follows:

State/ territory	Census number	Langton–Calma proposal	Population-adjusted member numbers
Qld	237,303	2+1 = 3	7
NSW	278,043	2+1 = 3	9
ACT	8,949	2	1
Vic	65,646	2	2
Tas	30,186	2	1
SA	42,562	2+1 = 3	1
WA	88,693	2+1 = 3	3
NT	61,115	2+1 = 3	2
TSI	[34,144]	2+1 = 3	1
Total	**846,641**	**24**	**27**

So now, at long last, we get to see the appointment of the members of the national Voice. How's it done? We don't know from the report. All the report says is this:

> Local & Regional Voices collectively determine the National Voice members for their state, territory and the Torres Strait.

How they do it seems to be up to them. Names out of a hat?

None of that voting though!

One thing's for sure. There'll be none of that voting nonsense (direct elections with all Aborigines and Torres Strait Islanders having a vote). Langton and Calma clearly set their faces against direct election. They say direct election "ignores community structures".

> On the other hand, [the "direct election" model], while on first glance is simple to understand, is considerably less flexible because it imposes a blanket process of direct elections across the country regardless of the existing structures and cultural leadership already in place.

This assumes that flexibility (read, "disenfranchisement" of certain Aborigines or Torres Strait Islanders) is desirable. It's not.

The objective is not to reinforce "existing structures and cultural leadership already in place". If existing structures and cultural leadership suggest that a certain person in the community should be a member of the Voice, surely the community will do the right thing and elect him or her?

Langton and Calma say that direct elections will tend to exacerbate eligibility disputes:

> issues around eligibility to be a National Voice member being likelier to arise and recur in the context of elections … issues around eligibility to vote, particularly with regard to confirming indigeneity, which has historically been divisive in some communities.

Why is it desirable to reduce the opportunities for Aborigines or Torres Strait Islanders to challenge the eligibility of a candidate for membership of the Voice? If the requirement for Aboriginal or Torres Strait Islander descent is an important requirement, it's proper and appropriate to allow challenges to eligibility.

And, divisive eligibility issues did not trouble

Langton and Calma when they considered local and regional Voices:

> To be eligible, a person must be:
> • an Aboriginal and/or Torres Strait Islander person;
> • recognised/accepted by community as an Aboriginal and/or Torres Strait Islander person …

Next, they say:

> if there is consistent low voter turnout, then this could affect the legitimacy and authority of the National Voice … [there are] historical trends of under-enrolment of Aboriginal and Torres Strait Islander people to vote, particularly in remote areas.

Yes, consistent low voter turnout will affect the legitimacy of the Voice. The answer is not to disenfranchise, so that there's no voter turnout. The answer, as with Parliamentary elections, is compulsory voting. And the answer to under-enrolment is not to disenfranchise those who are enrolled. It's to work to increase enrolment.

Next, they warn of:

> the risk that election results may be dominated by known, well-resourced metropolitan based candidates or candidates with large networks, to the disadvantage of community candidates …

Proper, timely and effective electoral expenditure governance is the answer, not disenfranchising Aborigines and Torres Strait Islanders.

Next, they point to "the inability of the model to ensure diversity of members". But diversity is the antithesis of representation. The Voice should not have "special interests" with guaranteed seats for some particular identity group. A candidate who attracts a majority of votes shouldn't be ruled out simply on the ground that he or she does not have some specified identity characteristic (other than being of Aboriginal or Torres Strait Islander descent).

And a mandated "gender balance" will, of course, be contrary to the Sex Discrimination Act and the binding international convention on which it's based.

Finally, the report notes "the high cost of elections, and difficulties resourcing elections in remote areas". The choice they see is between a truly representative Voice and cost (asserted to be "high", but they produce no justifying evidence). They prefer the outcome that less should be spent on representation for Aborigines and Torres Strait Islanders.

Overall

Under the Langton–Calma proposals, you can't have a national Voice until the areas and regions identified are agreed by all to be the right ones and there is agreement by all that the identified areas and regions are all the areas and regions needed, and cover the whole of Australia (including the inhabited offshore islands) and Torres Strait.

You need to have agreement on the structure, membership and functions of the local or regional Voices for all the areas and regions (they've all been "signed off" by governments).

All local or regional Voices will need to be established and operating, and all candidates for membership must have passed their fit-and-proper-person assessments. All local or regional Voices will have to have properly appointed national Voice members.

It's significant that the critical decisions in this whole ramshackle process are made by governments. Not by Aborigines or Torres Strait Islanders—governments. The whole process just repeats current approaches—governments consult and then decide.

Oh well, at least they consult.

Stephen Mason is a Sydney lawyer.

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Michael Green

First the Voice, then the Treaty

Prime Minister Anthony Albanese is leading a "small target" approach to the referendum aimed at enshrining race in the Constitution via an indigenous Voice. He calls it no more than "a simple courtesy, a common decency"—a mere advisory body, if you take him at his word, that will recognise indigenous Australians in our nation's "birth certificate". He's hoping Australians buy a bill of goods when he tells us it's no big deal.

Prominent pro-Voice journalist Chris Kenny, who was a member of the Voice Co-Design Senior Advisory Group, argues that because the Constitution allows the Parliament to make special laws for indigenous people, it's only fair they have a constitutional right to be consulted about them. Implied is that the scope of the Voice would be limited to legislation involving Section 51(xxvi), the so-called "race power", and perhaps also "special measures" under the Racial Discrimination Act. Examples would include the Native Title Act, or special rent assistance to increase indigenous participation in tertiary education. Yet Kenny, who has begun to express reservations about the little information so far released about the Voice, may have a wider mandate in mind, as do Voice advocates more generally.

The Langton–Calma report says parliament would be obliged to consult the Voice on a defined and limited range of matters. These are yet to be detailed. There would be an expectation of the Voice being consulted on a wider range of matters based on principles that are, again, yet to be detailed. But Langton and Calma do not limit what the Voice may wish to advise on.

The wording Albanese proposes for the Constitution is that the Voice "may make representations to parliament and the executive government on matters relating to Aboriginal and Torres Strait Islander peoples". Minister for Indigenous Affairs Linda Burney talks about matters like health, housing and education. Even so, it's not clear whether she means *all* health, housing and education policies or only those that specifically target indigenous Australians. Other Voice advocates have much longer lists, including criminal justice matters. Foreign Minister Penny Wong's intention to appoint an "Ambassador for First Nations People" to "embed Indigenous perspectives, experiences and interests into our foreign policy" suggests an agenda for the Voice that is much broader than practical measures to improve indigenous health, education and housing. Will we also have indigenous perspectives on defence, the economy, science, the environment and every other matter? Former High Court judge Kenneth Hayne, for one, views the ambit of the proposed clause as broad.

Albanese says the scope of the Voice is a matter of detail that will be sorted out by the parliament after the referendum. Others, such as columnist and lawyer Janet Albrechtsen, citing former High Court judges Kenneth Hayne and Ian Callinan, point out that it is the High Court that will decide on the interpretation of "matters relating to" and the constitutionality of any constraints Parliament might place on it.

Many Voice proponents focus on the claim that it would deliver practical outcomes and help close the gap. For example, Ben Wyatt says governments need a credible source of advice and engagement with the most marginalised to ensure policy is more effective, "to ensure the taxpayer dollar is spent with better outcomes". How the Voice would achieve this is nothing if not a mystery. Such Voice advocates have diagnosed the problem as a lack of good advice from indigenous people about their needs and how they should be addressed. The Voice, apparently, will bring to light some profound new insights or delivery mechanisms that will transform the situation, with "empowerment" a magic cure-all.

Langton and Calma talk of local and regional voices working with existing institutions in a "co-design and partnership" model involving

"shared decision-making" with all levels of government. Yet the Coalition of Peaks, an existing body of over eighty indigenous community organisations, says it already works for indigenous communities through partnerships and shared decision-making with governments at all levels. The National Indigenous Australians Agency, with over 1300 staff, says its focus is on:

> working in partnership and place to deliver on programs under the Indigenous Advancement Strategy (IAS). First and foremost, we work with First Nations peoples to share decision-making to achieve better outcomes. We also work closely with our Commonwealth colleagues, state and territory governments and peak organisations to ensure a joined-up approach.

We *already have* organisations taking the sort of approach Langton and Calma claim for their local and regional voices.

None of this "getting advice" to deliver "better outcomes" requires the Voice to be enshrined in the Constitution. The Parliament already has all the authority it needs to legislate for any advisory or deliberative bodies it sees as necessary or desirable. Much advocacy for a constitutionally enshrined Voice appears fuelled by resentment that the Aboriginal and Torres Strait Islander Commission (ATSIC) was abolished in 2005 by John Howard's government with, it should be noted, Labor's support. It is a key reason for rejecting the option of a legislated Voice. The *Australian*'s Paige Taylor explains that inside the Yes campaign:

> thinking goes something like this: the first time there is a problem with a [legislated] Voice member or the body itself—and that is entirely possible—a government could opt to abolish the body rather than fix it. If the voice was in the Constitution, future parliaments would be obliged to reform it in response to scandals or flaws and to suit the circumstances of the day.

The clear implication is that ATSIC should have been reformed, not abolished. Putting the Voice in the Constitution, rather than legislating it, is a tactic to take abolition off the table once and for all. Albanese says it "means a willingness to listen won't depend on who is in government or who is prime minister"; a voice, in the Prime Minister's words, that "cannot be silenced".

The Coalition of Peaks, an existing body of over eighty indigenous community organisations, says it already works for indigenous communities through partnerships and shared decision-making with governments at all levels.

Constitutional recognition of indigenous Australians came to prominence following the 1992 *Mabo* land rights decision, although it has a longer history. But the then prime minister, Paul Keating, and the Australian Republican Movement, led by Malcolm Turnbull, were wary about it appearing integral to their push for a republic. The Constitutional Convention of 1998 and the ATSIC-organised Indigenous National Constitutional Convention supported "a Constitutional preamble recognising Indigenous Australians and the fact of their original occupation". John Howard commissioned the Australian poet Les Murray to help draft a new preamble, which was amended through the parliament before being put to a referendum along with the republic in 1999. Both changes were comprehensively rejected by Australians.

Since then, "minimalist" recognition in the preamble has been dismissed by indigenous leaders as merely "symbolic" with the related insistence that recognition must be "substantial" recognition. In his 2014 Quarterly Essay, *A Rightful Place: Race, Recognition, and a More Complete Commonwealth,* Aboriginal leader Noel Pearson proposed that recognition take the form of a new indigenous body to ensure that "indigenous peoples get a fair say in laws and policies made about us"; "to ensure that indigenous peoples have a voice in their own affairs". Indigenous leaders also proposed a process of building an indigenous consensus around recognition. In 2015, the Prime Minister Tony Abbott rejected it, concerned that proposals would emerge from an indigenous-only process that would be unlikely to receive general support. He wrote, "I am in favour of building consensus, but strongly believe that this should be a national consensus in favour of a particular form of recognition rather than simply an Indigenous one." Later that year, the new Prime Minister Malcom Turnbull in concert with opposition leader Bill Shorten established a referendum council co-chaired by Pat Anderson and Mark Leibler to, among other things, "lead the process for

national consultations and community engagement about constitutional recognition, including a concurrent series of Indigenous designed and led consultations". It culminated in the gathering of indigenous leaders at Uluru in 2017 that produced the Uluru Statement from the Heart.

The Uluru Statement talks about "indigenous sovereignty never ceded" and asks for a constitutionally enshrined Voice to Parliament together with a Makarrata process of "truth-telling" and "agreement-making". Voice, truth, treaty. Morrison's government supported a legislated approach to the Voice, not one in the Constitution. Linda Burney, however, rejects the legislated approach, saying it "ignores wishes of the more than 1200 First Nations leaders who took part in nationwide consultations that led to the Uluru Statement from the Heart". We have come to the difficulty Abbott worried about: an indigenous consensus on recognition, not a national one, that Prime Minister Albanese has committed to put to the Australian people and which risks rejection.

Albanese has not just committed to a referendum on the Voice. He's committed to implementing the Uluru Statement from the Heart in full: Voice, truth, treaty.

But Albanese has not just committed to a referendum on the Voice. He's committed to implementing the Uluru Statement from the Heart in full: Voice, truth, treaty. And all the while he soft-soaps Australians that this referendum is all about courtesy. That is belied by its status as "substantial" recognition. Marcia Langton says the referendum will determine whether our nation continues to be "founded on colonial theft and brutality" or "a new accord".

Opposition Leader Peter Dutton has written to Prime Minister Albanese seeking answers to fifteen basic questions about the proposed Voice. One of them strikes me as a serious misunderstanding of what's at stake, in asking whether the Prime Minister will rule out using the Voice to negotiate a national treaty. This query utterly mistakes the situation because Albanese has *already* committed to implement the Uluru Statement from the Heart in full.

An agreement, a treaty, would be a matter that relates to indigenous people, and it follows that the Voice would make representations on it—including, of course, its terms, its acceptability and its implementation.

Right now, before the referendum, Dutton should be pressing Albanese on his plans for the whole Uluru Statement from the Heart—Voice, truth, treaty, not just the Voice. As former UK Supreme Court judge Lord Jonathan Sumption wrote regarding the Brexit vote, a referendum "must be held after and not before a contingent agreement has been reached on the terms".

Albanese wants the opposite—have the referendum first and, if the Yes case gets up, establish how the Voice will operate. After that, "truth-telling" and the inevitable treaty.

Make no mistake, the Uluru Statement from the Heart is about creating a constitutionally enshrined indigenous representative body and the supporting governance structures that would amount to a de facto government for a quasi-independent indigenous nation that would have a treaty-governed, co-governance relationship with the Commonwealth of Australia. This referendum is about the very foundations of Australia. Aboriginal leaders know it, and Albanese pretends otherwise. Dutton and his Liberals need to wake up. Albanese is proposing a revolution.

Dr Michael Green has a PhD in Systems Engineering. *This article appeared on **Quadrant Online** in January, with footnotes.*

Keith Windschuttle

An Ambassador for Reparations

In September last year the Albanese government advertised for applicants for a new position in the bureaucracy, an Ambassador for First Nations People. The ambassador would be employed by the Department of Foreign Affairs and Trade to work across a number of government agencies and departments. The brief would be to "engage directly on how Australia's international engagement contributes to Indigenous community and economic development, supports First Nations businesses and exporters, delivers practical action on climate change, builds connections across the Indo-Pacific region and supports Indigenous rights around the world". The position would mean that Australia would for the first time have "dedicated indigenous representation in our international engagement".

In other words, from the earliest days after its election victory, the Albanese government decided that the scope of its commitment to the Aboriginal Voice would extend well beyond domestic issues.

In March this year, Indigenous Affairs Minister Linda Burney announced that Justin Mohamed had got the job. The published documents gave only short accounts of the areas in which Mohamed would concentrate but it was clear he was expected to focus on issues of much more significance than overseas trade in indigenous art and artefacts or tourist attractions.

Mohamed's former career path has been not in trade but in identity politics. His previous job was Secretary of Aboriginal Justice in the Victorian government where he oversaw the development of the state treaty with Aboriginal people and truth-telling projects. As Ambassador for First Nations, his brief from the Albanese government now is to "ensure the perspectives of Aboriginal and Torres Strait Islander peoples are included in our international engagements".

You might have thought such an appointment would have attracted its share of publicity, especially given the controversy that emerged over Albanese's decision to give the proposed Voice the right to consult and advise not just the Parliament but the entire executive of the Commonwealth government. An indigenous ambassador could potentially influence international policies of security, defence and foreign affairs. If the Voice gets up under its present wording, the ambassador will clearly be one of those always at its beck and call.

So far, the mainstream media have largely ignored this development. The announcement of Mohamed's appointment received minimal publicity. The only commentary I have seen about it has been an article by Gary Johns, secretary of Recognise A Better Way, in the online site *Epoch Times*. Johns's piece was published before Peter Dutton transformed the media debate by announcing he would lead a Vote No campaign. Yet the implications of the Voice's international role deserve to be much wider known, since they provide more strong reasons for voting No.

In the advertisement for the ambassador's position last September, the media release was accompanied by a statement from Foreign Minister Penny Wong who said that, as well as helping to grow Aboriginal trade and investment, the ambassador "will also lead Australia's engagement to progress First Nations rights globally". What she was tacitly referring to here was the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a document endorsed by the UN General Assembly in 2007. Kevin Rudd's Labor government officially adopted it at a ceremony in Parliament House, Canberra, in April 2009. Ever since then, the ideas in this declaration have been central to Aboriginal political demands on the rest of Australia.

For its Aboriginal advocates, UNDRIP promises two major gains in economic and political power: reparations and sovereignty. These issues will be the focus of much of Ambassador Mohamed's time and energy in pursuing Aboriginal rights globally. If the constitutional referendum proposed by Albanese is successful, the activities the new diplomat will be required to pursue in international

tribunals like the UN Human Rights Council, the UN Permanent Forum on Indigenous Issues or the International Court of Justice, will be those identified by UNDRIP.

One of the principal issues that document identifies is reparations. Its article 28 endorses the following two clauses:

> 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
> 2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Since the Aboriginal political class now declares at every opportunity that they never surrendered their sovereignty over all of Australia and that British occupation of Aboriginal land in 1788 was illegal both then and now, the Commonwealth government could be faced with some very costly demands. The appropriate reparations would be equal in value to all the property that was purportedly stolen from them—that is, the entire continent of Australia, its offshore islands and waterways—that have not already been returned or compensated.

In 2005, another declaration by the UN was passed by the General Assembly. This is generally identified as the acceptance of the human rights set out in the Van Boven Principles. (The formal title was: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.) Today it is frequently referenced in papers and reports on Aboriginal policy by Australia's various human rights bureaucracies and in documents advocating Aboriginal treaties.

For example, one of the most exhaustive of these reports is the *Northern Territory Treaty Commission, Final Report*, 2022, which argues that a treaty with "First Nations" should provide reparations for indigenous people under the Van Boven Principles. This requires the Commonwealth to provide to Aboriginal people "an acknowledgement and apology for breaches of human rights; guarantees against repetition; measures of restitution; measures of rehabilitation, and monetary compensation".

The Northern Territory report says reparations should be paid to those indigenous people who have suffered personal pain and suffering, and have endured losses of identity, family connection, language, culture, and access to traditional land. Since large numbers of those who identify as Aboriginal today would not trouble their conscience by pleading they or their ancestors endured such misfortunes, they would not hesitate to join the long queue for reparation payments.

We already have an example of the granting of similar terms by the Commonwealth government in the $600 million grant announced in 2021 to members of the Stolen Generations and their offspring. The then Minister for Indigenous Australians, Ken Wyatt, allocated the money for the "healing" of those allegedly suffering from trauma. Most of it, some $378 million, was to fund a "redress scheme" comprising compensation grants of $75,000 to each individual who identifies as a survivor of the Stolen Generations, plus a $7000 grant "to facilitate healing". The rest was allocated for grants for research services and healing treatments.

Even though the major test case of the Stolen Generations in the Northern Territory Supreme Court, *Cubillo and Gunner v Commonwealth*, found the claims by the plaintiffs were unproven, and the High Court of Australia in *Kruger v Commonwealth* found the same about claims of genocide, Wyatt agreed to pay compensation not only to those who claimed to have been stolen but to their relatives and descendants for the alleged trauma they suffered, with no limit on how distant this family relationship might be. Even the great-grandchildren of the original Stolen Generations claimants could make a claim. The policy would serve those "descended from older generations who were removed—great grandparents, grandparents, parents, aunties, and uncles".

Even greater munificence can be expected if the current Commonwealth government wins the constitutional referendum later this year and introduces a treaty with similar ideological objectives.

The key ideas that inform these policies do not derive from Aboriginal culture or its modern political advocates. Like the term "First Nations", the most influential ideas about reparations and compensation in the international milieu come from the US. They are not ancient or traditional there either.

Since 2001 and the publication of a best-selling book by Randall Robinson, *The Debt: What America Owes to Blacks*, a growing number of lawsuits and political demonstrations have generated a movement

to compensate the distant descendants of America's black slaves. US academics have embellished their careers by joining the throng and specialist lawyers have emerged to pursue the issue through the courts and legislatures.

Since the police killing of African-American George Floyd in May 2020, the Black Lives Matter movement has become the most publicised promoter of the link between slavery and contemporary race relations. And just as Australian Aboriginal radicals in the 1960s imitated the Black Power advocates of the American Civil Rights movement, today's Aboriginal political activists are doing much the same again this time around. This is despite the fact that the movements they are imitating were founded not by indigenous Americans but by African-American socialists.

Since January this year, the most notorious of the American demands for reparations has been initiated by advisers to the government of the City of San Francisco. Although California was never a state that permitted slavery in any legal or political sense, it is now being told to lift black reparations to a breathtaking new height.

San Francisco's African American Reparations Advisory Committee produced a report advocating a $5 million payment for every black person who qualified, plus a supplemental income to low-income residents for the next 250 years. The principal qualifications required for these payments were that recipients be at least eighteen years old and have identified as black or African-American on public documents for at least ten years. Other requirements include that the resident has been "personally, or the direct descendant of someone, incarcerated by the failed War on Drugs" or is a "descendant of someone enslaved through US chattel slavery before 1865".

The San Francisco report also included a statement that is very likely to have an influence on the kind of debate we can expect in the Vote Yes campaign in our forthcoming referendum. In a testimonial bordering on ethnic blackmail, the report declared that San Francisco's "international reputation as a shining progressive gem in the west is undermined by its legacy of mistreatment, violence towards, and targeted racism against Black Americans". The San Francisco city government is currently negotiating with the authors of this proposal who will submit a final report in June.

Is the $5 million per head of reparations an ambit claim that will inevitably be reduced? Probably yes. But in the minds of reparations seekers everywhere it has certainly lifted the bar of what could be possible and what they are likely to settle for.

So by the time the Australian government's negotiators settle with the Voice on a figure for individual reparations here, it's a safe bet the $600 million granted by Ken Wyatt for his Stolen Generations redress scheme will look paltry. In fact, the number of Australian indigenous claimants attracted to a reparations offer like that of San Francisco would make the costs of the recent national Covid lockdowns look like small beer.

As a growing number of comments by readers of articles in our daily newspapers are beginning to recognise, the treaties and reparations generated by the Voice can never lead to reconciliation. Instead, discussions about who will get what from treaties in Australia have already created two separate entities, Aboriginal people versus Australian people, engaged in an unseemly contest for moral supremacy and political power.

As a growing number of comments by readers of articles in our daily newspapers are beginning to recognise, the treaties and reparations generated by the Voice can never lead to reconciliation.

As leftist historian Henry Reynolds argued in his 1996 book *Aboriginal Sovereignty*, and as the subsequent stream of books and reports by the Aboriginal elite in Sydney, Melbourne and Canberra confirm time and again, their common objective is to divide this continent three ways, between Aborigines, Torres Strait Islanders, and the rest of us. The 97 per cent of the population descended from those who came here after 1788 have nothing to gain and a lot to lose.

The objectives of indigenous sovereignty and reparations for bogus historical offences should be seen as the opposite of "completing the nation". Those conservative political identities who have long supported the Voice, such as Julian Leeser and Greg Craven, have based their stance on wishful thinking. As any realistic conservative could tell them, a victory for Yes in the forthcoming constitutional referendum is guaranteed to divide the nation. The goodwill of the majority of our population towards Aboriginal people, clearly in evidence since the previous referendum in 1967, will be lost in a swamp of unjustifiable political and moral dogmas that the Voice will institutionalise. The unintended consequences can only end in sorrow.

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*Keith Windschuttle is the Editor of **Quadrant** and author of **The Break-up of Australia**. This article appeared in the May issue.*

Michael Detmold

The Voice Referendum: Cheating the Constitution

The first Australian referendum to amend the Constitution was held in 1906 and the short question to be addressed in the ballot box was: "Do you approve of the proposed law for the alteration of the Constitution entitled 'Constitution Alteration (Senate Elections) 1906'?"

If you didn't know what this statute ("proposed law") was going to do in respect of Senate elections, too bad—you didn't matter. The same form was adopted for the next thirty or so constitutional referendums: it was a substantial disfranchisement of many Australian electors each time.

Section 128 of the Constitution provides the lawful way of amending the Constitution, but the understanding of this section is made difficult, even to lawyers, by its mixing its essential thrust with long auxiliary provisions (such as the relation between the two houses of Parliament). These obscure a very clear essence, but when in our reading we excise them, the following simple and now obvious central structure comes into focus:

> The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors.
>
> When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes.
>
> And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the King's assent.

The key to understanding the essence of our referendums is submission. It is perfectly clear from these provisions that a law not submitted to the electors cannot be approved by them and therefore cannot be presented for the King's assent and cannot amend the Constitution.

The short question in the Voice referendum process—the one to be submitted to us in the ballot box—reads as follows: "A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?"

The parliamentary bill that establishes the referendum sets out this short question and then goes on to state a longer version of the "proposed law"; this is the actual constitutional text that would be inserted into the Constitution were the referendum carried. This longer statement adds two things of substance to the short question: first the Voice's function (of making "representations to the Parliament and the Executive Government of the Commonwealth …") and second, the Voice's structure (Parliament's "power to make laws with respect to matters relating to the Voice, including its composition, functions, powers and procedures").

These two substantive provisions (making representation and structure) could certainly be inserted into the Constitution if they were "submitted in each State and Territory to the electors" and were carried in the terms of section 128. But the simple fact is that they are not being submitted by the present referendum and therefore cannot possibly be validly inserted into the Constitution. What is to be submitted to us is the short question; but it is not planned to insert that into the Constitution.

The government has tried to hide anything about what the Voice is to be doing—the question that has occupied the whole debate so far. Most people want Australia's first peoples to be recognised in the Constitution; and the government is trying to get them to vote on that alone—a vote that would carry the hidden matters with it, a veritable constitutional fraud.

It is doing this in two ways: (a) removing what the Voice is to be doing and how it is to be structured from the submission to the electors in

the ballot box, and (b) making an illicit delegation of those powers to Parliament, as explained in an earlier article ("Unconstitutionality in the Voice Amendment", *Quadrant*, June 2023). It is attempting to create a new and unique constitutional entity that it only partly defines, leaving the rest (delegating it) to Parliament.

The power to construct the Voice is given to the legislative power of Parliament. Now, the conferral of a new legislative power (as was achieved in the 1946 Benefits referendum, and attempted in the 1951 Communist Party referendum) is not a delegation of the amendment power to the Parliament, it is the creation of a legislative power. The difference with the Voice referendum is that it is intending to create a new and unique constitutional entity that it only partly defines; it is leaving (delegating) the rest of the definition to Parliament—hiding it from the referendum.

Most people want Australia's first peoples to be recognised in the Constitution; and the government is trying to get them to vote on that alone—a vote that would carry the hidden matters with it, a veritable constitutional fraud.

A law not submitted to the electors cannot be approved by them and therefore cannot amend the Constitution. The formal submission by Parliament is in its short question of the proposed law to the electors. But could there not be another form of submission constituted by the whole activity of the referendum, including particularly the Yes and No cases mailed out to electors? The Parliament would in this way, by establishing the complex referendum process, be submitting it to the approval of the electors. There are several reasons that preclude this.

First, it would be difficult to tell what was a satisfactory extrinsic process and what was not (readers will remember that the Prime Minister was for a long time against allowing the Yes and No cases). Second, it would still be necessary to look also at the actual question in the ballot box which might by its precision be taken to limit an elector's understanding of the extrinsic process—there is no way the formal question can be ignored here. Third, the process of the referendum is intrinsically formal, involving the creation of a proposed law starting in the form of a bill and ending if approved in an Act of Parliament. This fits the formality of the ballot box, but not the controversy and wheeling and dealing in the politics of the referendum.

Statutes (and their bills) have a long title and a short title, the latter usually, but not always, shorter than the long. I shall not distinguish between these two titles, and simply refer to the title chosen for the short question in the referendum law.

In the first referendum of 1906 the proposed law was referred to by its title (the proposed law for the alteration of the Constitution titled "Constitution Alteration (Senate Elections) 1906". And this perfunctory practice of submitting simply the title of the law continued for more than fifty years. The practice makes no sense at all. By the time "a proposed law is submitted to the electors" (the wording of section 128) the Parliament has done its work and the issue turns to the sovereign people. There is no point in expressing the people's issue in terms of a Parliamentary enactment that most people will not even know where to find. It's not as though Parliament's work in creating the referendum would drop away if not asserted—if the electors approve, it goes straight into the Constitution without question. For a valid referendum there must be a submission by Parliament and an act of approval (or not) by the electors; but the perfunctory form is neither a submission (information is held back, not submitted) nor a possible approval (approval requires knowledge of the thing approved). And so these early referendums were obviously invalid as inconsistent with section 128.

The title is a mere distraction—completely irrelevant to the constitutionality of the vote. The proposed law might be titled "Albo and the Vibe", and it would be judged not as a title, but as a guide to approval or not of the long statement. (And would fail.) A real (indisputable) title—say, Bill number xy of 2023—raises a different issue. This is a proper name that refers precisely to what is to be inserted into the Constitution, but as an issue for approval or not, is completely meaningless to an elector who knows nothing of that bill.

In 1967 the titling of the proposed laws became longer, more descriptive and more informative:

> Do you approve the proposed law for the alteration of the Constitution entitled "An Act to alter the Constitution so as to omit certain words relating to the People of the Aboriginal Race in any State and so that Aboriginals are to be counted in reckoning the Population"?

This was a crucial change. But though more informative—as this one is—titling raises the possibility of being less informative in that it gives

the Parliament the opportunity to do precisely what has been done in the Voice referendum: choose between elements of the proposed law to exclude those believed to favour a No vote.

There was now no necessity to worry about the question of title. So, in the four referendums of 1977, instead of referring to the title of the amending statute the amendment itself was described, for example (the Territorial Voting referendum):

> It is proposed to alter the Constitution so as to allow electors in the territories, as well as electors in the states, to vote at referendums on laws proposed to alter the Constitution. Do you approve of the proposed law?

This was a perfectly fair submission by Parliament for the electorate's approval (or not). But this new descriptive practice, too, contained the possibility of abuse, choosing between elements of the proposed law to exclude those that are thought to favour a No vote.

In 1984 the Referendum (Machinery Provisions) Act (48,793 words!) reinstated title, requiring the short question to "set out the title of the proposed law". What the Parliament did to deal with this problem in the Voice referendum was to satisfy the requirement of title by quoting the title (short or long) that the bill itself is given. But who gives the bill its title? The Parliament does. And so this title, too, is open to exactly the same No vote abuse.

That there be, following a successful referendum, a precise statement of what is to be inserted into the Constitution is obviously necessary (the referendum itself cannot be the place for argument about detailed wording), and it must be the Parliament that makes this precise statement and publicises it. But to inform some electors of it—those who read the bill—is not to submit it even to them. The issue in the Voice referendum is not one of detailed wording: the function and constitution of the Voice is a major part of the very essence of the referendum. To submit these essential elements to the electors is not hard to do. The Republic referendum was much more complex than the current one, but its short statement (remove the Queen and install a Parliamentary-elected President) caught the substance with accuracy and so its being submitted to the electors could count as a submission of the longer form.

It is not the difficulty of stating the substance that has moved the present government: it is its wish to remove two issues of real contention from its submission to the people. It seems to have feared it might lose the referendum on these real and more complex substantive issues (issues that have dominated the political debate). Issues not submitted are not capable of approval in the terms of section 128—"submit" and "approve" (or not approve) are logically correlative.

In *Boland v Hughes*, Chief Justice Mason said, "it is for Parliament to decide what shall be the content of the proposed law to be submitted to the electors". He was referring both to the short question and to the long version in the whole bill. Parliament has a significant discretion as to both formulations. But there is a big difference between them. The discretion as to the long version is unbounded, whereas the discretion as to the short question is a discretion within the necessary requirement that it count as a submission of the long version (whatever it is) to the electors.

Section 128 also requires the Parliament to choose the manner in which a vote shall be taken, but that too is on the assumption that the long version is being submitted to the electors.

Many previous referenda have been simple and short, where there was no reason for not allowing the whole long version to be the short question (here the perfunctory practice's silly choice of playing with "title" has now caught up with it—how can the title be the same thing as the content?!)

The Republic referendum was aimed at a complete rewriting of much of the Constitution. For complex referendums there must be a question short of the whole proposed text. The short question (call it X), is the only formulation of the bill that is actually submitted to the electors, and so the question after it is: how does the long formulation of the proposed law (Y) get to be submitted to the electors so that it can be inserted into the Constitution? X is to be submitted to the people, but Y is to be put into the Constitution. There must be a valid connection. And the only possible connection is this: X must be a short and fair description of Y (as it was in the four 1977 referendums). Only then is it the case that by submitting X to the electors, Y also has also been validly submitted to them.

There is no doubt that here there is here a wide discretion in the Parliament as to this connection; but, still, it is the issue. Of the Voice referendum, we must be able to say that: "Recognising the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice" (X) is a short description of: "Recognising the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice that may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to

Aboriginal and Torres Strait Islander peoples; and recognising also that Parliament has power to make laws with respect to matters relating to the Voice, including its composition, functions, powers and procedures" (Y).

No matter how wide the discretion of Parliament, it is not even faintly arguable that this X is a short description of this Y. It follows that the Voice referendum fails on the issue of its submission to the people and is invalid.

It's not as though there is difficulty in drafting an X that is a short statement of Y: "A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice that is (a) constituted by Parliament and (b) may make representations to the Parliament and the Executive Government of the Commonwealth. Do you approve this proposed alteration?" is short and would do.

The lawyers advising the government have overlooked the failure of the referendum to submit the true questions to the electors because their attachment to the cause of the Voice has clouded their professional integrity.

The Australian Constitution, which guarantees the basic citizenship of all races, genders and creeds, is the peak of Australia's constitutional law. How is it that many Australian lawyers (and even Bar Councils) have not in the matter of the Voice referendum seen the Constitution as their first allegiance? This is by no means to say that they should not as individual citizens support the Voice, only that their professional integrity should attach to the Constitution, not to a particular sectional interest. But are they not supporting the Constitution when they advocate its amendment in the Voice referendum? This is a spurious claim. On the question of amendment their professional integrity must attach to the lawful way of amending the Constitution, not (except personally) to a particular sectional amendment. And here, the many lawyers advising the government have overlooked the failure of the referendum to submit the true questions to the electors because their attachment to the cause of the Voice has clouded their professional integrity. This, regrettably, is the case with the larger Bar Associations, whose principal function is the professional integrity of lawyers. Many lawyers do practise that professional integrity, but when senior barristers and judges call them racist for doing so, it is their own professional integrity that they trash.

And there are simple mistakes. Some lawyers have missed the invalidity of the current referendum because they have been misled by the absoluteness of the amending power. They (correctly) see that section 128 is unlimited in the kind of amendment that can be proposed by Parliament (the absolute power of the Parliament to define the long statement) and because of this absoluteness ask no questions. These lawyers overlook the fact that the absoluteness itself is conditional on Parliament's submission to the people in the ballot box's short question. They misunderstand the people's absolute sovereignty to which the Parliament must submit.

The referendum process that Parliament has established for the Voice is a "matter arising under the Constitution and involving its interpretation", as to which the High Court clearly has jurisdiction to strike down an unconstitutional referendum result after the event (as Mason CJ said in *Boland v Hughes*). The structure that Parliament has given to the Voice referendum is invalid under section 128 and an abuse of, not merely a mistake about, the Constitution.

Now, judgments of public administrative law sometimes come to the conclusion that government action whilst legally wrong is nevertheless valid. It would be a very big thing for the High Court to invalidate a successful referendum; and so might it not say that the short question put to the electors in the Voice referendum was legally wrong, but nevertheless the referendum result is valid? No, it might not.

As I have said, the process of the referendum is intrinsically formal, involving the creation of a proposed law starting in the form of a bill and ending if approved in an Act of Parliament. And Acts of Parliament are never legally right or wrong; they are either valid or invalid. Is the Act constituting the Voice referendum, and therefore the Voice referendum itself, valid or invalid? It is invalid. Should the High Court be approached on this, we could expect it so to rule.

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Joe Stella

Mobutu, *Authenticité* and the Dark Heart of the Uluru Statement

"History is calling", or so the leaders of the Uluru campaign to enshrine a First Nations Voice in the Constitution tell us. The slogan is calculated to exploit the ignorance of Australian history so diligently cultivated by our schools and universities in recent decades. Ironically, in drafting the "Statement from the Heart" in 2017, the Uluru delegates fell victim to their own ignorance of history, in ways that fatally undermine the document's moral force.

The Statement quotes or paraphrases four men the Uluru delegates considered to have made a significant contribution to the Aboriginal rights movement: anthropologist Bill Stanner, Labor Party leader Gough Whitlam, Yolngu activist Galarrwuy Yunupingu and Lebanese jurist Fouad Ammoun. The references are not provided in the text, appearing instead in the *Final Report* of the Referendum Council. Whatever one may think of their politics, all four have or had a certain way with words. The delegates' original work is a tasteless melange of straw men ("We are not an innately criminal people"), gift-shop mysticism ("They will walk in two worlds") and clunking nonsense ("These dimensions of our crisis tell plainly the structural nature of our problem"). Understandably, they sought the razzle-dazzle of a few choice phrases from the past.

Three of the quotes are uncontroversial choices. Paragraph 7 adapts Stanner's powerful 1959 phrase, "the torment of powerlessness". Paragraph 9 borrows Whitlam's 1972 form of words, "their rightful place", though Gough was not talking about Aboriginal rights at that point in his speech. And paragraph 11 contains a dubious translation of *makarrata*, "coming together after a struggle", which the *Final Report* wrongly attributes to a 2016 essay by Yunupingu, "*Rom watangu*: The Law of the Land".

Clearly, one can quibble with all of these. *Makarrata* (or *magarada*) is a term used in Arnhem Land for a type of ceremony once practised all over Aboriginal Australia, the "juridical fight". These fights were highly structured and regulated outlets for retributive group violence that typically ended, or were at least adjourned, once a serious enough injury had been inflicted. The anodyne translation "coming together after a struggle" appears to have emerged around 1979 when the National Aboriginal Conference—the "Voice" of its day—proposed using the term as an alternative to the politically toxic "treaty". The 2016 essay mentions a last *makarrata* occurring on a beach in eastern Arnhem Land some time in the early 1930s: "On the sand at Birany Birany the peace was made, grievances were settled and a better future was created." One can only imagine how powerful the Uluru Statement might have been had Yunupingu written it.

Stanner's essay is also partly concerned with the demise of the juridical fight. He tells the story of a man he first met in the aftermath of such a ceremony on the Daly River in 1932. Durmugam had made every effort to honour his traditional legal obligations throughout his life only to see, in old age, respect for the traditional law evaporate among young Aborigines. By 1958, the reach of Australian law was sufficient to shield Durmugam's Aboriginal tormentors from customary payback, while affording him no alternative form of redress. The "torment" of any criminal serving a prison sentence today is doubtless acute. But it bears no comparison to that of Durmugam's generation, whose fate it was to experience 12,000 years of social and technological change in a single lifetime.

For present purposes, we can be generous and say the quotations attributed to Stanner, Whitlam and Yunupingu were less about the historical context and more about honouring significant individuals. The same cannot be said of the other quote, which forms most of Uluru's paragraph 3. It says:

> This sovereignty is a spiritual notion: the ancestral tie between the land, or "mother

> nature", and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.

It comes from Fouad Ammoun, Vice-President of the International Court of Justice from 1970 to 1976. The words, with a minor modification, are taken from his "separate opinion" in the ICJ's Western Sahara case of 1975, though the Referendum Council's *Final Report* (again) wrongly attributes them to the full court. In place of the "materialistic" doctrine of *terra nullius*, Ammoun had commended an alternative "spiritual notion": "the ancestral tie between the land, or 'mother nature', and the man who was born therefrom, remains attached thereto, and must one day return thither to be united with his ancestors".

Ammoun and his brother judges were not addressing Australia or the status of its indigenous peoples. But within a few years *Western Sahara* and *terra nullius* were firmly established in the local discourse on Aboriginal rights. The case offered a tantalising prospect that Aboriginal grievances could some day be ventilated in a sympathetic international forum. It may have inspired the concept of Aboriginal sovereignty that found its first public expression in Paul Coe's protest at Kurnell in April 1977. More circumspect activists, such as Henry Reynolds and Judith Wright, confined themselves to quoting from the advisory opinion. The angrier ones, such as Kevin Gilbert, preferred Ammoun's version.

Ammoun and his brother judges were not addressing Australia or the status of its indigenous peoples. But within a few years Western Sahara and terra nullius were firmly established in the local discourse on Aboriginal rights.

Ammoun enters Uluru by way of the judgments in *Mabo v Queensland (No. 2)*, where he is quoted twice. Why Eddie Mabo's lawyers, let alone justices Brennan and Toohey, sought to draw attention to the Western Sahara case is a mystery. That colony was acquired by treaty, not occupation. And it is now widely—if quietly—accepted in academic circles that their honours blundered in bringing *terra nullius* into the case at all. Not only was the term unknown to the men who led the colonisation of Australia in the eighteenth and nineteenth centuries, Mabo himself was not challenging the Crown's sovereignty over the Murray Islands. It's also unclear why Ammoun's commentary was given such prominence relative to the actual opinion of the ICJ. (All questions, perhaps, for the threatened "Truth" Commission to consider at a future date.)

But however unhelpful they are as guides to the law as it relates to indigenous sovereignty, it is clear both *terra nullius* and *Mabo* have taken on totemic significance for the Aboriginal rights movement. Perhaps the drafting committee at Uluru had been told to quote from *Mabo*, and naturally lit upon one of the judgment's most poetic passages? If this was the case, it's unsurprising that an obscure Lebanese diplomat ended up getting forty-eight words into the Statement when local big guns like Stanner, Whitlam and Yunupingu had to make do with just fourteen between them (with the latter apparently misquoted). But it does not appear to have occurred to anyone—not Brennan and Toohey, not the Uluru delegates—to ask themselves what Ammoun was actually trying to say.

In 1974, Spain was preparing to exit its Saharan province, under pressure from the international community and the Frente Polisario, the putative liberation army of the indigenous Sahrawi. Applying the usual template, the UN expected that a referendum would be held at which the Sahrawi would choose between independence, free association with another state, or incorporation into a neighbour. The Kingdom of Morocco saw its chance to seize the province's lucrative phosphate deposits and fisheries. At Moroccan urging, the General Assembly cancelled the referendum and asked the ICJ to issue an "advisory opinion" on the kingdom's claims to the land. The ICJ concluded that despite historical links between Sahrawi tribesmen and the Sultan of Morocco, these did not establish Moroccan sovereignty over the province and could not now be used as a basis to deny the Sahrawi self-determination.

But unlike his brother judges, Ammoun wanted to back Morocco's colonial ambitions and forestall the possibility of indigenous self-determination in Western Sahara. Though he signed the advisory opinion of the court, he published his own "additional opinion" in which he argued (among other things) that there could be no legitimate Spanish title to the province because Spaniards were the wrong race. It is this line of argument, stripped of Ammoun's own anti-indigenous intent, that later enthused Aboriginal rights activists. Drawing on the "penetrating views which compel

our attention" from "Mr Bayona-Ba-Meya, Senior President of the Supreme Court of Zaire", Ammoun wrote:

> Anyone familiar with the philosophy of Zeno of Sidon or Citium and his Stoic school cannot but be struck by the similarity between the ideas of that philosopher and the views of Mr Bayona-Ba-Meya as to the links between human beings and nature, between man and the cosmos. Further, the spirituality of the thinking of the representative of Zaire echoes the spirituality of the African Bantu revealed to us by Father Placide Tempels, a Belgian Franciscan, in his work *Philosophie bantoue*. The author sees therein a "striking analogy" with "that intense spiritual doctrine which quickens and nourishes souls within the Catholic Church".
>
> Mr Bayona-Ba-Meya goes on to dismiss the materialistic concept of terra nullius, which led to this dismemberment of Africa following the Berlin Conference of 1885. Mr Bayona-Ba-Meya substitutes for this a spiritual notion: the ancestral tie between the land, or "mother nature", and the man who was born therefrom, remains attached thereto, and must one day return thither to be united with his ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. This amounts to a denial of the very concept of terra nullius in the sense of a land which is capable of being appropriated by someone who is not born therefrom. It is a condemnation of the modern concept, as defined by Pasquale Fiore, which regards as terrae nullius territories inhabited by populations whose civilisation, in the sense of the public law of Europe, is backward, and whose political organisation is not conceived according to Western norms.
>
> One might go still further in analysing the statement of the representative of Zaire so as to say that he would exclude from the concept of terra nullius any inhabited territory. His view thus agrees with that of Vattel, who defined terra nullius as a land empty of inhabitants.

Ammoun recognised that much European colonisation and seizure of land occurred on the basis that, in some parts of the world, indigenous political and land tenure systems had been rudimentary or non-existent. In the passage above, rather than try to exaggerate the political sophistication of pre-contact peoples, he instead argued that there is some kind of unbreakable supernatural connection between a man and the land of his ancestors. Though supernatural, this connection finds concrete expression in both Western-style property rights and Western-style political sovereignty. Not only were indigenous Africans intimately connected to the land, the "spiritual" nature of this connection precluded any non-indigenous person from acquiring title to it by *any* process.

The Uluru delegates, if they read Ammoun's opinion, were wise to exclude this, and not just because the Statement was already threatening to go over their single A4 page limit. The implication that non-indigenous Australians are not entitled to own land here would have been electoral poison, enough to get Uluru memory-holed even by Nine Entertainment and the ABC.

Though the delegates had little interest in probing the origins of their own paragraph 3, there is no reason for us to stop at Ammoun. Who was Nicolas Bayona-Ba-Meya? From the date, it is obvious he must have been a key henchman of Zaire's then dictator, Mobutu Sese Seko. What was that regime's interest in the Maghreb, more than 4000 kilometres away? And what made Bayona-Ba-Meya's views so compelling to Ammoun? In a sense it is a pity the poetry-hungry Uluru delegates did not seek the source of Ammoun's words. Whatever his crimes before or after, on one spring morning in the Hague in 1975, Bayona-Ba-Meya beautifully articulated what Aborigines call "connection to country". It is this passage that would ultimately inspire Uluru paragraph 3:

> *[L]'Africain partage la conviction profonde que l'homme ne naît jamais par hasard dans telle ou telle partie de l'univers; la naissance d'un être dans un territoire donné de la terre constitue une directive péremptoire de la nature qui oblige l'homme à forger son destin à partir des composantes de son milieu ambiant; d'où l'obligation vitale pour l'homme de chercher à se situer par rapport à ce milieu; d'où également la nécessité toujours vitale d'établir le contact avec son environnement et plus particulièrement avec la terre. L'authenticité n'est rien d'autre que cela. C'est aussi simple et naturel; c'est une loi fondamentale de l'univers qui s'impose à tous les êtres.*
> [The African shares the profound conviction that man is never born by chance in one or other part of the universe. The birth of a being in a given territory on Earth constitutes a peremptory directive from Nature which requires man to forge his destiny from the elements of his environment; hence the vital obligation for man to seek to situate himself in relation to this environment; and also the

> ever-urgent need to establish contact with his environment and particularly with the soil. *Authenticité* is nothing more than this. It is also simple and natural; it is a fundamental law of the universe that applies to all beings.]

Given the influence of these words in Australia—they may yet bring about constitutional change—we should understand what Bayona-Ba-Meya was trying to do.

After six years in power and anxious to shed his regional reputation as a Franco-American stooge, Mobutu had embarked on a series of ever more audacious campaigns against the legacy of colonialism. Indigenous *Authenticité*, the cornerstone of his ideology, was launched in 1971, targeting inauthentic phenomena such as Catholic schools, business suits, French *prénoms*, the Christmas public holiday and even the names of Congo and its principal cities. Then came the economic program of "Zairianisation", under which rural land was seized and parcelled out to connected officials. In 1974, state visits to China and North Korea and a collapse in rural production convinced Mobutu of the need for "a revolution within the revolution", including a massive expansion in the landholdings of state enterprises. Individuals' spiritual connection to land was of no consequence.

Ammoun declared that not only were indigenous Africans intimately connected to the land, the "spiritual" nature of this connection precluded any non-indigenous person from acquiring title to it by any process.

When the General Assembly referred the decolonisation of Western Sahara to the ICJ in December 1974, the dictator presumably grasped the potential for *Authenticité* to gain a wider audience. Ironically, by the time Ammoun handed down his Mobutu-inspired opinion in 1975, the dictator's global influence had suffered an abrupt reversal, sundered by a halving of the copper price, the venality of state economic management, and his new status as a supplicant to Western lenders.

I was surprised to learn that I am not the first to look into the roles of Bayona-Ba-Meya and Ammoun in the Uluru Statement. Andrew Bolt wrote a somewhat muddled article on the subject in 2019, incorrectly describing Ammoun as Algerian. Uluru supporter Frank Brennan has referred directly to both Bayona-Ba-Meya and Ammoun on occasion, though without showing any interest in their background or motivations. In 2017 he remarked:

> How extraordinary that the inheritors of the longest living culture on earth would quote a Lebanese judge quoting a lawyer from Zaire to express the depths of their spiritual relationship with the land. This is a profound lesson for those of us seeking an inclusive Australia.

Last year, Brennan told an Australian Catholic University audience that "great changes" had been "wrought by the imaginations, dreams, hard thinking, and basic decency of a line of individuals" that included both men. Brennan's lack of intellectual curiosity is all the more galling considering Mobutu's persecution of Zaire's Catholics.

Stripped of its flummery, the text of the Uluru Statement offers no serious case for constitutional change. It observes that a lot of indigenous people are in prison, out-of-home care or juvenile detention. It promises that an advisory committee of the type that has existed in various forms since 1968 will shortly discover a hitherto-unimagined means to reduce these numbers. (Never mind that criminal justice and child protection are the domain of the states and territories, and less than 1 per cent of indigenous prisoners are serving time for federal offences.) There is only one catch: the sinecures associated with this new committee require the security of constitutional entrenchment. All Uluru has going for it is a dash of poetry in paragraph 3. And if that poetry is merely the echo of a dead dictator justifying a ruinous policy of expropriation and repression, what response can we offer but "No"?

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HOWARD TWEEDIE

The Uluru Statement and the First Arrivals

The Uluru Statement is clearly passionately felt. Should it be the basis for constitutional change and for co-sovereignty, as fervently claimed?

Parsing it calmly, the Statement has five elements. The first and critical one is the claim that native tribes possessed Australia "from the Creation", "from 'time immemorial', and according to science more than 60,000 years ago".

The second claim is that the basis for sovereignty is the link with nature, "the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors". "This link is the basis of the ownership of the soil, or better, of sovereignty."

The third claim is that this sovereignty from the land has never been extinguished "and co-exists with the sovereignty of the Crown". The fourth and fifth claims are the expression of powerlessness and the call for a First Nations Voice enshrined in the Constitution.

We all have compassion for the sufferers of seemingly endemic domestic violence. The Statement, however, claims to be endorsed by science. It's therefore worth examining the scientific basis which underpins these claims for co-sovereignty, and doubtless treaty and reparation. Arguably the advances of modern science far outshine any Statement myths.

To say the ancestors were here since "Creation", or "from the first sunrise", is off the scale, to be polite. The James Webb Space Telescope, launched in December 2021, is now showing images almost from the start of our universe, the Big Bang at 13.8 billion years ago. The sun itself formed around 4.6 billion years ago. Our planet Earth pluckily arrived around 4.54 billion years ago.

According to Geoscience Australia, the Pilbara landmass existed over 500 million years ago. Our ancient continent Australia was first part of Gondwana, which started separating around 200 million years ago. Australia itself isolated from around 10 to 55 million years ago. Not surprisingly, Australia's ancient rocks have some of the earliest examples of the start of multi-cellular life, such as eukaryote biomarkers from Mount Isa about 2 billion years ago. Rocks from Jack Hills in Western Australia have the first evidence of the earth's biosphere forming around 4.1 billion years ago.

We should all acknowledge how vastly more ancient this land is than any human arrivals. The oldest rocks are around 70,000 to 80,000 times older, and the continent around 200 to 1100 times older.

In fact, our modern species *Homo sapiens* is relatively recent. Our first ancient human ancestors only separated from apes about 5 to 7 million years ago. Arguably the first great-grandmother of us all, the hominin Lucy, *Australopithecus afarensis*, discovered in Ethiopia, lived around 3.2 million years ago. Still earlier African hominins lived around 3.4 million years ago. Consensus now is that several waves of ancient humans left Africa from 1 to 2 million years ago. Neanderthals departed stage left towards Europe; Denisovans, *Homo erectus* and *Homo floriensis* and perhaps others stage right through Asia. *Homo erectus* reached Java around 1.5 million years ago and Flores around 1 million years ago. The oldest *Homo sapiens* fossil dates from around 300,000 years ago. South-East Asia was occupied by these anatomically modern humans, *Homo sapiens*, around 50,000 to 70,000 years ago.

Australia, until quite recently, around 20,000 years ago, was joined with New Guinea and Tasmania, forming a super-continent called Sahul. To the north of this was another super-continent, Sunda, with much of present Peninsular Malaysia, Borneo, Indonesia and the southern Philippines joined into a great land-mass with South-East Asia. These were separated by the southern Indonesian islands of Sulawesi, Flores and Timor,

called Wallacea. The sea level was then as much as 120 metres lower than today.

The key date for ourselves is when anatomically modern humans, including Aboriginal Australians, left Africa. After much debate, consensus is that there was a single main out-of-Africa departure around 65,000 to 70,000 years ago. (There were smaller excursions around 220,000 years ago.) These more modern humans migrated along the southern Asian coast and inland through India and Sunda. Some scientists say they exterminated the ancient hominins they encountered in Sunda. Others say they colonised and displaced them. There was certainly regular inter-breeding with the Denisovans.

Before we get to the much-debated arrival time into Australia, or rather Sahul, it's worth jumping across to see who current Indonesian and Malay researchers regard as their first ancestors. This is also a complex and controversial issue. There have been three recent major Asian genealogical reviews in 2021 and 2022. The first Sunda people are considered to be the ancestors of the still surviving Malay and Philippine Negritos, renamed the Orang Asli. The Negrito is the most direct descendant of the original hominin inhabitants of the Malay Peninsula. As B.P. Hoh *et al* say, "both mtDNA molecular clocking and inference of divergence times using autosomal DNA support the notion the ancestors of Peninsula Malaysia Negrito may be the earliest inhabitant of [SE Asia] at least 50,000 years ago".

> *While Australian recent research has seemingly focused on archaeology, Asian research has built on recent genomic advances to establish common ancestry and origins.*

We can surmise, but not yet completely prove without more genealogical data, that these earlier hominin and Negrito inhabitants were comprehensively displaced by the more modern anatomically advanced humans migrating south. Would recognising this earlier colonisation help current Australian Aborigines move past their surely self-harming victimisation belief? Current "victims" were also likely much earlier colonisers and even aggressors with greater spear-throwing and tool-making skills.

The claim for a 65,000-year arrival date into Australia, much-repeated by, for example, Noel Pearson, the Australian Curriculum and the Prime Minister, is still scientifically controversial. This needs a deep dive into the vast current research into palaeoanthropology and palaeogenetics. There is almost a battle between the 65,000-year claimants and those of the 50,000-year alternative. The 65,000-year claim was made in a 2017 paper about Madjedbebe in Arnhem Land. It was then comprehensively refuted in a 2018 review, which preferred 50,000 years, due to such things as "anomalous mismatches" between genetic timelines and archaeological chronologies. Counter-arguments were further politely discounted in a follow-up paper in 2020, again due to current genomic research, which reconfirmed 50,000 years. Some researchers say archaic humans may actually have reached Sahul. All acknowledge the great seafaring skills of the first arrivals in crossing from Flores or Timor to Sahul.

Further extensive research in 2021 (about the role of termites in displacing archaeological finds) also concluded that "the early [65,000-year] dates for human presence at Madjedbebe and Nauwalabila must be rejected".

Clarkson *et al* fired back in a mid-2022 review, repeating their 65,000-year claim. This claimed global significance for in particular two Madjedbebe artefacts, arguably dated between 68,000 and 50,000 years ago. While their review had massive research on grindstones, it curtly rejected the termite displacement argument and concluded that there is "currently no sustainable evidence upon which to dismiss the Madjedbebe chronology and its associated artefactual sequence". Moreover, it arguably did not fully address the earlier genomic arguments and counter-evidence.

While Australian recent research has seemingly focused on archaeology, Asian research has built on many recent genomic advances to establish common ancestry and origins. As the renowned palaeoarchaeologist Paul Pettitt says in his wide-ranging new book, *Homo Sapiens Rediscovered*, "We are indeed at the frontiers of palaeogenetics … It's hard to keep up with the stunning advances of palaeogenetics, accounts of which read like a sci-fi novel." On Madjedbebe, Pettitt is also sceptical: "dates for the sediments in which the archaeology accumulated were very imprecise, and while they could have been as old as 65,000 years ago they could also have been much younger … We're on safer ground around 55,000 years ago."

Recent Asian genomic researchers also queried the 65,000-year claim. As they say, their calculated divergence at 50,000 years between Negritos and Eurasia would then be *after* the 65,000-year claim between Australian Aborigines and Eurasia,

instead of before. They wisely say that comprehensive investigations are needed before any conclusion is made.

However, a 2021 PhD thesis astonishingly said, "from genome-wide GWAS genotyping this study revealed that 11% of [Aboriginal] Australian ancestry came from Southern India, with divergence times estimated about [36,000 years ago]". This tantalising significant early Southern Indian input would then continue well after the arrival dates into Sahul. It also reports, "Archaeological and genetic data broadly converge regarding the dates of the first settlement of Sahul (50,000 to 55,000 years ago)." Another recent 2022 genomic survey clears things up somewhat:

> Present-day Australasians and Asians show that they likely derived from a single dispersal out of Africa, rapidly differentiating into three main lineages ... Rapid diversification of an ancestral Asian population led to at least three Asian lineages, associated with Australasians and Negritos, South Asians and Andamanese Islanders, and East and Southeast Asians … Later genetic studies also established that separation from African populations likely occurred 65,000–45,000 years ago.

In summary, the Uluru Statement's creation claim is wildly inaccurate, to say the least. The claim to have arrived 60,000 to 65,000 years ago is unproven and contested. Whatever the arrival date, it is surely immaterial compared to the vast age of this great continent, to which we all now belong. How can you claim to own something in perpetuity, when you have only been here for a minor part of its existence? The scientific basis for the Statement and the Voice is indeed shaky. It surely should not underpin the dizzy panoply of other claims, whether they are separately justified or not.

As the Smithsonian Institute says, we are all "One Species, Living Worldwide". It sagely continues:

> The DNA of all human beings living today is 99.9% alike. We all have roots extending back 300,000 years to the emergence of the first modern humans in Africa, and back more than 6 million years to the evolution of the earliest human species in Africa. This amazing story of adaptation and survival is written in the language of our genes, in every cell of our bodies—as well as in the fossil and behavioral evidence. This ancient heritage is yours.

Surely, we should celebrate and honour our common humanity in this vast ancient land, not seek to divide by race, as the Voice now so immodestly and sadly demands.

Howard Tweedie was born in Penang, Malaysia, with Scottish, Malay and Australian heritage. This article appeared in the June issue.

Peter O'Brien

The Uninspiring Record of Closing the Gap

The Minister for Indigenous Australians, Linda Burney, loves being a victim. On first being elected to the New South Wales Parliament in 2003 she claimed that for the first ten years of her life she was administered under the "Flora and Fauna Act". That myth has been so thoroughly demolished that she no longer makes that claim. However, the myth persists.

Dr Asmi Wood, a Torres Strait Islander, is a Professor of Law at the Australian National University. In an article in the *Conversation* in March 2023 he asserted:

> The Constitution once also mentioned "Aboriginal natives" for the purposes of exclusion. Section 127 excluded "Aboriginal natives" from the count of the human population and regulated "Aboriginal natives" as fauna—this section was removed in the overwhelmingly supported 1967 referendum.

Is it possible that a professor of law at one of our supposedly world-class universities could be so ignorant of our legal history? It must be, because the alternative, that is, that he would deliberately peddle a myth, is unthinkable—isn't it?

But back to Burney and section 127. This is a frequently misunderstood provision of the original Constitution. Burney, who was born in 1957, told a recent edition of ABC's *Insiders* that, because of this section, she was not counted in the census until she was ten. Section 127 was in the original Constitution but was repealed as a result of the 1967 referendum. It said: "In reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted." This might seem to the casual eye to be confirmation of Burney's claim but, on a closer look, *it does not mention the census*. It has long been shown by scholars such as Geoffrey Sawyer and John La Nauze that, rather than instructing census takers, section 127 was designed to prevent states—especially Queensland and Western Australia which in 1901 were still partly unexplored—from using estimates of uncounted Aborigines in their remote regions to boost their population statistics and thus give themselves additional MPs in the House of Representatives.

Moreover, in a recent article in the *Australian*, Geoffrey Blainey provided convincing evidence that Aborigines were counted in the Commonwealth census right from 1911 and ever since. They were also accounted for in the annual reports of the Aboriginal affairs departments of the individual states, which, up until 1967, were exclusively responsible for Aboriginal welfare. Aborigines were always counted as people of Australia.

It is true that the demographic data contained in the census report of 1911 specifically state that its data are "excluding of full-blood Aborigines", as does every census up to 1967. However, the 1911 census recorded a total of 10,113 "half-caste Aborigines" and they were included in the demographic data. As they have been ever since.

So whatever discrimination, if any, was intended by section 127, it did not apply to anyone "not of the full-blood". So, Burney's claim that she was not counted is false.

In Parliament the other day she was at it again. She asked why it should be that her life expectancy is eight years shorter than non-Aboriginal Australians. As Andrew Bolt observed, unless there is some genetic reason for lower life expectancy for Aborigines, then it could only be lifestyle that would reduce her life expectancy. Unless she smokes and drinks to excess or consumes an unhealthy diet, her life expectancy is no different from yours or mine.

This led me to think about "Closing the Gap", which is what she was referring to. The 2022 Closing the Gap Report tells us:

> The National Agreement includes 17 socio-economic outcomes that will make the greatest difference in improving the lives of First Nations peoples. These socio-economic outcomes take into account the accumulated life experiences of First Nations peoples and their socio-economic wellbeing, as well as their cultural identity and the need for intergenerational healing.

The specific targets related to these outcomes, as detailed in the report, are:

1. Close the gap in life expectancy within a generation, by 2031—not on track. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

2. By 2031, increase the proportion of Aboriginal and Torres Strait Islander babies with a healthy birthweight to 91 per cent—on track, currently 89.5 per cent. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

3. By 2025, increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling early childhood education to 95 per cent—on track, currently 96.7 per cent.

4. By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census to 55 per cent—not on track, currently 34 per cent. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

5. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people (aged twenty to twenty-four) who have attained Year 12 or equivalent qualification to 96 per cent—no new data to assess progress; 63 per cent in 2016.

6. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged twenty-five to thirty-four who have completed a tertiary qualification (Certificate III and above) to 70 per cent—no new data to assess progress; 42 per cent in 2016.

7. By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (fifteen to twenty-four years) who are in employment, education or training to 67 per cent—no new data to assess progress; 57 per cent in 2016.

8. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged twenty-five to sixty-four who are employed to 62 per cent—no new data to assess progress; 51 per cent in 2016.

9. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent—currently 81 per cent and slightly below trajectory.

10. By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent—not on track. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

11. By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (ten to seventeen years of age) in detention by at least 30 per cent—on track. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

12. By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent—not on track. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

13. By 2031, reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50 per cent, as progress towards zero—no new data to assess progress.

14. Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero—not on track. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

15. By 2030, a 15 per cent increase in Australia's landmass and sea area subject to Aboriginal and Torres Strait Islander people's legal rights or interests—land on track, sea not on track. Land currently 4 million square kilometres, sea 90,555 square kilometres. "However, due to the limited number of available data points, caution should be used when considering progress against this target."

16. By 2031, a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken—no new data to assess progress; 123 in 2018-19.

17. By 2026, Aboriginal and Torres Strait Islander people have equal levels of digital inclusion—no new data to assess progress; 74 per cent in 2014.

18. Achieve parity of air-time on ABC Classic for Aboriginal composers with non-Aboriginal—tracking well above expectations.

OK, I made that last one up. But while I'm on the subject of ABC Classic, from where do they get the imprimatur to unilaterally change the names of our state capitals? Memo to Ita Buttrose: Sydney, Melbourne, Brisbane, Adelaide, Perth and Hobart

are not the names of geographical locations. They are the names of cities, centres of civic life—a concept unknown to pre-colonial Aborigines. They did not create our capital cities, therefore they have no right to rename them. And it's not as if those cities don't already abound in Aboriginal place names. But I digress.

In summary, of the eighteen targets: two are on track; two are on track, however, due to the limited number of available data points, caution should be used when considering progress against this target; seven are not on track, however, due to the limited number of available data points, caution should be used when considering progress against this target; seven record no change due to lack of new data.

Not an encouraging record. Not a very rigorous basis upon which to base major spending and a radical proposal to change the Constitution.

Funding for these issues is difficult to assess with any degree of precision, however, from my, admittedly superficial, study of the report, I have calculated an annual total of at least $2.7 billion towards Closing the Gap. It would be beyond the scope of this article to examine the spending in relation to each of these outcomes, but that related to Outcome One—probably the most important one, health—is instructive.

The spending on health includes: $577 million for primary health care in 2022-23, with $510 million being allocated to 134 Aboriginal community-controlled health services, and funding for First Nations Alcohol and Other Drugs (AOD) services and support will increase by up to $66 million to 2024-25, additional to current funding. First Nations' AOD Treatment Services funded under the Indigenous Advancement Strategy currently assists around seventy-five providers to deliver ninety activities. The Commonwealth is undertaking a national consultation process with key First Nations stakeholders and the broader AOD treatment sector. The objective of this consultation is to inform decisions about how and where investments can be made. As part of this, the Commonwealth has engaged two supplier services: a lead First Nations Consultation Service and a supporting Subject Matter Expert Service.

Does that seem like "grass roots" involvement to you? It does to me. One of the arguments put forward by Voice proponents such as Chris Kenny, is that what we have been doing so far has failed, so why not try something new? What we have been doing so far dates back to the days of Nugget Coombs in the 1960s, who argued for self-determination and separate development. Is that not what is proposed for the Voice? In which case, it is not a "new way" but just a new layer of bureaucracy on top of an old idea.

What we have been doing dates back to the days of Nugget Coombs, who argued for self-determination and separate development. Is that not what is proposed for the Voice? In which case, it is not a "new way" but just a new layer of bureaucracy on top of an old idea.

Whether it was through colonisation beginning in 1788 or globalisation beginning in the twentieth century, alcohol, drugs, sugar, money and technology were going to find their way into the continent of Australia, and Aboriginal society was going to have to find a way to deal with the consequent problems. Does anyone imagine the results in this scenario would be anything but disastrous? A non-traditional hierarchy would have emerged in which those who could manage these modern "threats" would have supplanted the elder system and traditional law, but without any of the restraints of our Westminster system.

There is no barrier to dysfunctional communities giving advice as to how to overcome their disadvantage. But if they are so lacking in agency that they cannot influence personal behaviour—the major cause of disadvantage—then their advice is likely to be of marginal benefit only.

If we are to overcome the genuine disadvantage suffered by 20 per cent of the Aboriginal population, then our approach should be leavened with a good dose of paternalism.

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*Peter O'Brien's book **The Indigenous Voice to Parliament? The No Case** is published by Connor Court and sells for $24.95. This article appeared on **Quadrant Online** in July.*

Salvatore Babones

The Handy Malleability of Misinformation

Aboriginal and Torres Strait Islander Australians have the worst health statistics, compared to the general population of their country, of any indigenous peoples in the world. From 2015 to 2017 (the most recent period for which indigenous life tables have been calculated by the Australian Bureau of Statistics), indigenous life expectancy at birth was 71.6 years for males and 75.6 years for females. That represents a life expectancy gap between indigenous and non-indigenous Australians of 8.6 years for men and 7.8 years for women (there being no non-binary people when it comes to health statistics). These gaps are almost certainly a legacy of colonialism: after all, the ABS is one of the few government departments that does not "pay its respects to Indigenous Elders past, present and future" or "acknowledge the Traditional Custodians of Country throughout Australia". The organisation is, by implication, racist—and its statistics are just one more example of the continuing violence of colonialism.

Don't blame the statistics; blame the statistician. If the woke new world has taught us one thing, it is that maths is racist, and the white supremacists at the ABS have published some indigenous numbers that would turn a Green senator red. For example, it turns out that the life expectancy gap between indigenous and non-indigenous Australians narrowed by nearly one-quarter between 2005–07 and 2015–17. That's pretty impressive for a period when indigenous Australians lacked a constitutionally enshrined voice to Parliament and executive government. Unbeknownst to the members of the First Nations National Constitutional Convention who met at Ayers Rock in 2017 to decry the "torment of our powerlessness" in their "Statement from the Heart", their torment was in fact demonstrably declining. And their numbers were rapidly increasing.

The neocolonialist bigots at the ABS (all right, maybe that's going too far) tell us that Australia's indigenous population increased by 73 per cent between the 2011 and 2021 censuses, implying a compound annual population growth rate of 5.6 per cent. Assuming that rates of Aboriginal migration to Australia are quite low (the *Love* and *Thoms* cases notwithstanding), this implies a rate of natural increase that is substantially higher than that of any United Nations member state. If current trends continue, the Aboriginal and Torres Strait Islander population of Australia will overtake that of Australia as a whole within eighty years—at which point, everyone will be indigenous (and then some). That's true even after accounting for Labor's post-election decision to boost immigration after all. Big Australia will not be multicultural. It will be indigenous.

In short, official statistics show that things are finally looking up for indigenous Australians. And if we learned anything from Jacinda Ardern (Harvard Kennedy School Angelopoulos Global Public Leaders Fellow, Hauser Leader in the Harvard Kennedy School's Center for Public Leadership, Knight Tech Governance Leadership Fellow at the Harvard Berkman Klein Center for Internet & Society, and former Supreme Leader of New Zealand), we learned that the government should always be our "single source of truth". If you can't trust a structurally racist government statistical bureaucracy, who can you trust?

As every *Quadrant* reader knows, there are lies, damned lies and statistics—or to use the present-day terms of art: misinformation, disinformation and malinformation. In this new dispensation, an honest mistake is mere misinformation. An intentional untruth is damned misinformation. And the most nefarious information of all—the kind for which *Quadrant* is infamous—is malinformation: true facts that have the capacity to cause harm. Malinformation like that contained in the Hunter Biden laptop, the transsexual Nashville Christian school shooter's manifesto, and the January 6 Capitol security camera footage, is real, and all too dangerous for prime time. Or even the overnight slot. Such sources of malinformation are not news at all. Merely acknowledging their existence is a form

of hate speech. Hate speech that happens to be true, but in the new dispensation, truth is no defence.

Thus when the racists at the Australian Institute of Criminology (inexplicably: also no acknowledgment of country) released the 2021-22 Deaths in Custody report, the highly-cited chart demonstrating that the rate of indigenous deaths in custody has long been roughly half the rate for non-indigenous Australians was removed from the website. It's still there in the PDF report, page 17 (Figure 3), but without the precise numbers (which might accidentally be cited by the ABC). The relevant statistics are now buried on pages 51 and 52 in Appendix Table D5—far out of reach of even the most intrepid television news intern. Oh, and the new chart includes contextualising information to make it clear that although the rate of indigenous deaths in custody is much lower than that for non-indigenous Australians (malinformation), the rate of indigenous deaths relative to their overall concentration in the Australian population remains higher (ben-information? eu-information? Ardern-information?).

Also gone from the 2021-22 report is the chart showing that the single largest cause of indigenous deaths in custody is ... crashing your car while attempting to avoid police custody. In other words: joy rides gone wrong. In the era of Black Lives Matter, this is definitely malinformation. No one should know that had indigenous Australians peacefully obeyed police orders to halt their stolen vehicles last year, the rate of indigenous deaths in "custody" would have been less than one-third the non-indigenous rate. Among indigenous people who die in actual custody (prison), most die of natural causes (more malinformation). It must be noted, sadly, that several indigenous prisoners commit suicide almost every year—albeit at a rate roughly half that of non-indigenous prisoners. Kudos to the Klansmen at the AIC for letting that dangerous fact slip through.

All things considered, the most effective way to reduce the rate of indigenous deaths in custody may be simply to parole prisoners when they get sick. They're going to die anyway; why have them die in prison? May as well let Medicare take the blame. Enterprising justice ministers, take note: online access to *Quadrant* policy advice is well worth the online subscription price of just $98 a year. Or go all-in on a print subscription, and you'll get your policy prescriptions on the first of every month, delivered straight to your home or office. At $118 a year, the combined print-and-digital subscription is designed "for avid readers of leading ideas from Australia's brightest". Subscribe now, and Keith will throw in two pages a month of exceptional American philistinism at no extra charge.

The great thing about the term "malinformation" is that it is so very malleable. Misinformation and disinformation can be fact-checked; malinformation can only be values-checked. Thus although the 73 per cent increase in Australia's indigenous population over the last decade is eu-information in the hands of the mainstream media, it is malinformation in the hands of the Philistine. The eu-narrative promoted by the ABC, SBS, the *Conversation* and the ABS itself is that increasing social acceptance of indigenous Australians and the prospect of being "recognised" by a constitutional "voice" have reduced the fear associated with coming out as indigenous. The corresponding mal-narrative that the rapid increase in people self-identifying as indigenous is spurious and driven primarily by the new white (and Asian?) fashion for discovering Aboriginal roots is found only in *Quadrant*.

In its article analysing the boom in indigenous self-identification, the ABS offers eight distinct arguments in favour of the eu-narrative. It does not deign (dare?) to mention the mal-narrative. Yet the circumstantial mal-evidence is overwhelming: the new indigenous people live mainly in the capital city suburbs and rarely speak indigenous languages. In greater Sydney, only 479 indigenous people report speaking indigenous languages at home, while 61,814 primarily speak English at home and 1716 indigenous Sydneysiders report that they primarily communicate in a foreign language (neither English nor indigenous). That's right: far more indigenous people in Sydney speak foreign languages at home with their families than speak indigenous languages. Statistics for Melbourne tell a similar story.

An important corollary of the mal-thesis that an increasing number of essentially non-indigenous people are rushing to claim indigenous status (we're looking at you, Bruce Pascoe) is that indigenous health statistics would show rapid improvement—as indeed they have. With careful research, it might be possible to tease out and cordon off this effect, but the peer review system does not admit the (mal-) possibility that indigenous self-identification could be anything other than genuine. That assumption may lead to an incorrect conclusion that the indigenous health gap is disappearing, but such conclusions are themselves malinformation, and thus unlikely to be reported. Every right-thinking person knows that indigenous health can only be improved by indigenous sovereignty. A racist might point out that life expectancy in sovereign Papua New Guinea is only sixty-six years, but that's malinformation, and can safely be ignored.

This article appeared in the July-August edition as The Philistine's column.

Keith Windschuttle

Bogus Identity and Constitutional Change

In July 2000, Allen Appo of Bundaberg, Queensland, was charged in the Townsville Magistrates Court with a breach of the Fisheries Act by illegally catching undersized and female mud crabs. He was represented by Townsville Aboriginal Legal Aid who argued that, because Appo was Aboriginal, fishing restrictions did not apply to him. However, a cousin of his, who was the daughter of an Aboriginal man, told Fisheries officers that Appo was not of Aboriginal descent and that his family heritage was purely Sri Lankan. She complained that the sixty-six-year-old Appo and more than 100 members of his extended family had been practising this deception for more than thirty years.

In that time, they had received millions of dollars worth of benefits, including housing loans, business loans, study grants, employment preferences and legal assistance. Some operated indigenous cultural schools for tourists and sold their artworks commercially. Other family members had taken advantage of indigenous preference for government jobs and university appointments. No one in authority had ever questioned their rights to these benefits. The colour of their skin was all it took to confirm them.

Queensland Department of Primary Industries legal officers finally made a genealogical study of the family and presented to the court generations of birth, death and marriage certificates showing Appo's heritage was entirely Sinhalese. Appo was fined on the illegal fishing charge but appealed against the magistrate's decision. He was audacious enough to persuade Aboriginal Legal Aid to represent him again, but the local District Court rejected the appeal.

In other words, the much publicised recent scandal of Bruce Pascoe's fraudulent claim to be an Aboriginal man is nothing new or unique. Pascoe's forebears are all English, mainly from Cornwall, and his genealogy contains no Aboriginal ancestry at all. However, this has not concerned the judges of state premiers' lucrative literary prizes supposedly reserved for indigenous writers, or the academic committee at the University of Melbourne who disregarded Pascoe's lack of any postgraduate qualifications or contributions to academic journals and appointed him Enterprise Professor in Indigenous Agriculture. Given the success that bogus Aborigines like Pascoe and Appo have long enjoyed there should be little doubt they will continue to do so, especially if the Australian populace is foolish enough to support the Labor government's proposed referendum to give Aboriginal people their own platform in our Constitution.

Aboriginal identity has well-known financial benefits, provided directly from government or from various government-funded institutions. Hence governments have a palpable interest in being able to clearly distinguish genuine from bogus claimants. If constitutional change will give Aboriginal people even more rights for which other Australians do not qualify, there needs to be some means of distinguishing between those applicants who are genuine and those who are not. Otherwise, special constitutional rights will open up vast opportunities for people to make fraudulent claims. By diverting power to make policy to Aboriginal communities under the guise of self-determination, the Voice would inevitably attract hordes of imposters, carpetbaggers and shysters to this new honeypot. In other words, Labor's planned constitutional change cannot avoid the vexed question of how Aboriginal identity is defined and managed.

Since 1981, when the Commonwealth published its *Report on a Review of the Administration of the Working Definition of Aboriginal and Torres Strait Islanders*, Australian governments have accepted a three-part test for genuine Aboriginality: the person should (i) be of Aboriginal and Torres Strait Islander descent; (ii) identify as someone of Aboriginal and Torres Strait Islander descent, and (iii) be accepted as such by the community in which

he or she lives.

No Australian government department or instrumentality wants to get into a dispute over this issue and all have happily regarded the three-part definition as the resolution to the question. Unfortunately, the test is anything but foolproof. For the past five decades, Aborigines themselves have been accusing others of being false pretenders. Indeed, within the fickle world of modern Aboriginal politics, this has been one of the most common allegations against rivals. In the ensuing conflicts, federal and state governments, their bureaucracies, institutions and courts have all, when put to the test, shown themselves unable to satisfactorily resolve the question of Aboriginal identity.

Most government bureaucracies that provide grants to indigenous applicants are required to ensure that the money goes to bona fide indigenous claimants. Most require their departmental forms to include a clause along the following lines: "The submission must provide evidence that the applicant is an Aboriginal person or a Torres Strait Islander." However, if any applicant finds this requirement objectionable, they don't have to do much to get it waived.

In 2012, the actor Jack Charles applied to the federal government's arts funding body, the Australia Council, for a grant to write a book about his life. He had been working in the theatre since 1971 and also had some roles in minor documentaries and feature films. Like most actors, Charles thought he was a famous person who would not need to establish his identity. So when the Australia Council followed its protocol and asked him to prove his Aboriginality so it could properly consider his funding application, he was deeply offended. He made this as widely known as he could, especially to a sympathetic news media. The resulting publicity quickly caused the Australia Council to cave in, not only in Charles's case but for all other Aboriginal applicants too. It changed its protocol so that since then, when Aboriginal people are applying for grants, they have not been required to prove their ethnic identity.

The Jack Charles case shows that in applications for federal grants for indigenous people, the onus of proof is not on the applicant. Claims of Aboriginality are now widely taken at face value and the onus of responsibility is on those who are suspicious of such claims to challenge them, obviously at considerable risk to themselves from potential defamation suits or, like the Melbourne journalist Andrew Bolt in 2011, found by the Federal Court to have breached the Racial Discrimination Act. Hence, unless sceptics have strong evidence to prove their suspicions, they are well advised to keep them to themselves. In short, a bogus applicant finds it easy to get away with it.

The record of Australian law courts is not much better than the arts bureaucracy. On the one hand, the courts say they recognise the three-part test for eligibility. In the *Mabo v. Qld (No. 2)* case in 1992, Justice Gerard Brennan endorsed all three points, saying:

> Membership of the indigenous people depends on biological descent from the indigenous people and on mutual recognition of a particular person's membership by that person and by the elders or other persons enjoying traditional authority among those people.

On the other hand, some courts have felt free to drop parts of the test in particular cases. This was apparent in the strange case of Darren Wouters in 1989. Initially, Federal Court judge Cecil Pincus found the Royal Commission into Aboriginal Deaths in Custody had no jurisdiction to inquire into the death of Wouters. In this case, Wouters's identity failed on both the second and the third counts of the test. He did not identify as Aboriginal and no Aboriginal community identified him as Aboriginal either. Justice Pincus found that, even though Wouters's mother was probably part-Aboriginal, as were his maternal grandparents, this genetic connection was not enough to make him Aboriginal. Justice Pincus found:

> the late Mr Wouters was of European appearance and presumably of largely European extraction, his mother being part-Aboriginal and his father Dutch; although he became aware that he was part-Aboriginal, he was not identified by the community as an Aboriginal, nor did he regard himself as one. I have come to the conclusion that the late Mr Wouters was not an "Aboriginal" within the meaning of the letters patent and there will be a declaration accordingly.

However, the Royal Commission, which was struggling to find enough Aboriginal deaths in custody to justify its existence, appealed. When the case went before the full Federal Court, it reversed Justice Pincus's decision. The full court found the category of Aboriginal "could expand or contract according to the context and purpose". Hence, because the Royal Commission was a broad-ranging inquiry, it could include people whose identity was in question. This finding smacked more of a favour for the Royal Commissioners than

fidelity to the life of poor Mr Wouters. Robert French, who Kevin Rudd later appointed Chief Justice of the High Court, was one of the three judges on the full Federal Court that made this decision, but it does not impress with its logic. The criterion of "context and purpose" is immensely variable. Anyone denied recognition could argue their case was unique in context and/or purpose, as individual cases inevitably are, and that they should therefore be exempt from one or more of the three parts to the test. The point of laws and regulations, surely, is to create general rules that all should abide by. Under the full Federal Court's criterion, any claim of Aboriginal identity would now be almost impossible to refuse.

This was confirmed when the most exhaustive case to distinguish between genuine and bogus Aborigines failed its objective. In 1997-98, the Tasmanian Aboriginal Centre went to the Federal Court to challenge the eligibility of eleven people to vote in elections to the Aboriginal and Torres Strait Islander Commission. The head of the Tasmanian Aboriginal Centre, Michael Mansell, declared there were "more phoney than real Aborigines in Tasmania, and more than half the voters in the 1996 ATSIC election were not Aboriginal". Mansell said that if properly investigated, about 60 per cent of Tasmanian "Aborigines" would be rejected, and nationally up to 70,000 self-proclaimed Aborigines would be denied their claimed identity. He said members of the rival Liah Pootah community in Tasmania were not Aborigines but simply white people identifying themselves as such in order to gain access to greater welfare benefits and to make claims for land rights.

If constitutional change will give Aboriginal people even more rights for which other Australians do not qualify, there needs to be some means of distinguishing between those applicants who are genuine and those who are not.

After a two-year hearing that took 1000 pages of affidavits, Justice Ron Merkel (a former barrister well-known for acting for Aboriginal clients in the Gunner-Cubillo Stolen Generations test case) accepted as genuine most of the electors in dispute. Even though they were unable to provide proof of descent from tribal society, all but two members of the Liah Pootah community were accepted as being Aboriginal, primarily on the grounds of self-identification and recognition by other Liah Pootah members. None of them could provide a genealogical record that connected them to the original Tasmanian tribes and they were not required to submit to DNA tests. Of the two people ruled ineligible, one was a man who failed to file his evidence on time, and the other a woman who was the only person whose family tree was disproven by immigration records found by the Mansell faction. In other words, as a result of this case, anyone who claims to be an Aborigine and can muster some friends in support, will be accepted by the Federal Court as genuine. Although Michael Mansell was unsuccessful in his Federal Court action, he did manage to prevent the Liah Pootah people from voting at subsequent elections for the Tasmanian Aboriginal Land Council, an organisation controlled by his cousin Clive.

If it is so difficult for the Australian legal system to separate legitimate Aborigines from frauds, then the self-governing Aboriginal entities proposed by Labor's constitutional change could hardly do any better. There is a long tradition of dark-hued Australians of various non-indigenous backgrounds who have masqueraded as Aborigines. Some, like the Queensland Sri Lankans, have done it for money and personal advancement; others for political reasons; and others again for all three.

Bobbi Sykes, a one-time teenage striptease dancer, declared herself Aboriginal when she came from North Queensland to Sydney in the 1960s and got involved in radical black politics. She moved on to the Aboriginal Tent Embassy demonstrations in Canberra in the early 1970s. On the strength of her journalism and activism, she became well-known as an Aboriginal identity and advocate of Black Power. Even though she had no undergraduate degree and had left school aged fourteen without finishing high school, she applied for and won a scholarship to America's top university, Harvard—all expenses and accommodation paid, plus a generous living allowance—where this hallowed institution awarded her a PhD in education. In 1983, Sykes was widely hailed as Harvard's first Aboriginal graduate. She was quickly appointed to positions across a range of Australian government-funded indigenous associations. Such are the rewards for those who know how to game the system of positive discrimination.

However, there had long been Aboriginal people who knew she was not one of them. In 1972, Aboriginal journalist and editor John Newfong complained she was of white Australian and black

American descent. Brisbane's *Sunday Sun* newspaper in 1973 quoted her mother Rachel Paterson saying her father was a black American soldier stationed in Townsville during the Second World War, Master Sergeant Robert Barkely of the United States Army. But it took a very long time for the full-time whistle to be blown on Sykes's bogus career. In 1998, in her multi-award-winning autobiography, *Snake Dancing*, Sykes credited herself as founder of several Aboriginal political, welfare and community services. This finally led a number of Aboriginal activists and identities, including the magistrate Pat O'Shane and the academic Gracelyn Smallwood, to out Sykes as a phoney.

During her time as an Aboriginal celebrity, one of the books Sykes launched was by the West Australian author Colin Johnson, who was then going by the names of Mudrooroo Narogin and Mudrooroo Nyoongah. However, an uncannily similar dispute soon took place over the status of his Aboriginality too. Mudrooroo was a prolific author who not only wrote a best-selling novel, *Wild Cat Falling* (1965), but also a well-received study of Aboriginal literature, *Writing from the Fringe* (1990), and a political and social treatise about Aboriginality, *Us Mob* (1995). He was well known in the media as an advocate for Aboriginal causes. However in 1997, after his sister publicly revealed their descent was not Aboriginal but from a father of African-American background, the co-ordinator of the Dumbartung Aboriginal Corporation, Robert Eddington, denounced Mudrooroo's claim to Aboriginality and to being one of the Nyoongah people. Until then, his Aboriginal identity had never been questioned by any of the arts bureaucrats who had liberally supported his career. None of them had ever asked him whether he complied with the three-part qualifications for Aboriginal identity. Like Bobbi Sykes, he would not have passed any of them.

One of the plaintiffs who succeeded in prosecuting Andrew Bolt for racial discrimination in 2011 was Larissa Behrendt, who grew up in the white middle-class suburb of Gymea, near the Port Hacking waterfront in the Sutherland Shire of Sydney. Larissa became the centre of media attention at one point during the hearings of Bolt's trial. The ABC program *Q&A* invited Bess Price, a Northern Territory Aboriginal politician (and mother of now Senator Jacinta Price), to talk about the Howard government's large-scale "intervention" into domestic violence and child sexual abuse in remote Aboriginal communities. Bess Price had praised Howard's actions but, watching on television at home, Larissa could hardly contain her contempt. Her Twitter protest to one of her contacts at the ABC made Larissa front-page news when she said: "I watched a show where a guy had sex with a horse and I'm sure it was less offensive than Bess Price."

Her comment was not only something that would now probably rate as hate speech but it also opened up what had been until then a largely unspoken gulf within Aboriginal politics. The activist academic Marcia Langton felt compelled to intervene herself, describing Behrendt's comments as:

> an exemplar of the wide cultural, moral and increasingly political rift between urban, left-wing, activist Aboriginal women and the bush women who witness the horrors of life in their communities, much of which is arrogantly denied by the former … Behrendt and the other anti-intervention campaign maestros have assumed the role of superior thinkers whose grand education and positions in the metropolis qualify them to heap contempt on the natives of that faraway place where other Australians rarely tread foot and about which they sustain a romantic out-of-date mythological view.

Now, Bess Price is a fully Aboriginal woman, born and raised in the Walpiri tribe in the Central Australian desert. However, neither Larissa nor her parents came from an Aboriginal community, so they couldn't honestly fulfil all three parts of the Commonwealth's test for Aboriginality. Larissa's father, Paul Behrendt, when I knew him in the 1980s, was the head of the Aboriginal Research and Resource Centre at the University of New South Wales. Her white mother, Raema, was an accountant. The parents separated when Larissa was young and she had very little contact with Paul when she was growing up. Paul himself had no contact at all with Aboriginal people or culture when he was growing up. In fact, until he was forty, Paul did not know that his mother, Lavena (Lavinia) Behrendt, who died when he was three years old, was part-Aboriginal. Paul's father, Henry Behrendt, a white man of English and German descent, was a journalist in Lithgow in the 1930s and 1940s.

After Lavena died during childbirth in 1942, Henry did not raise their nine children himself but put them in the Presbyterian Church's Burnside Homes at Parramatta. Paul remained there until he was fifteen when he left to join the Navy. He did not adopt an Aboriginal identity and pursue Aboriginal politics until the 1980s. Nonetheless, he quickly became one of the most radical activists of the time. In one book he co-authored, he declared British colonisation of Australia illegitimate and

said Aborigines should be given a separate country, self-governing with its own laws: a revival of a demand first made by the Communist Party of Australia in the 1930s. Larissa was obviously influenced by all this, since after she left school she joined her father as a member of the Aboriginal Provisional Government, headed by the Tasmanian activist Michael Mansell.

Larissa has long portrayed her ancestry as predominantly Aboriginal. In her evidence to the trial of Andrew Bolt, she said when Paul did research on his family background, "the only non-Aboriginal ancestry he discovered was that my paternal grandfather was born in England". Her witness statement also said that Paul's mother, Lavena, "had an Aboriginal mother and was brought up by her Aboriginal father". However, in articles in *Quadrant* on the Bolt trial and Larissa's testimony, Michael Connor pointed out that Lavena actually had a white father, an Englishman named Arthur Dawson. Hence, when her mother's German antecedents are also counted, only one of Larissa's eight great grandparents was a full-blood Aborigine, the rest were European.

However, Larissa had few qualms about using her minority biological connection with Aboriginality to make the most of the positive discrimination offered by the education system. She successfully applied for enrolment at the highly selective law school at the University of New South Wales but admitted, "I hadn't got particularly high marks." When she applied for a scholarship to take a postgraduate degree at Harvard University, she was preferred ahead of the university medallist, and the decision generated a complaint.

Larissa later told a *Sydney Morning Herald* journalist that she learnt how to apply for the position from none other than the bogus Aborigine Bobbi Sykes, who in the 1990s was her father's mistress. Sykes showed her how to win the scholarship. "She literally put the forms in front of me," Larissa said, and advised her on what to say. Larissa soon found she fitted the required profile. "I think Harvard saw a gap in their intake," she explained.

Soon after she returned with her degree from the US, at the age of thirty-one Larissa was appointed by the University of Technology Sydney as Professor of Law and Indigenous Studies in 2001. She subsequently moved into a high-rise apartment overlooking Hyde Park in the Sydney CBD. There was no Aboriginal community at that locale, let alone "elders or other persons enjoying traditional authority", who could identify her as one of their own. Yet these days this girl from Gymea calls herself a "Eualeyai/Kamillaroi woman".

Larissa's career is another example of how problematic the government's three-part definition has become. Her case, and the others discussed here, show why the question of Aboriginal identity will remain dodgy, or, as Robert French's judgment puts it more nicely, as variable as "context and purpose". In contrast, to decide land rights cases, the Federal Court established a Native Title Tribunal to make judgments based on historical occupation of particular lands. But none of the examples I have given here have any comparable basis in something as tangible as land. They are all based squarely on the identity assumed by the claimants which, as we've seen in other notorious recent examples of identity politics, need be nothing tangible at all.

And yet Australians are to be asked to vote in a referendum to confer a special status in the Constitution on people who our major institutions cannot confidently identify as genuine, and who other Aborigines denounce as "phonies". If no one is willing or able to enforce the three-part test, the phonies are highly likely to multiply exponentially in the future, at a rate that correlates closely with the incentives on offer.

There is, however, a rational and civilised way to resolve the issue. This would be to deprive bogus Aborigines of any inducement to make their claims in the first place. That would mean treating Aborigines as equals with other Australians. It would mean abandoning special laws, benefits and employment targeted at Aboriginal people, or any other group based only on race or ethnicity. It would mean that welfare payments should be based on need rather than skin colour; literary awards be based on talent rather than identity; education be based on scholarly accomplishment rather than racial privilege, and employment be based on merit rather than racial quotas. Above all, it would make completely redundant any reason to confer a special status on Aboriginal people in the Constitution.

Keith Windschuttle is the Editor of ***Quadrant****. This article appeared on* ***Quadrant Online*** *in May.*

William D. Rubinstein

Telling the Whole Truth about Aboriginal History

In Victoria at the present time, as in the near future, a "truth-telling" commission, officially known as the Yoorrook Commission, has been at work to present the real facts about the experiences of the Aboriginal people in Victoria. It was formally established in July 2020, and recently, in April-May 2023, held a second round of hearings. According to its website, it was founded to "establish an official record of the impact of colonisation on Traditional Owners and First Peoples in Victoria", to "develop a shared understanding among all Victorians of the impact of colonisation, as well as the diversity, strength, and resilience of First Peoples' cultures", and to "make recommendations for healing, system reform, and practical changes to laws, policy, and education, as well as to matters to be included in future treaties". To accomplish these ends, it will "hear stories and gather information from First Peoples in Victoria on their experience of past and ongoing injustices and how their cultures and knowledge has [*sic*] survived", and will "seek information that is already available and seek new information in areas where there are gaps in our knowledge". This body "has five commissioners, of whom 4 are Aborigines and 3 are Victorian First Peoples". The Yoorrook Commission has received surprisingly little publicity in the media; it is likely that other states will establish similar commissions.

It should be obvious that this commission is deeply biased in a way which presents every sign of advancing and advocating anti-white and anti-British racism. Concerning the "impact of colonisation", no one alive today can present a first-hand account of harm allegedly done to the Aborigines before, at the very earliest, the 1930s; it is impossible that anyone alive today can present personal testimony about the colonial period. There is no way of knowing, without further testimony and research, whether any "evidence" presented to this commission is true. This body apparently has no mechanism in place which would allow anyone to present accounts or statements which contradict the "evidence" heard by the commission.

More broadly and of even greater concern, the stated aim of the Yoorrook Commission is to indict and attack the white population of Victoria for its alleged crimes against the local Aboriginal population. No witnesses will be called, or testimony presented, to show any positive aspects of the interaction between whites and Aborigines, nor of the positive effects of white settlement on Aboriginal society and mores. The deliberately and pervasively one-sided purpose of this body thus constitutes (as it were) a kangaroo court and a show trial worthy of a dictatorship, whose outcome has been largely decided before its proceedings have begun; its preordained outcome is, indeed, an explicit part of the commission's mandate. It is also not difficult to foresee it turning into a witch-hunt against white Victorian farmers and businessmen, missionaries and school teachers, public servants and the police, in which mendacious and defamatory claims are made by witnesses, but those attacked by these witnesses, or their present-day representatives, have no right of reply, much as in a Stalinist show trial of the 1930s. All of this, sadly, is fully recognisable as part and parcel of Aboriginal "truth-telling", especially in bodies created and empowered by left-dominated federal and state governments, and by institutions such as universities and—needless to say—the ABC, whose commitment to neutrality is enshrined in its charter, but is violated every day.

It ought to be kept in mind that pre-contact Aboriginal society was a pre-literate society. In part for this reason, even the most basic facts about Aboriginal society, either before or after 1788 down to recent times, are known only in an approximate way and are subject, even among scholars, to extremely wide ranges of estimates. For instance, the Aboriginal population of Australia in 1788 has been estimated in many sources as 300,000, but also up to one million or more, while the

number of Aborigines killed in "frontier wars" has ranged in various accounts from 20,000 to 100,000 or more. No good estimates at all exist for the number of Aborigines who died from diseases introduced by the Europeans for which they had no natural immunity or known medical treatment, a factor generally recognised as a major element in indigenous population decline.

Possibly the most deceptive aspect of the Yoorrook Commission is that its legally defined purpose is to ascribe any and all blame for any negative events or outcomes to "the impact of colonialism", rather than to any endemic and persisting deficiencies in traditional Aboriginal society. A failure to take note of, let alone examine, these gross societal shortcomings—which are glaring, although today regularly and deliberately obfuscated in virtually all mainstream discussions of Aboriginal life—will automatically result in a deeply flawed picture of the actual, often horrifying, malaise in traditional Aboriginal society.

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Australia's Aborigines were nomadic hunter-gatherers who did not grow crops or domesticate livestock for food, but journeyed in search of whatever food or sustenance could be found on this arid continent. For this reason, the size of every Aboriginal tribe had to be kept as low as possible, consistent with the survival of the tribe. Consequently, infanticide was universally practised throughout traditional Aboriginal society. It was estimated time and again by early white observers of Aboriginal life that around 30 to 35 per cent of all Aboriginal infants were deliberately murdered at birth, including, for instance, any baby born while his or her previously born sibling had still to be carried and suckled by their mother. (All Aboriginal infants were carried by their mothers, who also had to carry all of such goods as were owned by the tribe; the Aborigines had no wheeled vehicles or pack animals.) Throughout Aboriginal society, women did all of the heavy lifting and carrying.

Over the 50,000 to 65,000 years of habitation of Australia, literally *tens of millions* of Aboriginal babies were deliberately murdered at birth. These mass murders would certainly have continued to the present time, had the Europeans not arrived and suppressed the practice. As well, there are many dozens, perhaps hundreds, of reliable, independent eyewitness reports of Aboriginal cannibalism, many of which involved the eating of their own babies.

Given the reportage, especially by recent historians, of Aborigines killed by white settlers in "frontier wars", it should also be noted that there are also reports of entire Aboriginal tribes being murdered *en masse* by other Aboriginal tribes in genocidal wars. It is safe to say that the Yoorrook Commission will not be investigating any of these aspects of traditional Aboriginal society, regardless of how ubiquitous or harmful they were.

Many Aboriginal and other witnesses and researchers have seen many of the dysfunctional features of remote Aboriginal communities, for instance their astronomical rates of violence against women, as continuations of traditional Aboriginal mores, practices with which white society has had no direct connection, apart from punishing those responsible. Instead, at virtually all public meetings, millions of Australians are asked to "acknowledge the traditional owners of the land on which we are meeting, [and to] pay our respects to their elders, past, present and emerging". In view of the tens of millions of babies murdered by these "elders" down the millennia, this is an odious piece of Orwellian propaganda.

A number of important facts about the post-1788 occupation of Australia by Britain, and its settlement mainly by migrants from Britain, ought to be noted here. First, it is simply inconceivable that, in the eighteenth and nineteenth centuries, an area as large as the continental United States would remain outside the sovereignty of any European power; of its possible owners—Britain, France, Germany, the Netherlands—Britain was clearly the most humane and sympathetic to the indigenous populations. Second, it is crucial to note that British occupation also brought with it real and immediate benefits to the Aborigines, in the suppression of infanticide, cannibalism and tribal wars, in bringing Western medicine and physicians in place of sorcery, in providing constant supplies of food and sustenance instead of seasonal famines, in building houses and buildings on a continent which had previously lacked any, and in giving at least rudimentary education and literacy to the Aborigines, totally illiterate before the whites arrived.

Because of the wall-to-wall wokeism today

in discussions of Aboriginal society, virtually anything that one reads or thinks one knows about the nature of indigenous life is unlikely to be correct and should be examined critically, especially for its racist obfuscation of the positive effects of white and British governance here, or is often simply mythical but unchallenged. To cite three examples. We hear constantly of Aboriginal “sacred sites”, but what does this mean? A “site” can only be “sacred” to adherents of a religion whose adherents regard it as sacred, as, say, Muslims regard the Kaaba in Mecca, or Jews the Western Wall in Jerusalem. Presumably, therefore, only adherents of traditional Aboriginal religions regard such places as Uluru as sacred, not Aborigines who are professing Christians. Information about the number of “adherents of traditional Aboriginal religions” was collected for the 2021 Census. It found that there were 881,600 persons in Australia who claimed that they were Aborigines, of whom exactly 7887 stated that they were adherents of traditional Aboriginal religions, or 0.9 per cent of their population, or one Aboriginal person out of every 110 or so.

The largest Aboriginal religion was Christianity (44 per cent of the total), with most of the others stating that they were of “no religion”, or the like. Aboriginal paintings are today a universally known and often admired art form, so much so that much-publicised scandals have been reported about those which were painted by white people. In fact, there were *no* Aboriginal paintings, apart from bark paintings, before the 1930s, when Albert Namatjira, taught by two white artists, began painting watercolours. Similarly, the origins of the Aboriginal “welcome to country” ceremony go all the way back to 1976 (there was an earlier proto-ceremony in 1973) when the “ceremony” was invented out of whole cloth by two young Aboriginal entertainers at an arts festival in Perth.

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The campaign for “truth-telling” is clearly a component of a much wider effort by the Left to delegitimise white, particularly British, history and settlement in Australia *per se*. Race war has replaced class war as a weapon of the Left against established society. This replacement has many aspects. For instance, fifty or sixty years ago, the convicts, the gold rush and the pastoral pioneers, and the struggle by Australian workers for the eight-hour day and trade union rights would have been staples of all writing and discussion about the alleged dark side of Australian history, but today these battlers are seen by the Left as a section of the oppressors, not the oppressed, or are entirely forgotten and made invisible.

In their place, everything concerning the majestic qualities of the Aborigines and their ancient “civilisation” here is now exalted and praised. The extent of the current perspective, and its accuracy, may be seen in one example which recently came to my attention, the claim that the Aborigines in South Australia knew that the star Betelgeuse was variable, changing its brightness periodically, in this case every 400 days, whereas Western astronomers did not observe or note the existence of variable stars until 1596, while the variability of Betelgeuse itself was not observed until 1838. According to the Wikipedia article on Betelgeuse, citing two published sources, “Aboriginal groups in South Australia have shared oral tales of the variable brightness of Betelgeuse for at least 1000 years”. This claim itself was made with no evidence. The earliest recorded reference to any Aboriginal knowledge of the star’s variability was made by Daisy Bates in 1921: evidence for the existence of this “oral tradition” before then, let alone “1000 years” ago, obviously does not exist. According to an online article from November 2017 in *The Conversation* by Duane W. Hamacher of Monash University, which “challenges the history of astronomy”, “a Kokatha oral tradition” tells of Nyeeruna, “who creates fire-magic in his right hand (Betelgeuse)” to overpower the older sister of two girls with whom he is in love, so he can reach them. The big sister also employs “fire-magic” in the waxing and waning of the star known to us as Aldebaran. This Aboriginal oral tradition and similar ones “change the discovery timelines of these variable stars, which historians of science say were discovered by Western scientists”.

Even granting that the Kokatha “oral tradition” existed before 1921, a claim which is uncorroborated, and that the reference of this tribal myth actually refers to the variability of these stars, like is not here being compared with like. No attempt has been made to discover whether there are any similar oral folk traditions among European groups, who could presumably observe the variability of stars as well as anyone else, while the science of astronomy simply did not exist before the scientific renaissance of the sixteenth and seventeenth centuries. Through

their scientific discoveries—not folk myths— the science of astronomy began, encompassing such discoveries as the sun being at the centre of the Solar System (Copernicus, 1543), the telescope (probably Hans Lippershey, 1608), and gravity and the moons of Jupiter (Galileo from 1610 to 1638). Despite opposition from conservative forces, these scientists soon found a ready audience among intellectuals throughout Europe. Galileo published a book explaining his (wholly novel) discovery of the moons of Jupiter in early 1610; by the end of that year, his discovery was apparently portrayed in Shakespeare's play *Cymbeline,* dated by most scholars to the final months of 1610.

These were scientific discoveries in the sense known today, and it is the Western scientific and intellectual tradition—knowledge and free debate rather than fairy-tales—which is being undermined and denigrated. The Aborigines have not yet been credited with discovering the Theory of Relativity or the geography of the dark side of the moon "1000 years" before Einstein and NASA, but no doubt that will come. At whatever the cost, indeed the truth must be told.

William D. Rubinstein held chairs of history at Deakin University and at the University of Wales. He has written several articles for ***Quadrant*** *in recent years on the nature of pre-contact Aboriginal society and is now completing a book on the subject.*

Keith Windschuttle

The Lying Art of Truth-Telling

Even if we consider a figure of 100,000 [Aborigines killed by whites in the frontier wars] it dramatically changes the nature of the national narrative. Such a startling denouement cannot be easily assimilated into long-known plots. The figure is equal to all Australians who have died in all our much storied wars overseas. Truth-telling is now more important than ever.

—Henry Reynolds

The Aboriginal elite who devised the Voice to Parliament insist there are two inherent concepts that must be fulfilled: treaty-making and truth-telling. Yet neither of these concepts has so far generated much public debate. Nonetheless, because they are part of the package the Parliament would have to accommodate if the Voice is written into our Constitution, they deserve to be taken seriously. I want to deal here with what is involved in the issue of truth-telling.

The term "truth-telling" emerged in South Africa after that country abandoned apartheid in 1991. It described the series of public commissions and forums staged to denounce the sins of the previous white supremacist regime. In Australia, the most detailed account available of how something similar will happen here is in Henry Reynolds's book *Truth-Telling*, published by the University of New South Wales Press in 2021. Its contents deserve to be better known if Australian electors are to be properly informed about what they are voting for at any referendum for the Voice. As the book declares on the cover blurb, its political ambitions are far reaching:

> *Truth-Telling* shows exactly why our national war memorial must acknowledge the frontier wars, why we must change the date of our national day, and why treaties are important.

Reynolds's book says that the most important war that Australia has experienced took place over 140 years as the British invasion spread across the Australian frontiers from 1788 until the 1920s. He claims that Aborigines defended their land across the entire continent and their death toll of more than 100,000 warriors was greater than the total number of Australian soldiers killed in all the overseas wars in our subsequent history. We have long established the Australian War Memorial in Canberra to commemorate the latter who died defending their country, but Reynolds complains we have done nothing to remember the Aborigines who did the same for their own country. According to him, the war against the Aborigines was by far the more important because it defined the nation more indelibly than the Anzac tradition ever could.

In making this case, Reynolds devotes chapters to discussions of the politicians and judges who brought about the Federation of Australia in 1901 and who, when discussed today, are identified among Australia's "founding fathers". In *Truth-Telling*, Reynolds holds these men in contempt. He gives extended discussions of three of them who were premiers of their respective colonies in the 1880s and 1890s: Samuel Griffith of Queensland, John Downer of South Australia and John Forrest of Western Australia. Reynolds writes:

> They were men to be reckoned with, at the forefront of Australian politics and jurisprudence for forty or fifty years. Their roles in the destruction of Aboriginal society over vast areas of the continent are rarely celebrated, commemorated or even discussed.

Claims like this are nothing new for Reynolds, who has made a fifty-year academic career out of condemning Australians for racism. Like most of those on the political Left today, his obsession has been given a new impetus by contemporary American radical politics, especially the Black Lives Matter movement.

Reynolds wants to see the reputation of the founding fathers he names destroyed, their public identity trashed, and any symbols of their works such as statues or public inscriptions torn down and thrown out. Reynolds reserves his lengthiest and most bitter condemnation for Samuel Griffith, who he claims should be remembered not as one of the principal authors of our Constitution and the first Chief Justice of the High Court, but as a man guilty of "crimes against humanity".

Reynolds focuses on Griffith's role in Queensland politics in the twenty years before he moved into the judiciary. He was colonial attorney-general from 1874 to 1878 and premier from 1883 to 1888, and again from 1890 to 1893. This was the time, Reynolds says, when white settlers drove their sheep and cattle into the far corners of the colony. He describes the period as one of "perpetual conflict with Aboriginal bands defending their homelands". Thousands of Aboriginal men, women and children were supposedly killed, but Griffith approved it all. "Griffith knew exactly what was happening out there in the vast hinterland," Reynolds says. "He did little to stop the killing."

In Griffith's years in parliament, Reynolds claims, there were numerous monthly patrols by Queensland's Native Police, a heavily armed force whose official instructions were purportedly to disperse large gatherings of Aboriginal people by shooting them, and to respond to complaints from settlers by doing the same. Reynolds writes:

> Griffith sat in and presided over cabinet meetings during his twelve years in office. Along with his ministerial colleagues, he was not only complicit in the killings, he was personally responsible for it [*sic*]. That is the inescapable fact about cabinet responsibility in the system of government inherited from the British. He may have had few contacts with Aboriginal people, had rarely travelled out into the vast hinterland, and may have had little to do with native police officers, but that is all beside the point … His ability in, and great grasp of the law, praised in numerous accounts of his career, makes him especially culpable.

Reynolds claims many Queenslanders at the time believed that it was both morally and legally permissible to kill Aboriginal people who resisted the spread of white settlement. He accuses Griffith himself of harbouring similar thoughts, even though as a man trained and steeped in the common law, and the drafter of the Queensland Criminal Code, Griffith should have recognised that the Aboriginal people had long had the legal status of British subjects. "If they were killed it was murder unless there were mitigating circumstances," Reynolds writes. "No other interpretation was possible." He adds:

> During his time in office there were hundreds of extrajudicial killings. About this there can be no doubt. He was ultimately responsible and therefore guilty of what, after 1945, came to be known as crimes against humanity.

According to Reynolds, John Forrest and John Downer were no better. As premier of the colony of Western Australia from 1890 to 1901, Forrest bestrode the new parliament during the violent suppression of the Aboriginal resistance in the Kimberley. His whole family was deeply involved in this as leaseholders, managers and financiers. Reynolds quotes only one source on Forrest, Chris Owen's 2016 book *Every Mother's Son is Guilty: Policing the Kimberley Frontier of Western Australia 1882–1905*, which claims that by the mid-1890s the police were systematically eradicating Aboriginal people from the pastoral land and that the government was aware of what was happening.

Downer purportedly did the same when he was attorney-general and premier of South Australia between 1881 and 1893, when the colony also governed what is now the Northern Territory. Reynolds quotes again from just one writer, Tony Roberts, author of the 2005 book *Frontier Justice: A History of the Gulf Country to 1900*, who claimed there were dozens of massacres around the Gulf of Carpentaria between 1881 and 1887 when Downer was attorney-general. Reynolds says Downer was guilty of deliberately defying the law by ignoring Aboriginal rights in every one of the pastoral leases for the Gulf Country. Had Downer upheld the law, he says, things might have been quite different and hundreds of Aboriginal lives would have been saved.

So, how does Reynolds think we should respond today to what he calls "this blood-soaked history of pastoral expansion"? Most of his answer is directed at Samuel Griffith:

> Should anything be done about Griffith? Or should we discreetly avert our eyes from the blood on the great man's hands? The answer we come up with will be a key indicator of whether truth-telling will bring about change, whether it will lead to fundamental reassessment of reputations or merely to an accumulation of facts.

Reynolds provides a list of actions we should take today as part of truth-telling. For a start, he wants the Brisbane electorate of Griffith to be renamed. He points out the Australian Electoral Commission has already done this to other electorates, such as Batman and McMillan, whose namesakes were also accused of killing Aboriginal people. Reynolds wants Griffith to get the same treatment, even though this might arouse greater opposition from the white electorate since "it is much easier to take symbolic action against the foot soldiers than against the high command and knights of the realm".

Reynolds also wants Griffith University to be renamed. He says precedents have been provided by prestigious universities in the United States who have removed names of colleges commemorating men with connections to the slave trade. Reynolds suggests students and staff at Griffith University could set the ball rolling by following the example of Princeton University in the United States, which recently dropped the name of former President Woodrow Wilson from its public policy school and residential college. Reynolds said Brisbane students should organise "a mock trial to prosecute Griffith for crimes against humanity" while academics in the university's School of Criminology should publicly interrogate his legal career.

Reynolds is confident these kinds of symbolic changes will happen once truth-telling is installed after a referendum for the Voice. His underlying ambition is not confined to the names of electorates or universities. They are symbols of his much bigger project to change the way Australians think about themselves and the society they inhabit. He wants Australians to feel just as ashamed of their own heritage as the residents of the American Deep South now feel about the way their forebears tolerated the lynching of blacks after the American Civil War. Reynolds writes:

> A close and contemporaneous American parallel with the frontier killing in Queensland was the widespread practice of lynching, which reached its most intense phase in the 1890s. It was clearly a matter of extrajudicial killing that was widely approved in the southern states [of the US], quite regardless of the formal legal situation. As in Queensland, the law was just ignored.

In other words, Reynolds's truth-telling project in the wake of the Voice has serious cultural implications. It is not just a matter of being "gracious" towards our continent's first inhabitants, as Prime Minister Albanese maintains. Nor is it a matter of changing a few names here and there or replacing a handful of historical symbols. It is a program to destroy the reputation of the founding fathers and that of the nation they created in 1901, and thereby overturn not just the accepted national narrative but also the Australian culture, values and laws that have made us who were are.

Although Reynolds has persuaded several left-wing historians and members of the Aboriginal activist elite to provide promotional blurbs for his book—"a political call to arms" (Mark McKenna); "exposes the denial at the heart of Australia's foundation" (Tom Griffiths); "an important foundation for truth-telling and treaty-making" (Mick Dodson)—some of them, surely, must be concerned about the contrast between how vast are Reynolds's claims in this book and how deficient is the evidence to support them.

Reynolds wants Australians to feel just as ashamed of their own heritage as the residents of the American Deep South now feel about the way their forebears tolerated the lynching of blacks after the American Civil War.

In *The Other Side of the Frontier*, the book that made him famous when published by Penguin Books in 1981, Reynolds claimed that 20,000 Aborigines had been killed in frontier warfare. Of these, he said, 8000 to 10,000 were killed in Queensland, largely by the colony's native police. However, the only source Reynolds footnoted for these figures was an essay of his own, "The Unrecorded Battlefields of Queensland", published by his employer, James Cook University, in a little-read anthology he edited himself. When I found it, I was surprised to see it was not a record of how many blacks had been killed but of how many *whites* had been killed by blacks in Queensland in the nineteenth century. Reynolds counted white deaths at between 800 and 850 but added, only in a footnote at the very end of the piece:

> Aboriginal fear and insecurity was [*sic*], we must assume, infinitely greater than that of the settlers. Their death rate may have been ten times more than that of the Europeans.

This was the sole "evidence" he offered for his claim of a total of 10,000 Aboriginal deaths in Queensland.

In 2017, Reynolds's former colleague at James Cook University, Noel Loos, published his own version of the frontier wars thesis with the tell-tale title, *In the Shadow of Holocausts: Australia and the Third Reich*. In it, he recounted the origin of Reynolds's initial figure. In the early 1970s, he and Reynolds were writing a joint study of the number of white and Chinese settlers killed by Aborigines in Queensland between 1861 and 1897. Loos recalls:

> "How many Aborigines were killed in the process of resistance to the invaders?" Reynolds asked. I assured him that it was impossible to give an accurate estimate but a conservative best guess would be at least ten times the number of colonists and their employees killed in frontier resistance. Then and now I thought my figure was very conservative. I had been tempted to say at least twenty times the number of colonists and their employees killed but timidly opted for the lower number. Reynolds accepted my estimate as also applicable to Southern Queensland. And so a best guess became "history".

So, that's how they do history at James Cook University. They make it up between themselves. Moreover, in left-wing academic circles this invention was welcomed. It helped awaken the potential of Aboriginal history to tell a story of terrible oppression by the white ruling class and gave Australia a new category of victims. Reynolds's figure was soon defended by a growing pool of lecturers and students as authoritative. This was despite the fact that Reynolds himself admitted there was a problem with getting evidence to prove his claims because the records of the Queensland Native Police had been largely destroyed in the 1930s.

Soon after this, however, an exhaustive study of native police operations in Victoria from 1837 to 1853 told a story precisely the opposite of what Reynolds claimed occurred in Queensland. Written by Marie Fels and titled *Good Men and True*, it was published in 1988 by the University of Melbourne. It was closely based on the abundant records of native police operations she found for her region. Fels concluded that the native police were largely responsible for the relative absence of conflict in Victoria. They had been a deterrent force against both sides of the racial divide, and the low degree of trouble was the mark of their success. So, in Victoria, where the records survived, there was little killing, but in Queensland, where the records were gone, the killing was rampant.

In Reynolds's latest foray into statistics in *Truth-Telling*, he endorses an academic paper based on the "meticulous research" of Raymond Evans and Robert Ørsted-Jenkins of the University of Queensland. The paper, titled "I Cannot Say the Numbers That Were Killed: Assessing Violent Conflict on the Queensland Frontier", was given at a conference of the Australian Historical Society and published in the Social Science Research Network Electronic Journal in 2014. It is the principal source that Reynolds now offers for his figure of more than 100,000 deaths in Australia's frontier wars.

The method of Evans and Ørsted-Jenkins was based on their unproven premise that every patrol by the Queensland native police was made in order to disperse Aboriginal bands who threatened white settlers. They claim the term "disperse" was always used as a euphemism for killing. They take a small quantity of surviving data of native police patrols, and treat that as a statistical sample of what they think must have been the total of number of patrols. Evans says that in his own sample, the average number of killings of Aborigines per patrol was two, but in Ørsted-Jenkins's sample of patrols the average was 12.7. So the duo agreed to adopt the figure of twelve deaths per patrol. There is no surviving figure for the number of patrols the native police actually made in Queensland, but Evans and Ørsted-Jenkins claim they were probably made every month, and sometimes several times in a month. So they estimate there were 3420 patrols in the period from 1859 to 1897. Their conclusion is:

> If we again pare that number back to 12 killed per patrol we arrive at the sobering total of 41,040 Aborigines killed during 3420 official frontier dispersals across almost forty years of conflict.

In other words, all the meticulous research that Reynolds attributes to their efforts is nothing but another version of the kind of guesswork he pioneered in 1981. The number of patrols is a guess, the number of killings per patrol is a guess, and so the precise-looking total of 41,040 must be nothing more than the result of multiplying a guess by another guess. Moreover, they go on to add more guesswork about the number of Aborigines supposedly killed by white settlers themselves, without the help of the native police. This is a figure created by Ørsted-Jenkins, who claims he has compiled an archive of 644 "frontier collisions" in Queensland between 1824 and 1898, and from this he argues for a "tentative figure" of 20,640 Aboriginal deaths at private hands. (If you do the

sums, this means each "collision" must have killed an amazing average of thirty-two Aborigines.) Evans and Ørsted-Jenkins also add to their pile another 3500 deaths which they claim took place in the 1850s, even though they provide no evidence of any kind that these did occur.

The result of all this statistical manipulation is a grand total of 66,680—that is, 65,180 Aborigines plus 1500 whites—killed in the frontier wars in colonial Queensland. On this assessment, the ratio of Aborigines to whites killed in that period becomes 44 to 1. In other words, Evans and Ørsted-Jenkins think Reynolds and those who followed him after 1981 were being far too conservative in their 10 to 1 estimate of the same ratio. They add with emphasis that students of the First World War will notice that "the figure is remarkably close to the Australian combat death rate of 62,300 in that war".

Reynolds himself is only too happy to accept the new figure. Loos agrees, calling its authors "brilliantly convincing". In *Truth-Telling*, Reynolds not only endorses it but, taking his cue from the reference to the First World War, he adds his own guesstimate that another 40,000 Aborigines were killed by whites in states other than Queensland. This brings his total of frontier deaths to more than 100,000. As he has confidently repeated ever since, most recently in an appearance at the National Press Club last November, that figure eclipses the total number of Australian soldiers killed in all our overseas wars. Hence, the frontier wars become the biggest Australia has ever experienced.

Moreover, when he now speaks in public, Reynolds does not feel obliged to quote his new figure as an estimate or a statistical appraisal. He presents it to his audience as incontrovertible. Some of his followers, like Rachel Perkins in her SBS television series *The Australian Wars*, have already publicised it as an absolute truth.

In the mentality of today's left-wing progressives, the frontier wars have become the most culturally significant definer of the Australian national character. They want the Anzacs who died in the First World War to lose their position in the Australian narrative and the largely imaginary Aboriginal warriors who perished on the frontier to take their place.

The new chairman of the Australian War Memorial's board, former Labor leader Kim Beazley, announced in December that frontier wars would feature in a new $550 million redevelopment of the building, which would include new galleries and places of contemplation. At the time, Beazley said that the building's most sacred places, the Hall of Memory, the Tomb of the Unknown Soldier and the Pool of Reflection, would not be affected by the renovation. However, Reynolds and his followers have other plans. In particular, they want to place alongside the Tomb of the Unknown Soldier killed in the trenches of France, a coffin for the Unknown Aboriginal Warrior killed on the frontiers of Australia. Both Reynolds and Rachel Perkins endorsed this demand at the National Press Club in November. Reynolds writes in his book:

> From a national perspective, the War Memorial's implicit disrespect for the warriors of the First Nations represents a case of profound moral failure … The placing of a tomb for the unknown warrior in the heart of the memorial next to the grave of the unknown soldier, would have been an event of immense national importance, a symbol of respect, inclusion and reconciliation.

While Beazley might not have a plan to do this just now, it is not hard to see how quickly he would change his mind once an Aboriginal Voice is embedded in our Constitution and its members call for him to comply with this demand.

As Reynolds and Perkins have also told their audiences, they have other ambitions in the pipeline too. They not only aim to demean the reputations of the men who made Federation but also have plans to turn Australia Day on January 26 from a holiday to a funeral service. They demand recognition of frontier wars on all the many plaques, arches and obelisks in those small memorials that honour our soldiers in suburbs and country towns across Australia.

In other words, the Aboriginal elite are directly targeting those themes, signs and symbols that have traditionally expressed what it means to be an Australian. They want to redefine the psyche and soul of the nation. This is the real cultural issue at stake when Australians go to the polls to vote on the referendum for the Voice.

Keith Windschuttle is the Editor of ***Quadrant****. This article appeared in the January-February 2023 issue.*

Keith Windschuttle

Why Aborigines Always Had the Vote

It is well known that the federal Constitution was drafted and adopted by the narrowest section of Australian society. Our "founding fathers" were white, male, Christian, middle-aged and drawn almost exclusively from Australia's ruling classes … This was and is a preamble tainted with racism, sexism and xenophobia. That is, in determining whether to fuse the separate colonies into a unified federation, women, Indigenous people, Chinese and Kanak labourers were all denied the right to vote and thus excluded from the collective "people".

—Megan Davis, University of New South Wales, 2010

At Federation in 1901, Australia prided itself on being the most democratic country in the world. This was not an exaggeration. At the time, the majority of colonies who joined the Federation based their democratic political structure on "manhood suffrage", that is, "one man, one vote". It meant all residents who were adult males over twenty-one years of age who were born in Australia, or even in another British colony, had the right to vote. This right, not granted by Britain at home until 1914, was gained in the New South Wales Electoral Reform Act of 1858. By the 1890s, earlier property qualifications for being on the electoral roll had been abolished in New South Wales, Victoria, South Australia and Tasmania.

Despite claims by legal academics today that Aborigines were excluded from the franchise, this is not true. They had the vote in the colonies of New South Wales, Victoria, South Australia and Tasmania, without any qualification. Only in Queensland and Western Australia, where state governments imposed a £100 property qualification for voting, were they largely disenfranchised.

Like many white itinerant workers in rural Australia at the time, Aborigines were enrolled to vote even if they were illiterate and had no fixed address. The local police copied their names onto the electoral roll from both their own records and the regular nineteenth-century censuses of the Aboriginal population. Thanks to Section 41 of the Constitution, the right of Aboriginal people to vote in colonial elections was retained after 1901 for the new Commonwealth. In 1902 the new Federation passed the Commonwealth Franchise Bill to extend the vote to all the women of the country, a right not won in the United States until 1920 and in Britain until 1928. From 1902 onwards, Aboriginal women in the four respective states had the same right to vote as men.

At the time, these facts were widely recognised not just in Australia but around the democratic world. Progressive authors came from overseas to visit and write about our more radical democracy. Their books included State Experiments in Australia and New Zealand (1902) by Pember Reeves, a New Zealand politician and journalist who became head of the London School of Economics. The visiting French politician and academic historian Albert Métin wrote Socialisme Sans Doctrine (1901), a book that enhanced Australia's social democratic reputation throughout Europe. Up until the 1970s, courses in Australian history at Australian universities — certainly at the two Sydney institutions where I taught during that decade — instilled in their students an awareness of our early political adventurousness and the international interest in it.

Yet today, that knowledge has been erased from the national consciousness. Even Tony Abbott, a former Rhodes Scholar, was completely unaware of it. In 2014, in a speech supporting the case for constitutional reform, the then-Prime Minister said the main problem for indigenous people was not the hostility of the Commonwealth's founders but their indifference:

> It is not that our constitutional founders made a mistake — they simply failed to give Aboriginal people more than a passing thought. So in addressing this subject, our job is not to correct their work but to complete it.

Tony Abbott not only endorsed the need for a constitutional amendment to rectify the supposed political neglect of the Aborigines, but did not challenge the general thrust of the report by Julia Gillard's "expert panel", a body she established to generate a case for constitutional amendment. The panel repeated the completely erroneous proposition that the original Constitution omitted Aboriginal people from the new Australian nation by denying them the right to vote.

The passage at the start of this article by Megan Davis is the kind of politically jaundiced prose that is now standard fare in Australian academic discussion of these issues. It appeared in the University of New South Wales Law Journal, a publication whose masthead assures us it is "one of Australia's leading peer reviewed legal journals". The passage also provides a good indicator of the line you need to take today to make a career in the law schools of our universities and in politics beyond. The author is Professor of Constitutional Law at the University of New South Wales, and a Pro-Vice-Chancellor of the university. Davis wrote the passage in 2010 and the following year Julia Gillard appointed her to the expert panel on constitutional recognition.

Davis also has a career on the international political stage as a long-serving member of the United Nations Permanent Forum on Indigenous Issues, a body that meets in New York and which in 2015 appointed her its permanent chair. In this position, one of her decisions has been to invite Aboriginal activists to appear before her committee to testify about the numerous breaches Australia allegedly commits against indigenous human rights. One recent witness was the co-chair of the National Congress of Australia's First Peoples, Jackie Huggins, who produced a long charge sheet of Australian government felonies. Among them were Commonwealth initiatives, including the Howard government's "Intervention" exercise in 2007 to prevent domestic violence and child sexual abuse in remote communities, and the "Closing the Gap" program endorsed by all Prime Ministers since its introduction by Kevin Rudd. Both policies have allegedly committed human rights offences because they "explicitly remove and deny indigenous control and decision making".

In other words, in piling up their evidence at this UN forum, Davis and Huggins are trying to give Australia a quite different international reputation from the one we had in 1901 at Federation. Thanks to their efforts we now find ourselves standing in the line-up as one of the world's serial offenders against human rights.

In the debate over constitutional recognition, Davis and Huggins are far from alone. They are speaking within a consensus of the Aboriginal establishment and its white supporters. The central argument they use to justify change today is that the existing Constitution is a racist document, the product of an "age of discrimination" in Australian history. These authors say few Australians today realise how bad their Constitution is, but once it is made clear, they think most people will support the project to amend it.

The right to vote of Aborigines

But they do vote in New South Wales. I have seen them voting.

—Sir William Lyne, House of Representatives, April 1902

Megan Davis claims the reference in the constitutional preamble to "the people" disguises the true nature of the composition of the Australian polity. The preamble of the Commonwealth of Australia Constitution Act (July 9, 1900), begins with words that define "the people" simply by their geography:

> Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established …

Davis claims that at Federation this notion of "the people" omitted from the Australian polity indigenous people, women, and Chinese and Kanak labourers by denying them all the right to vote. This claim reveals her complete ignorance of Australia electoral history. Gillard's expert panel repeated the same fiction, citing an article by Davis's colleague, George Williams, another professor in the law school of the University of New South Wales, who claimed Aborigines could not vote for the constitutional conventions in the 1890s.

At the time, the New South Wales census showed that about 3000 adult male Aborigines, mostly of full descent, were largely assimilated and had regular or seasonal employment in the farming and pastoral industries. No one counted exactly how many Aborigines in New South Wales exercised their right to vote because, with no ethnic test for eligibility, there was no reason for officials to record it. However, there was no shortage of public observations that they did. In fact, several

observations of Aborigines voting were recorded in debates in the new federal parliament in 1902 over the Commonwealth Franchise Bill. Sir William Lyne, the Minister for Home Affairs in the Barton government, said Aborigines could already vote in New South Wales long before Federation. This meant the Commonwealth could not deny them that right:

> We could not prevent the Aboriginals of New South Wales from voting, inasmuch as they can vote now. Many of them exercise the right in the Murray district. I believe many of them voted for the Chairman of Committees [John Moore Chanter, member for Riverina, New South Wales].

In New South Wales, from the early 1890s onwards, so many Aborigines were enrolled to vote that the struggle for their electoral loyalty became a public contest. At the election of 1891, the newly formed Labor Electoral Leagues won their first seats in the New South Wales Parliament, gaining a total of thirty-five Labor members, with seventeen of them representing rural seats. This meant Labor held the balance of power in the Legislative Assembly. In central and western New South Wales, the votes of itinerant pastoral workers were essential for Labor members to win seats. In response, farmers and pastoralists formed the National Association in 1892 to combat the labour movement. At some locations, they told Aborigines they should support their employers rather than union organisers; at others, they tried to challenge the names of itinerant workers, including Aboriginal stockmen, on electoral rolls.

In South Australia, electoral laws passed in 1895 specifically stated that Aboriginal people could vote. Since that colony also gave all adult women the right to vote in 1895, that meant both men and women of Aboriginal descent were enfranchised from then on. In 1896 and for years afterwards, between 100 and 200 Aborigines at the Point McLeay Settlement in South Australia were known to be regular voters at both state and federal elections. Photographs of Aboriginal electors at the Point McLeay polling booth in 1908, and of their names on the South Australian electoral roll in 1905, were for a long time been published on the Australian Electoral Commission's website. (The original AEC page has been taken down and replaced with a once-over-quickly timeline. The original page can be read at the Wayback Machine Web Archive.)

Local history researchers have found the same in New South Wales, especially in the post-Federation period. For instance, in his thesis "Gundungurra Country" (2008), anthropologist Jim Smith records that at Cumeroogunga Aboriginal Station on the Murray River, a total of 98 Aboriginal people (50 men and 48 women) were listed on the Commonwealth electoral rolls in 1903 for the Division of Riverina (Moama polling place), while 39 men and 42 women were enrolled there in 1906. From then until 1949, the station's Aboriginal voters ranged between 60 and 80 people.

Also in New South Wales, Erambie Aboriginal Station, also known as the Erambie Mission, established in Cowra in 1924, became what its historian, Peter Read, called a major grouping of the Wiradjuri people, especially of the Murray, Glass and Coe families. I have checked the electoral rolls to see if any of these families were able to vote in the 1930s in the electoral district of Calare, subdistrict Cowra. I found 34 members of these and other Erambie Aboriginal families on the electoral rolls, 23 of them men and 11 women. The names of the women are there because the Commonwealth Franchise Act of 1902 gave the vote to all Australian women, including those of Aboriginal descent. Here are their names and addresses:

Murray Family 1930s:

Electors: Harry Murray, Herbert John Murray, Jane Murray, Claude Murray, James Murray, Percy Murray, Alan Murray, Alfred Murray, Ethel Murray, Mary Ethel Murray. Adresses given: "Erambie Mission", "Mission", "Aboriginal Station", West Cowra.

Glass Family 1930s:

Electors: Sidney Glass, Joseph Glass, Reginald Glass, Amelia Glass. Addresses given: West Cowra, "Mission Reserve Wellington", "Town Common Wellington", "Town Common Orange".

Coe Family 1930s:

Electors: Cecil Coe, Leslie Coe, Mary Jane Coe, Paul Coe (senior), Thomas Coe, Edith Coe. Addresses given: West Cowra, Cowra, "Erambie Mission".

Ingram Family 1930s:

Electors: Louisa Agnes Ingram, Lenry Ingram, Lockey Ingram. Addresses given: "Erambie Mission", West Cowra

Williams Family 1930s:

Electors: Alfred John Williams, Elizabeth Williams, George Williams, Arthur Williams, Muriel Williams, Peter Williams. Addresses given: West Cowra, "Mission", "The Mission", "Erambie", "Aborigines Station"

Bamblett Family 1930s:

Electors: Alfred Bamblett, Cameron Bamblett, James Bamblett, Kathleen Bamblett, Rebecca Hazel Bamblett. Addresses given: West Cowra, "Aboriginal Station"

In Tasmania, both the colonial electoral rolls before Federation and later Commonwealth electoral rolls contain many of the family names of people who have long formed the core of the state's Aboriginal community. As well as having Tasmanian mainland addresses in the nineteenth century at Launceston, Deloraine, Westbury and Penguin, by 1899 the electoral rolls included the Bass Strait islands and revealed that twenty-two male members of the Barratt, Beedon, Brown, Burgess, Davey, Everett, Harley, Maclaine, Mansell, Maynard, Smith and Thomas families were enrolled to vote in colonial elections. By the time of the second election for the Commonwealth parliament in 1903, Cape Barren Island women of Aboriginal descent from the same families were also voting alongside the men.

As noted above, only in the colonies of Queensland after 1885, and Western Australia after 1893, were Aborigines denied the vote by means of a property qualification. Rather than endorse this, the writers of the federal Constitution introduced a measure in Section 25 that sought to penalise both these states and bring them into line with the others where Aborigines did have the franchise. Let me re-state the constitutional position, which is sufficient to refute the claims by Professors Davis and Williams that Aborigines were cast out of the polity. At Federation in 1901, the Constitution granted all people who had previously been enrolled to vote in the colonies the right to vote for the Commonwealth parliament. Section 41 of the Constitution said:

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

This meant that all Aborigines who before Federation were enrolled to vote in New South Wales, Victoria, South Australia and Tasmania, were given a constitutional guarantee that they could vote for the federal parliament after 1901. Section 41, which remains to this day intact and unamended, shows that the sweeping claims about constitutional political discrimination made by Davis, Williams and other academic lawyers are completely untrustworthy.

As for women and Chinese and Kanak labourers being denied the vote in the new Federation, Davis does not have a clue what she is talking about. Before the first full national election was held for the new parliament, the Commonwealth Franchise Bill 1902 was passed in order to give the vote to the women of Australia, including all Aboriginal women in New South Wales, Victoria, South Australia and Tasmania. Chinese people resident in Australia could already vote and had long done so in all colonial parliaments. All Australian-domiciled Chinese and any Chinese born in any British colony who were "natural-born subjects of Her Majesty" were eligible to vote in the Australian colonies before 1901 and in the Australian Commonwealth after 1901. When he introduced the Commonwealth Franchise Bill in April 1902, Richard O'Connor, Leader of the Government in the Senate said:

> I have looked carefully through all the Chinese Restriction Acts, and there is no provision in any of them depriving a Chinaman who is a natural-born subject of His Majesty in any other part of the world from voting if he is here. There are a number of Acts which impose restrictions on Chinese coming here, but being here, there is no provision which deprives them of their right to vote … That being so, the present condition of things is that these natural-born and naturalised British subjects who are here now have the right, and we cannot take it away from them.

On Davis's list of purported outcasts, only the Kanak labourers were disenfranchised, but there was a good reason for this. They were temporary foreign workers engaged on fixed-term contracts of usually three to five years, after which they were legally obliged to return home to their Pacific Islands, with their employers pre-paying the fare for the return journey. Australia still employs foreign "guest workers" under similar arrangements. They are not Australian citizens and don't get to vote in Australian elections today either. Only the intractable mentality now cultivated within the law schools of our universities could regard such people as victims of racism.

The "race provision" in Section 25

The first problem is section 25. It acknowledges the states can disqualify people from voting due to their race. This reflects the fact that at Federation in 1901, and for decades afterwards, states denied the vote to Aborigines. Unfortunately, the constitution still recognises this as being acceptable. The section is repugnant and should be deleted.

—George Williams, *Sydney Morning Herald*, 2010

Section 25 demonstrates how we were excluded from democratic participation: we were prevented from

voting and therefore from exercising our democratic rights.

—Noel Pearson, *A Rightful Place*, 2014

The report of Julia Gillard's expert panel recommends the repeal of Section 25 of the Constitution because it "is a racially discriminatory provision that contemplates the disqualification of all persons 'of any race' from voting in State elections". However, no one should be bluffed into accepting this. Section 25 says in full:

> For the purposes of the last section, if by the law of any State, all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of people of the State or of the Commonwealth, persons of the race resident in that state shall not be counted.

Section 25 of the Constitution was designed to respond to the election policies of Queensland and Western Australia by reducing the number of their federal members in the House of Representatives, which was determined by the size of a state's population. Where a state denied Aborigines the vote, then Aboriginal people could not be included in the statistics of its population. This mattered in Queensland, where in 1901 the government counted 6670 assimilated Aborigines but estimated there were another 20,000 living within state borders beyond white settlement; and in Western Australia where there were 19,000 known Aboriginal and part-Aboriginal inhabitants, plus an estimated 10,000 living in still unexplored territory beyond the limits of settlement.

When finally explored between the two world wars, these regions turned out to have very small Aboriginal populations, only a fraction of those estimated. But if they had been permitted to use these estimates in 1901, the states of Queensland and Western Australia would have each boosted its number of parliamentary representatives by one.

The expert panel's report does acknowledge this last point but still claims the Constitution actually approved of the racially discriminatory voting laws in Queensland and Western Australia. "Section 25 countenances the exclusion of persons of particular races from State elections," the report says. The word countenances used here is quite deceptive. The Constitution guaranteed that in the four states where Aboriginal people had the vote, they thereby had the right to vote for the Commonwealth. At the same time it penalised the two states that denied Aborigines the franchise. Section 25 did not abolish those arrangements but neither did it "countenance" or otherwise approve of them.

The original inspiration for Section 25 was the Fourteenth Amendment of the Constitution of the United States of America when it refashioned political rights in the aftermath to the Civil War of 1861–65. In July 1868, the Americans adopted this as one of their Reconstruction Amendments. Its aim was to gain the franchise for former black slaves in the South who were now American citizens. It penalised those states in the American South whose franchise still retained racial disqualification. In recording this connection, John Quick and Robert Garran's Annotated Constitution of the Australian Constitution (1901) observed that the American Fourteenth Amendment:

> was designed to penalize by a reduction of their federal representation, those states which refused to enfranchise the negroes. The effect of the section in this [Australian] Constitution [Section 25] is that where, in any State, all the persons of any race—such, for instance, as Polynesians, Japanese, &c—are disqualified from voting at elections for the popular Chamber in the State, the persons of that race resident in that State cannot be counted in the statistics used for ascertaining the quota.

Overall, this meant that in Australia all adult males, including those of Aboriginal descent, in New South Wales, Victoria, South Australia and Tasmania, who had previously been enrolled to vote in the colonies, had the right to vote for the Commonwealth parliament. And for the two states that denied the vote to Aborigines before 1901, Queensland and Western Australia, Section 25 reduced their potential number of federal representatives. On these grounds, the assertion that Section 25 makes the Constitution a racist document is patently false.

Section 51(xxvi) and racial discrimination

The myths spread about Section 51(xxvi) are even more outlandish. George Williams claims: "Section 51(xxvi) was deliberately inserted into the Constitution to allow the Commonwealth to discriminate against sections of the community on account of their race." Yet this is the Section that was amended after the famous referendum of 1967, when 90 per cent of the Australian people voted Yes, thereby allowing the Commonwealth power to make laws for Aboriginal people.

Before 1967, that power was reserved only for the states. This was because the first Commonwealth governments were mainly concerned with national issues and foreign affairs, while matters of social and domestic policy were retained by the states.

When the 1967 referendum was put to the Australian people, all the media publicity and even handout material at polling booths reproduced a joint statement by Prime Minister Harold Holt, Opposition Leader Gough Whitlam and Country Party leader John McEwen that the Commonwealth would only gain the power to make laws "in the best interests" of Aboriginal people. However, today's critics now claim this clause allows racial discrimination. It could supposedly be used against the interests of Aboriginal people. The example they most commonly give is the Howard government's intervention in 2007 which allegedly breached Aboriginal rights to self-determination by restricting the sale of alcohol, by introducing welfare cards and by sending in the police to arrest the elders of several remote communities in northern Australia who were having sex with children – some discrimination!

Moreover, critics of Section 51(xxvi) deceive the public by claiming the High Court in the Kartinyeri case in 1998 actually decided that this clause could be used to disadvantage Aboriginal people. This claim has been made not only by legal academics and Aboriginal activists, but also by Gillard's expert panel. However, the High Court did not decide any such thing. In its 1998 decision, the court was evenly divided on that particular issue: two judges for (Gummow and Hayne) and two judges against (Kirby and Gaudron). This is not just my opinion. The senior counsel for the Ngarrindjeri women who brought the case in 1998, James Spigelman, later Chief Justice of New South Wales, wrote in a Quadrant article in April 2012:

> The [expert panel's] Report asserts, as if it were not open to argument, that the race power in s51(xxvi) can be used to discriminate against the people of a race. It refers to the High Court judgment in Kartinyeri as authority for that proposition. The point may or may not be correct, but that judgment is by no means clear in this respect.

And yet Aboriginal politicians Linda Burney and Ken Wyatt have claimed on the hustings and in newspaper opinion pieces, without anyone rebuking them, that the High Court's lack of a majority on this issue was actually a clear-cut decision that the Constitution "even has sections that allow for discrimination based on race".

Section 41 and the Commonwealth Franchise Act of 1902

Mr Crouch (Corio).—I desire to point out that unless it is intended to alter clause 4, the effect of this clause will be to give every aboriginal in Australia a vote if he chooses to claim one.

Sir William Lyne.—That is intended.
—on introducing the Commonwealth Franchise Bill, House of Representatives, April 1902

Despite the guarantee provided by Section 41 that anyone entitled to vote in colonial elections retained the same right to vote for the Commonwealth parliament, its implications remain widely misrepresented today. George Williams never misses a chance to try to score points against the authors of the Constitution on this question. In 2016, reviewing a book of essays on the proposed constitutional referendum, he wrote:

> The founders of the Australian nation saw no place for Aboriginal and Torres Strait Islander peoples. Instead, these peoples were cast as outsiders in their own land, a "dying race" not expected to survive British settlement. The Australian Constitution that came into force in 1901 incorporated these sentiments … Australia's constitutional structure was soon reflected in the nation's laws. One of the first acts of the new parliament was to exclude Aboriginal peoples from the franchise.

This passage by Williams is risible. Rather than seeing "no place" for Aboriginal people, the authors of the Constitution included Section 41, which made it constitutionally impossible for the federal parliament to exclude Australia's Aboriginal peoples from the franchise. It guaranteed that all those Aborigines who could vote in the colonial elections in New South Wales, Victoria, South Australia and Tasmania retained the same right to vote for the new Commonwealth Parliament. The only Aborigines excluded were those in Queensland and Western Australia where there was a £100 property qualification for voting, which continued in each of those two states after Federation. As someone who brags in his profile on his university's website that he is "one of Australia's leading constitutional lawyers and public commentators", Williams must surely be well aware of this himself. Yet he has chosen to keep the information from readers of his commentaries in the mainstream media.

There should not be any doubts about the meaning of Section 41 or its implications for indigenous

rights to vote. The Commonwealth Franchise Act of 1902 could not alter or evade Section 41's constitutional guarantee, as many speakers in the parliamentary debates at the time publicly stated, including the Barton government's leader in the Senate, Richard O'Connor, when he introduced the relevant Bill. Section 41 has never been amended and so remains in force to this day. Its wording, as shown in the emphases below, refers not only to those who had the vote before 1901 but also to those who acquired it at any time after. Section 41 says:

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

Hence, Section 41 must mean that, in those states where the Aboriginal right to vote had never been repealed—New South Wales, Victoria, South Australia and Tasmania—Aboriginal people listed on state electoral rolls at any time before or after 1901 were always eligible to vote in federal elections.

Keith Windschuttle is the Editor of ***Quadrant****. This is an edited extract from his book* ***The Break-up of Australia: The Real Agenda behind Aboriginal Recognition*** *(Quadrant Books).*

Tony Thomas

Remote Aboriginal Family Welfare and the Voice

Part One: The Welfare of Aboriginal Children

Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them.
—Uluru Statement from the Heart

Archie Roach's song "They Took the Children Away" must be the most affecting song in Australia. I can imagine that when teachers show the song's video in class, the kids finish up in tears. The words go:

> Then they took the children away,
> Snatched from their mother's breast
> Said this is for the best
> Took them away.

Roach wrote the song in 1990, about his own removal from his parents at Framlingham Mission in 1959, when he was three. He was taken to the Salvation Army home in Camberwell by the Children's Welfare Department and then fostered out. His autobiography *Tell Me Why* mentions an ex-policeman saying "how he used to take Aboriginal children off missions, ripping them from their mothers' arms".

Roach later read his own ward file, and in *Tell Me Why*, he complained of the "harsh and offensive words used to justify taking Gladys, Diana [his sisters] and myself that dark day on Framlingham". But he gives no further detail, although he republishes other sensitive documents from his file. Unmentioned is that, after 1957, two years before his removal, the Aborigines Welfare Board no longer had the authority to remove children at all, even on welfare grounds.

The Victorian government in six reports from 1996 to 2003 searched in vain for any past policy for eugenic "stolen" removals, nor did it find any body of persons that fit the description. At most it found some unauthorised private fosterings and informal adoptions.

Be all that as it may, right now in Australia "The Welfare" is monitoring many hundreds of pregnant Aborigines, especially teenagers. As soon as they give birth, or within their first year of motherhood, the authorities "rip the babies out of their mothers' arms"—to use the classroom meme—to be brought up by third parties (often whites) and mostly never reunited.

You've read that correctly. The source is the *Family Matters Report 2022*, authored by Aboriginal group SNAICC's National Voice for Our Children—the Australian non-government peak body for Aboriginal children. *Family Matters* is supported by more than 150 Aboriginal and non-Aboriginal organisations. The report was written in conjunction with the Family Matters Campaign, with contributions from Monash University and UTS and part-funded by Karen Mundine's Reconciliation Australia. It says (emphasis added):

> Over the past few years, the Family Matters campaign has drawn attention to *the rising rates of pre-birth notifications and infant removals* for Aboriginal and Torres Strait Islander babies (see previous Family Matters Reports). This trend has unfortunately continued, as in 2020-21, 21% of Aboriginal and Torres Strait Islander children removed into out-of-home care nationally were under the age of one, and were *removed at ten times the rate of non-Indigenous infants*.
>
> This is a growing problem that impacts Aboriginal and Torres Strait Islander communities in profound ways … Not only does it represent continuity with harmful past policies and approaches—especially the Stolen Generations—the ongoing removal of Aboriginal and Torres Strait Islander babies at, or shortly after, birth by child welfare is a site of pain and distress, where *the use of surveillance, control and coercive powers are particularly harrowing*.

The report says that total removals in 2021 were 4477. So 21 per cent of that means that 940 children under one year were taken from their mothers. They were removed at ten times the rate of non-Aboriginal infants—47.3 per 1000 compared with 4.5. Don't ask how any of this squares with Kevin Rudd's national apology of 2008:

> We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians. A future where this Parliament resolves that the injustices of the past must never, never happen again …
>
> The pain is searing; it screams from the pages [of *Bringing Them Home*]. The hurt, the humiliation, the degradation and the sheer brutality of the act of physically separating a mother from her children is a deep assault on our senses and on our most elemental humanity. These stories cry out to be heard; they cry out for an apology.

The total number of Aboriginal children in out-of-home care nationally at June 2021 was what the report calls "a staggering 22,297". This compares with Rudd's figure of "up to 50,000" removals of Aboriginal children of all ages in the sixty years between 1910 and 1970.

It's not as if baby-removals in recent years are anything new. Among the references the report cites is by Melissa O'Donnell *et al*, "Infant removals: The need to address the over-representation of Aboriginal infants and community concerns of another 'stolen generation'" (2019). This paper concluded, "The disparity between Aboriginal and non-Aboriginal infant removals needs to be seen as a priority requiring urgent action to prevent further intergenerational trauma."

The purpose of the *Family Matters* report is to demonstrate that current policies for Aboriginal safe motherhood have failed, with no prospect of success in future. It rolls out all the appalling statistical indicators and advocates an Aboriginal takeover of the childcare system. This would involve vastly increased budgets free of normal fiduciary oversight, and broad autonomy in operations. The report projects that, without policy changes, the number of Aboriginal kids in out-of-home care will rise by another 50 per cent over the coming decade, comprising almost half of all removed kids in care.

How this messaging will play out in the referendum debate is anyone's guess. A federal Voice would doubtless endorse the power-shift to Aboriginal child-care groups. But there is no indication of how such groups would tackle the root causes of the disaster, such as the horrific domestic violence and substance abuse by male Aboriginal partners in remote Australia. These elements rate only one page of the 134 pages in the *Family Matters* report.

The report sets a bad precedent for all the "truth-telling" sagas under way in federal and state jurisdictions. The authors fib about "hundreds of thousands of people who were removed from their families" under stolen-generations policies. They do not explain how the handful of small government homes and missions per state coped with such purported hordes. The report further goes on to claim that "well over one third" of all living adult Aborigines are alleged survivors or descendants of "Stolen Generations". If so, reparations via treaties are going to be expensive.

Mick Dodson, co-author of *Bringing Them Home*, claimed 100,000 were "stolen", and Kevin Rudd arbitrarily shrank that by more than half. The only estimate based on a count of archived welfare files is historian Keith Windschuttle's. Nationally, from about 1880 to 1970, he found 8250 Aboriginal children taken into care for all reasons. That's about ninety a year, including orphans, the destitute, the neglected and those given up voluntarily by parents.

Another example of mischievous parties at work in the report is the following, doubtless from the academics:

> There have also been issues raised about human rights abuses within carceral [prison] settings for women who are pregnant, including the use of shackles and restraints during transport to, and while attending, antenatal appointments; the refusal of timely antenatal care resulting in harm to the unborn baby; and the use of shackles and restraints while women are in active labour … These issues are of deep concern to Aboriginal and Torres Strait Islander communities.

The paper they cite for these claims, by Lauren Kuhlik and Carolyn Sufrin, is actually US research on US prisons, and throws in woke theory: "It is essential to acknowledge that people with non-binary gender identities can reproduce in a variety of ways, including biologically …"

Kuhlik and Sufrin's "shackles during labour" references included an anomalous case in The Bronx in 2018 contrary to New York state law and for which the New York (Democrat-run) Police Department paid US$610,000 to the mother for having kept her handcuffed and restrained during labour in hospital. As of 2020, the US and thirty of its states had banned shackling during labour. It's unlikely that pregnant teenagers in violent households in Nhulunbuy would go online to the National Library to look up that reference. More

likely, this "shackling during labour" meme will be propagated orally and make them even more scared to access white maternal health teams.

Family Matters, in its drive for the takeover of childcare, says that despite the 1997 *Bringing Them Home* report, governments have been loath to empower Aboriginal groups, despite the UN treaties Australia has signed that mandate autonomy:

> Justification for this lies in fear of [Aboriginal] challenges to the sovereign Australian state: the prevailing government understanding of self-determination is state-centric, presenting [Aboriginal] Peoples as oppositional to Australian governments … As a core right of all peoples, self-determination should be implemented as a legal and policy objective across all aspects of governance.
>
> As expressed by Lowitja O'Donoghue: "Self-determination as a concept is not something which can be tacked onto program design or introduced through piecemeal consultation. It has to be accepted as a policy objective that pervades the relationship of Indigenous peoples to the wider community."

The report complains that authorities are talking tokenistic "self-determination" while breaching Aboriginal rights through "ongoing settler-colonialism further entrench[ing] settler authority". The report also demands transformation of the criminal legal systems "and reorienting family [perinatal] surveillance and punitive approaches in favour of therapeutic, community-led approaches that centre individual and community wellbeing".

It says the authorities talk of "delegating" decision-making, when as settler-colonialists, they need to make "a true commitment to transfer power from the state to [Aboriginal] communities". Delegated power can be revoked at will, making Aboriginal exercise of their rights extremely precarious. Aboriginal bodies "do not have control over the systems and the laws that are delegated to them and face ongoing difficulties in securing funding to run these programs". Hence their powers at state and federal levels should include "commissioning processes" using Aboriginal governance structures, instead of having to provide the state with "ongoing justification for management and funding of essential community-led services" based on non-indigenous regulations, models and evidence. The report makes the case, for example, to exempt Aborigines from the "activity test" for up to thirty-six hours of subsidised childcare per fortnight, a test involving "volunteering" for eight hours per fortnight.

It's hard to square some of the fine rhetoric in the report with the reality it describes on the ground. For example:

> Across the country, [Aboriginal] peoples and organisations are demonstrating excellence in supporting families and transforming the lives of our children for the better. Our communities have continued to grow, innovate and thrive despite the ongoing impacts of systemic racism …

On the other hand, the report puts the national ratio of all Aboriginal kids in out-of-home care at one in every 15.2 kids, which is 10.4 times the rate for non-Aboriginal kids. That 10.4 times rate has worsened steadily from the 7.7 times a decade ago. Victoria (22 times) and Western Australia (19 times) have the highest rates of over-representation, but it has increased in every state.

The national Closing the Gap target on Aboriginal kids in out-of-home care shows that instead of progress towards a 45 per cent reduction by 2031, the proportion in care had worsened from 5.42 per cent in 2019 to 5.76 per cent in 2021. Only New South Wales and the Northern Territory showed any progress.

In 2020-21 the 4477 Aboriginal kids admitted to out-of-home care were admitted at a rate of ten times that of non-Aborigines. The Victorian admissions were at disaster levels—3.65 per cent of all Victorian Aboriginal children, or nearly one in twenty-five. The report says this at least was better than Victoria's 2019-20 rate of 3.98 per cent. As for re-unification with families:

> Nationally, just 16.4% of Aboriginal or Torres Strait Islander children in out-of-home care were reunified in 2020-2021. Data show that the overwhelming majority of Aboriginal and Torres Strait Islander children in out-of-home care are in long-term care arrangements, with reunification to their families not identified as a case plan goal.

The proportion of Aboriginal kids in care being placed with Aboriginal family and non-family carers tumbled from 47.9 per cent (2016-17) to 40.7 per cent (2020-21), the lowest proportion in at least twenty years. More than one in five of the kids were placed with non-Aborigines that year.

Family Matters claims "deeply distressing parallels to the Stolen Generations":

> The permanent removal of children from their families presents echoes of the Stolen

> Generations … and raises deep concern that governments will continue to repeat the devastating mistakes of history by severing children's cultural identity and connections.

The report re-installs a category of removed kids whom federal and state governments and their bureaucracies deleted from the data in 2019. It was the *Yes Minister* trick, re-defining the issues to make the data look less appalling. The category involved is long-term third-party parental responsibility orders, applied when reunification is deemed "inappropriate". The report scoffs: "However, given that these children have been removed from their families by child protection authorities, SNAICC and the Family Matters Leadership Group disagree with this decision." Further, the orders often involve no legal mechanism to ensure connection to culture. Even where cultural support plans are mandated, there is often minimal compliance.

Another plank in the original stolen-generations narrative involved white families adopting the "stolen" children from out-of-home care. The 2022 report wants the practice ceased:

> An alarming trend towards increased adoption of [Aboriginal] children … The concept of adoption raises strong parallels with the experiences of the Stolen Generations and the resulting intergenerational trauma … Kinship processes play a foundational role in Aboriginal child development, and adoption represents a moment of rupture in these processes, particularly because adoption has not been part of Aboriginal customary culture …

We have looked here mostly at Aboriginal kids in out-of-home care. But how many Aboriginal kids received child protection services of all kinds? As usual, the answer is shocking—55,300 in 2019-20, or one in six, worsening since 2016-17.

In Australia's history of government, it's hard to imagine a more colossal failure than Aboriginal welfare policies of the past fifty years.

Part Two: Non-Solutions to Family Violence

Domestic violence and dysfunction in outback communities contribute to the off-the-scale removals of Aboriginal kids from their mothers. In 2021, 6.5 per cent of Aborigines in the Northern Territory—that's one in 15—and 4 per cent in South Australia were victims of domestic assault.

Two examples below are from some years back, but judging by intermittent news reports, communities like Nhulunbuy and Alice Springs in today's Australia might be equivalent. (Assaults, domestic assaults and alcohol-fuelled violence at Nhulunbuy all roughly doubled in the past year.)

In 2013, the *Sydney Morning Herald*'s Rachel Olding and Nick Ralston checked the crime figures and reported that Bourke, in north-west New South Wales, was more dangerous than *any* country tabulated by the United Nations. Bourke's population of 3000 was a third Aboriginal, and the assaults, break-ins and theft were continuing despite the town's huge squad of forty police.

Roebourne, in north-west Western Australia, earned the 2017 headline "Town of the Damned". Of its population of 1400, more than half were Aboriginal. The state's Police Commissioner Karl O'Callaghan revealed Roebourne's "staggering" rate of sexual abuse of children, in a town likewise riddled with alcohol, drugs and violence. In a nine-month drive, police charged thirty-six men with more than 300 offences against 184 children. Another 100 men were suspected but not charged. Many were using their lavish welfare payments to buy drugs to lure kids for sex. The commissioner called it a "war zone" with little kids as the victims. The scale of abuse was beyond anything his force had ever seen. Kids were more likely to be raped in Roebourne than almost anywhere else on earth.

That can all be contrasted with the soft words in 2022's *Family Matters Report*:

> For thousands of generations, Aboriginal and Torres Strait Islander families and communities have raised their children strong and safe in their culture, caring for and nurturing their children despite significant challenges. But the consequences of colonisation, intergenerational trauma, and systemic racism continue to cause enduring physical and mental harm and perpetuate inequities relating to the social determinants of health.

Although *Family Matters* has a section called "Exposure to Family Violence", it covers not quite half a page in the 134-page report. The first of two paragraphs explain why women are reluctant to report this violence, mentioning fear of their kids being taken, "lack of police and community support", and "culturally safe" services. It doesn't mention the uglier factors of inter-family payback or return of the predatory males through a revolving-door court system.

On June 9 this year, the *Australian* reported a horrific case at Tennant Creek:

> A convicted domestic violence perpetrator—who was given a wholly suspended sentence for reasons including that his partner was pregnant—has allegedly fractured a baby's skull by drunkenly hitting the child with a glass bottle during her first birthday party.

The baby was flown to Adelaide Children's Hospital in a critical condition, which has since stabilised.

The twenty-six-year-old alleged offender had been previously sentenced to twenty-seven months (wholly suspended) for breaking his partner's jaw with his fist after a drunken night in May 2021. Justice Stephen Southwood had described the man as "genuinely remorseful" with no predisposition for domestic violence and good prospects of rehabilitation. His freedom conditions included abstaining from alcohol and undergoing official alcohol testing. The *Australian*'s reporter Kristin Shorten's questions about how the man was monitored and how the baby's future safety would be handled went officially unanswered.

An excellent reporter, Ms Shorten in 2021 also outlined a Tennant Creek case where a two-year-old toddler raped by an intruder in 2018 was taken within months to live with her mother in a remote community with no permanent police presence. During her hospitalisation the toddler had undergone surgery for genital injuries, required a blood transfusion and tested positive for gonorrhoea. She was suffering from ear infections, head lice, ringworm and skin sores. The girl and her siblings had been the subject of fifty-two notifications to child protection agencies since 2002 and had been removed from the mother by one government department only to be "reunified" within weeks by another. The baby's father was in jail at the time of the rape for assaulting the mother. The mother and baby in 2021 were reportedly living well.

The *Family Matters* report's other paragraph on domestic violence mentions that kids witnessing the violence are frequently removed on the ground of "experiencing emotional abuse". Another trigger, it says, is violence causing homelessness for women and kids, followed by removal of the children. It describes abuse as intergenerational.

Deep in the report one finds that in Western Australia, for example, up to 80 per cent of Aboriginal children in care had been earlier exposed to family violence. The report declined to specify the perpetrators, namely abusive male partners. To safeguard women and kids, these thugs need to be locked away, but this conflicts with rhetoric about too many men in jail, as in the Uluru Statement from the Heart: "Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people … And our youth languish in detention in obscene numbers."

The Closing the Gap target is that "by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50 per cent, as progress towards zero". This ambition fell at the first hurdle as the figures are unavailable, and today one merely finds ten panels of "to be confirmed" references. For some perspective, it is useful to check the 2019 report on Aboriginal family violence by the statutory Australian Institute of Health and Welfare (AIHW).

"Family violence remains a critical social policy issue, placing a huge burden on communities, especially on women and children," the AIHW report said. It blamed 200 years of colonialism rather than the past half-century of sit-down money and jobless lifestyles on remote homeland hellscapes. The authors also fail to ask why the massive dysfunction inflicted by "colonialism" only arose after the 1960s with the cessation of assimilation policies. Until then, Aborigines enjoyed literacy, jobs, low prison rates, low child abuse and suicide, low domestic violence, low truancy, and no foetal alcohol syndrome.

The AIHW report reveals that in 2016-17 Aboriginal women were thirty-four times more likely to be hospitalised for family violence than non-Aboriginal women, but it noted that a high proportion of violence went unreported, so the thirty-four-times figure is likely an under-estimate. The women's hospitalisation rate also correlated with remoteness. In cities it was about 0.3 per cent, in regions 0.5 per cent, but in remote communities 2.7 per cent. About 0.1 per cent of Aboriginal males in cities were hospitalised over domestic assault, 0.2 per cent in regions, but 1 per cent in remote areas.

The Aboriginal women's rate of hospitalisation from violence was eight per thousand of population, while the males' was three per thousand, which is still twenty-seven times worse than the non-Aboriginal rate, and doubtless also under-reported. About 54 per cent of the male and female hospitalisations were from "bodily force", such as punches and kicks. Of the other assaults:

> About a third (36%) of females were assaulted with an object: 25% of whom were assaulted with a blunt object and 11% with a sharp object. Strangulation was specified by 14 Indigenous females as the cause of their injuries.

Head and neck injuries were the most common injuries inflicted by a family member, involving 64 per cent of the female victims. There were 160

women (and fifty men) hospitalised for brain injury.

As for domestic murders or homicides, there were twenty-six such Aboriginal women victims in the two years to mid-2016. Of those, sixteen were killed by their partners. Of the eighteen male murder victims, three were killed by a female partner. In ten cases, a parent killed a child, and one child killed a parent. Four killings were among siblings.

The report said that in general, violence against women and children involved higher rates of miscarriage, pre-term birth and low birthweight, as well as other long-term health consequences. AIHW had limited outcome data specifically concerning Aboriginal women and child victims. But it said Aboriginal women suffered disproportionately from consequences such as anxiety, depression, alcohol use, early pregnancy loss, self-harm, suicides and, particularly, homicides, compared with non-indigenous women.

A surprising finding was that more than half of Aborigines who suffered family violence (not necessarily hospitalisation) in the prior year, had disabilities. This involved 12,800 Aboriginal women victims with disabilities, or 56 per cent of the total Aboriginal women victims. For the men, it was 4800 or 49 per cent.

One impact of the family violence was high numbers seeking "specialist homelessness services". About 65,200 (25 per cent) of the 288,800 clients who accessed the service in 2017-18 were Aboriginal. Of these, 25 per cent (15,900) cited family violence and 28 per cent (18,300) requested assistance for family violence.

ABS data for Aboriginal family violence perpetrators in 2017-18 is for New South Wales, the Northern Territory and Australian Capital Territory only. Aboriginal offenders comprised a fifth of New South Wales offenders (nine times the non-Aboriginal rate), 90 per cent of Northern Territory offenders (eighteen times excess) and 12 per cent of Australian Capital Territory offenders (nine times excess). Earlier figures for 2013-14 showed that in Queensland, one in five of perpetrators named in Domestic Violence Orders (DVOs) were Aboriginal. About 90 per cent of the DVOs involving Aborigines were initiated by police. DVOs were not necessarily a protection for women victims. Of all those in Queensland facing criminal judges for violating DVOs, one in three were Aboriginal, of whom 43 per cent were jailed.

A valuable state-wide study of pre- and post-natal birth experiences of 344 Aboriginal women from 2001 to 2013 was done in South Australia by twelve Aboriginal researchers partnered with universities. More than half the women surveyed (56 per cent) experienced three or more stressful events and issues during pregnancy, and more than a quarter (27 per cent) reported between five and twelve stressful events. These events were not normal ones: 16 per cent had been physically assaulted while they were pregnant, 30 per cent had been scared by other people's behaviour, and 27 per cent had left home due to a family argument.

Over the period 2012 to 2019 Aboriginal mothers' maternal mortality rate—17.5 deaths per 100,000—was three times that of non-Aboriginal mothers. They were twice as likely to have low birthweights.

One has to wonder how vigorously any Aboriginal Voice, as provided in the Constitution, would tackle this scourge of Aboriginal men bashing their partners.

Part Three: If Only Cash Could Fix Culture

Is this a leg-pull among bored politicians, bureaucrats and Aboriginal industry bigshots? The federal government has earmarked $8 million to create a "high-quality First Nations-led national Aboriginal Centre for Excellence in Child and Family Support". Excellence indeed, when across the Australian continent every key indicator of the kids' safe upbringing is going in hellish directions.

This "centre for excellence" is supposed to be Aboriginal-designed to boost Aboriginal-led research "grounded in Aboriginal knowledge and theoretical frameworks" (whatever they are) and "build an evidence base" for the kids and parents.

The latest news on the excellence centre is in an Aboriginal-themed and -decorated document that emerged in January from the Department of Social Services. It is tactfully titled *Safe & Supported: The National Framework for Protecting Australia's Children 2021–31. First Action Plan 2023–26*. It starts lugubriously:

> We acknowledge that Australian governments have been complicit in the entrenched disadvantage, intergenerational trauma and ongoing institutional racism faced by Aboriginal and Torres Strait Islander people.

The Centre for Excellence is somewhat cumbersome, being a joint venture of the Commonwealth, the states and territories, the National Voice for Our Children (SNAICC) and ATSI Leadership Group, Families Australia, and the steering group of the National Coalition on Child Safety and Wellbeing, with input also from the National Children's Commissioner. A scoping exercise has started on Aboriginal representatives "giving in-principle support" to designing the Centre for Excellence for

their communities "with appropriate governance and support to direct community-based research". After the scoping, "jurisdictions will consider and work towards agreeing ongoing funding arrangements". The plan includes this woozy finale: "Support the review and evaluation of initiatives and knowledge sharing for Aboriginal and Torres Strait Islander people and organisations. Timing: 5 years (2023 to 2027)".

Meanwhile, the Commonwealth is sprinkling an extra $30 million of these feel-good initiatives for Aborigines, according to the *Family Matters* report on children in care. (One initiative bears the sad acronym of HIPPY: Home Interaction Program for Parents and Youngsters.) For example, the Commonwealth will spend $2 million over four years to fund "a national advocate" for kids, the role being "co-designed with First Nations partners". At $500,000 a year, that should keep the new panjandrum and his/her courtiers in reasonable comfort.

Those amounts are all flea-bites in the great federal-state spending splurge on the children-in-care crisis (additional to all other special Aboriginal programs). On the back of an envelope, I totted up $6 billion being thrown at the care problem over about five years.

In discussing the nitty-gritty at state level, the *Family Matters* report has to confront the intractable issue of "who's a real Aborigine"—a dilemma glossed over in all the Voice referendum's "Yes" advocacy. *Family Matters* appears to seek maximisation of Aboriginality. It wants practitioners to be trained in "culturally safe" ways to "explore cultural identity" of child clients, who must not be "de-identified" without checking with Aboriginal communities:

> Current practice for identifying [Aboriginal] children is extremely poor. Families are not being properly engaged in conversations about identity. This is resulting in children's identity being ignored or inaccurately recorded … the accurate recording of the identities of children and young people is essential to fulfilling cultural, legal, policy and practice obligations.

Current general identification practice varies widely among states. Beset by fakery and corruption, the South Australian system is now happy with a mere statutory declaration that someone "believes" *to the best of their knowledge* that they are Aboriginal. But in New South Wales there is ruthless application of the three-part test for accessing Aboriginal scholarships and similar perks. For example, one or both parents must be Aboriginal and the applicant must provide written endorsement from a suitable Aboriginal body using its common seal on original documents. Heavy penalties apply for wilful mis-statements.

In Tasmania, where one Aboriginal faction claims more than half the supposed 30,000 Aborigines in the state are fakes, the report's data go haywire compared with other states. Recently, it said, the Aboriginal status of 30 per cent of Tasmanian kids in care was "unknown" but hard work by the Child Safety Service has somehow got that "unknown" 30 per cent down to 2 per cent. The report implies that most of the "unknowns" in care became Aboriginal. (Whether any living Tasmanian is genuinely Aboriginal is an interesting question.)

Family Matters provides a rare glimpse of the chaos and dysfunction surrounding Aboriginal child-care policies around Australia. It's noteworthy that none of the pieties of Labor administrations and their green allies are reflected in grass-roots improvement—and conservative-led states do little better. For example, in Victoria, where the Premier Dan Andrews spends bucketloads (I'm talking nine-figure sums) on his farcical State Treaty, the report says:

> The over-representation of Aboriginal children in care in Victoria continues to escalate year after year, and our communities do not have time to wait …
>
> [Victoria] stands out as having by far the highest rate of entry for [Aboriginal] children to out-of-home care (36.5 entries per 1000 children), though this decreased significantly from 39.8 entries per 1000 children in 2019-20.

Victorian legislation requires a "cultural plan" for all the kids in care, but at December 2021 the rate who had been allocated such a plan was only 63 per cent.

It's hardly a shortage-of-money problem. Andrews has sunk an extra $160 million since 2018 into the state's "Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement" to reduce the in-care levels, on top of all other Aboriginal funding. At June 2020, Victoria had the highest rate of Aboriginal children on long-term or permanent care orders, at 80.1 per 1000 children. That's about one in twelve kids. The latest rate for Victorian Aboriginal kids in care is 21.9 times the rate of non-Aboriginal kids.

Here's a snapshot of other state Aboriginal child-care scenes, the variables being how acute the disaster is, and how rapid the deterioration.

In the Australian Capital Territory, Aboriginal kids "were 13.8 times more likely than non-Indigenous children to be in out-of-home care. This is well

above the national rate of 11.5 times for the same period. Of the children in out-of-home care, 48.5 per cent have been in care for five years or more. This is an unacceptable rate of over-representation that must be addressed."

West Australian government figures show that Aboriginal kids in out-of-home care in the past decade rose a massive 90 per cent (among non-Aborigines the figures rose by 20 per cent). Aboriginal kids now comprise a shocking 57 per cent of Western Australia's removed kids.

From 1977 to 2020 the rate of kids coming into the West Australian care system rose every year, but in 2021 there was finally a minor reduction of 2.8 per cent. Nonetheless, Aboriginal kids were nineteen times more likely to go into out-of-home care than other kids. For kids in care, the numbers rose annually from 1996 to 2020 and then fell in 2021 by just twenty-six kids, or 0.8 per cent. The West Australian government the same year announced an extra $114 million for child protection, "to protect vulnerable children and their families so they can thrive".

The federal government in 2019-20 allocated $5.2 billion over four years to 2023 to its Indigenous Advancement Strategy (IAS), involving grant-making across the country via a peak Aboriginal body. The West Australian government reported $230 million a year in federal IAS money for family support for early childhood and schooling. There was another $410 million for a "Safety & Wellbeing" program against violence, grog and drugs, along with support for the "social and emotional well-being of First Nations Australians".

The *Family Matters* report is scathing about the Northern Territory, where Aborigines are 31 per cent of the population. Of kids in out-of-home care, 91 per cent in 2021 were Aboriginal, a fourteen-times rate of over-representation. The rate had increased from 11.5 two years earlier.

The Territory's reform plan for kids in care ended in 2021 "yet it remains unclear how the plan has improved outcomes". The plan was supposed to phase out "extremely expensive" purchased care support but in fact the use of such care rose for four years straight. The rate of kids placed with non-Aboriginal carers has also risen, with "no clear future plan" from the Territory government. "The lack of accountability, transparency and independent scrutiny of reporting by the Territory government on their own progress against major reforms is of significant concern," the report said.

As usual, fancy-name government schemes to connect kids to their culture failed to deliver. The Territory one was called "Safe Thriving and Connected Strategy" but 56 per cent of the kids had no current cultural support plan, and for kids in their first year of care, 68 per cent had none.

The report on the Territory concluded:

> Aboriginal communities are tired of the countless reports and strategies outlining plans for action. Aboriginal people and communities want to see these actions progressed, and accompanied by robust monitoring and evaluation to show what is working and what needs further improvement.

In Queensland in 2021, one in twenty Queensland Aboriginal kids were in out-of-home care, and they spend many years there. Only 194 of the 4822 Aboriginal kids were involved with formal efforts to be reunited with their families.

Queensland has the second-lowest rate of over-representation of Aboriginal kids in care, but they are still 44 per cent of all the state's kids in care. Between 2019 and 2021, the number of kids rose by 757 to 4911. Only 22 per cent of them were placed with kin (nationally, 31 per cent), while 36 per cent were placed in non-Aboriginal homes with no kin. Queensland's special spending on kids in care (titled "Our Way") involves a sizeable $535 million from 2017 to 2026.

In New South Wales, the report accuses authorities of swapping kids into permanent guardianship and adoption orders, to cosmetically reduce numbers in "out-of-home" care. New South Wales topped the states for these guardianship rates, at 18.7 per 1000 kids in 2019-20, or eleven times the rate for non-Aboriginal kids. Government support services were under-resourced, leading to many kids being placed with non-Aboriginal homes. In the 2022 state budget, an extra $99 million went to six new Aboriginal child centres and support.

To conclude, literally hundreds of Aboriginal statutory and NGO "voice" organisations have been operating for half a century and correlate with an ever-growing crisis in Aboriginal childcare and family dysfunction. I don't see how adding a Canberra-based Voice will turn around this horrific situation.

Tony Thomas's new book from Connor Court is ***Anthem of the Unwoke: Yep! The Other Lot's Gone Bonkers****. For a copy ($35 including postage), email tthomas061@gmail.com. This three-part series was published on* ***Quadrant Online*** *in June, with footnotes.*

Christopher Heathcote

The Invention of Indigenous Intergenerational Trauma

Over the past decade, sections of our media have taken up and publicised a serious medical disorder affecting the Australian community. Those of indigenous descent are said to be suffering a traumatic condition caused by British colonisation.

The passage of time, generational succession and racial intermarriage do not alleviate this affliction, because—like diabetes, high blood pressure and asthma—the medical condition is passed down through families. This syndrome is responsible for many Aborigines suffering diminished mental health and thereby becoming wedged in social disadvantage. It is the root cause for chronic depression, alcoholism, drug dependency, eating disorders, poor educational achievement, family dysfunction, domestic violence, sexual abuse and suicide. The worst thing about this debilitating disorder is that it was caused by events involving forebears, sometimes whose names are unknown, many years ago.

Most Australians are concerned when they are made aware of this alarming condition. In good faith they believe the innocent victims must be helped, and government is morally obliged to act. "Intergenerational trauma" is increasingly referred to in publicity pressing for greater action on reconciliation, presented as a priority issue. This traumatic disorder now figures in talk of schemes to compensate those of indigenous descent for historical injustices. Charities are springing up to assist children who are being born with this medical condition. In August 2021 the federal government directed $378 million of funding to the Healing Foundation, with a promise of $254 million more, in order to run trauma recovery programs for Aborigines.

The Healing Foundation is a government-funded body set up in 2009 to support initiatives which redress the historical removal of indigenous children from their families. The focus is on developing trauma-focused welfare services in Aboriginal communities. Fiona Cornford, the Foundation's CEO, has a background in welfare administration, while her organisation's board members include professionals from social work and public administration, plus Aboriginal activists and an academic. All identify as indigenous.

No medical specialist in Aboriginal health sits on the board or is listed in senior management of the Healing Foundation, which is incorporated as an unlisted public company. There is not even a token GP. It is unclear if any medical professional or clinical psychologist expert in the diagnosis and treatment of trauma has input into the Healing Foundation's $632 million programs funded by the Australian government.

Stating it uses "Aboriginal healing" to achieve positive wellbeing outcomes, the Foundation's website is vague on medical practicalities. It explains that Foundation workers visit indigenous communities, meeting with local people "to define healing, understand the impacts of colonisation in their local context, discuss their healing needs, share information about healing work in their communities and develop healing strategies". The words *doctor*, *diagnosis*, *treatment* and *medication* are conspicuously absent from this patter. Instead, "healing" is explained as "a holistic process, which addresses mental, physical, emotional and spiritual needs, and involves connections to culture, family and land". Trauma victims are cured through special "healing centres" which "incorporate traditional and western practices, [and] operate with Aboriginal and Torres Strait Islander spirituality and culture at their core".

These are bureaucratic weasel words which suggest much while not stating whether each person gets a medical examination, or what treatment options are available. One would think diagnosing who is traumatised, and how severely, were essential first steps in tackling the incidence of trauma in indigenous communities. But the orientation is

upon hazy "Aboriginal healing", not on delivering tangible medical results in improved mental health.

The Foundation's website presents itself as a first stop for information on Aboriginal trauma. Much of it is designed for schools and teaching support. Most interesting is the "Timeline of Trauma and Healing in Australia" which is an updated version of a chart circulated by the Communist Party in the 1970s. It reiterates the Soviet-period view that in Australia all philanthropic efforts directed towards Aborigines have been inherently cruel.

The website supplies key facts about Aboriginal trauma, although it does not refer to any scientific research into the medical condition. Sources are not even given for what it does explain—such as the claim, "In Australia, intergenerational trauma predominantly affects the children, grandchildren and future generations of the Stolen Generations." Where this fact comes from is not listed. How can we follow it up? Who authored the relevant articles and what medical journals did they publish data in?

Trauma in the sense being used is the medical term for disorders of a psychological nature. The Greek word *trauma* means scar, and when medical professionals speak of these traumatic injuries they are referring to mental scars which significantly affect a patient's mental health. Most of us will be aware of traumatic stress—commonly called "shock"—where an individual has sustained a psychological injury. Often the condition is temporary, but trauma may lead to continued disability.

My mother would speak of a neighbour during her childhood who had returned from the Western Front with "shell shock" (now called a "post-traumatic stress condition"). He was severely depressed, and incapacitated by a tremor shaking his limbs. He couldn't work. At the time nothing could be done medically, and after years of this ordeal he took his own life.

In my childhood two family friends struggled with disorders arising from ordeals as prisoners of war after the fall of Singapore. Each was on medical programs for former servicemen. They managed after a fashion, although their general health was very uneven, and both were troubled by periods of disturbed sleep, flashbacks and low spirits. I also had a school friend with relatives who had endured persecution and imprisonment by the Nazis. They likewise were troubled by recurring mental health problems which were difficult to treat.

My most direct encounter with a traumatic disorder occurred when a relative had his safety imperilled for a significant period of time. Afterwards he became listless, had sleep problems and nightmares, gained weight, and couldn't cope with everyday things. Fortunately, medical science now has a sophisticated grasp of traumatic disorders. So after being diagnosed by a GP and referred to a suitable specialist, my relative was prescribed a course of treatment, including medication and psychotherapy, with steady monitoring and adjustments as his mental condition improved. He recovered fully.

The analysis did find a pattern of intergenerational disadvantage affecting the children. However, nothing could be shown on trauma because there was no medical data.

There is no science on "intergenerational trauma". Trawling through medical and psychology sections of university libraries one struggles to find research papers in journals, let alone clinical texts dealing with the condition, its diagnosis and treatment. Instead, discussion is dominated by historically-oriented writings on abuses suffered by Aborigines. Much is authored not by medical practitioners or clinical psychologists, but by welfare workers, social theorists, political activists and well-meaning academics, then published in their non-medical fields. Research-based clinical insights into this undefined disorder are elusive. Catalogues in some university libraries steer the curious into Australian literature, where more novels and fictional stories deal with the condition than do mental health publications in the stacks.

The absence of medical evidence means the stress in writings is on reciting past racist excesses without either offering scientific findings or establishing a link with mental health problems. Misusing clinical terms, some authors try to medicalise an adverse social condition or lifestyle. Other writers and speakers breeze over a lack of scientific discussion by directing attention to well-regarded sources which do not actually substantiate their claims.

This occurred at the National Press Club in Canberra on June 2 last year. Fiona Cornford, the Healing Foundation's CEO, spoke on Aboriginal health in a televised address. "Intergenerational trauma is real," she said at one point, "and the Australian Institute of Health and Welfare (AIHW) has provided clear evidence." This was not correct.

The AIHW, an official body which analyses

statistics to assist in shaping government policy, had the previous year published a nationwide report, *Australia's Health 2020*. After stating that "Indigenous Australians as a group still experience poorer health outcomes compared with non-Indigenous Australians", an entire chapter of this comprehensive study was devoted to Aboriginal health. It identified kidney disease, rheumatic fever and rheumatic heart disease, eye health and hearing health as the key medical problems afflicting indigenous people, especially those in remote areas. But intergenerational trauma did not rate a single mention in this authoritative health report.

The AIHW employs the term "intergenerational" very carefully. It is used to indicate statistical patterns detected across two or more generations. In 2017 the Healing Foundation itself commissioned the AIHW to conduct a quantitative analysis of members of the Stolen Generations, with a view to finding such patterns. The AIHW divided its research into three studies: a general report on the Stolen Generations (published in 2018); a report on Stolen Generations members aged fifty and over (2018); and the report *Children Living in Households with Members of the Stolen Generations* (2019).

The third report used for raw data two social surveys of indigenous people conducted by the Australian Bureau of Statistics in 2008 and 2014-15. From these it was able to show that many children under fifteen in those households were being raised in disadvantage. Affected homes sat in the lowest 30 per cent in terms of income, for instance, and there were household cash flow problems, with no one in the home able to raise $2000 in an emergency. As for the children, they were firm in their Aboriginal identity, often participating in cultural events and ceremonies, as well as identifying with a clan, tribal or language group, and recognising their homeland. But there were stress problems in their lives, and difficulties with schooling. Truancy was common, many children also claiming to be treated unfairly at school due to being indigenous.

The AIHW found illuminating patterns buried in the ABS data—such as whether at least one adult in the same household as the child had completed Year 12 at school, statistics showing the presence of such individuals corresponded to enhanced general wellbeing and future prospects for indigenous youngsters. The analysis did find a pattern of intergenerational disadvantage affecting the children. However, nothing could be shown on trauma because there was no medical data, the sole figures the survey gathered being from a multiple-point question asking about children's health generally (parents chose one of poor/fair/good/very good/excellent). So statistics on any medical condition, not just trauma, do not appear in *Children Living in Households with Members of the Stolen Generations*.

In fact the word *trauma* occurs only once in the entire document. The final sentence of its summary runs, "This report demonstrates a transfer of intergenerational poverty and trauma." Those last two words are misleading and untrue. Questions need to be asked about how they got into the summary.

The theory of "intergenerational trauma" has a chequered past. As we have seen, "trauma" is a medical term for certain mental health disorders. But "intergenerational" is a phrase from sociology used to label behaviour passed from parents to children. For instance, smoking, poor diet, heavy gambling, a contempt for education, and parental violence are known to be intergenerational. They are elements in a behaviour pattern evident within one or a cluster of families. So "intergenerational trauma" is a neologism from outside the discipline of medicine.

Speculation about indigenous trauma started during the 1970s and 1980s with concern for Native Americans. Some writers argued that their escalating social problems arose from psychic wounds, early discussion in the United States borrowing ideas from pop psychologists such as L. Ron Hubbard and Alvin Toffler. The founder of Scientology, Hubbard argued that our health and well-being are adversely influenced by "engrams", lingering memories of traumatic events in our past lives. Meanwhile, Toffler claimed that people from traditional cultures are vulnerable to "future shock", a form of traumatic alienation arising from the inability to cope with hastening technological-cum-social change. It was therefore reasoned that Native Americans were suffering psychic trauma caused by a wrenching disconnection from their traditional way of life.

Discussion became more sophisticated over the 1990s as the broader issue was attached to post-colonial studies, and academia moved in. Vocabulary was now medicalised, and sociological terms were applied in new ways. Stress shifted from claiming Native Americans had unseen psychic wounds or struggled with existential trauma, to a focus on the palpable mental health and social problems evident across communities.

The term "intergenerational trauma" was soon coined, being claimed as a real, if still to be researched, medical disorder underpinning most social and emotional problems suffered by individuals from indigenous or ethnic minorities. Family

breakdown, escalating depression, alcoholism, domestic violence, rising crime rates were attributed to this crippling condition. Lack of scientific proof did not hinder some American enthusiasts from proclaiming that this mental health disorder affected victims at a genetic level: "Every cell in my body is filled with the code of generations of trauma, of death, of birth, of migration, of history," writes Stephanie Foo in her book *What My Bones Know*, claiming she inherited "complex PTSD" from her Asian ancestors.

Even as arguments were being formulated, discussion intensified with the appearance of dedicated websites started by lobby groups. Debate moved into Canada, where indigenous activists, sociologists, academics and welfare workers argued that indigenous communities were afflicted by this unacknowledged medical disorder caused by British colonisation. Insisting that "transgenerational" or "intergenerational trauma" underpinned most social, welfare and medical problems experienced by indigenous peoples, lobbyists insisted the Canadian government devise redress schemes.

The new illness then migrated across the Pacific. Indigenous activists, public intellectuals, social theorists and academic historians in Australia and New Zealand were soon claiming Aborigines and Maoris were stricken with the same mental health condition, likewise calling on governments to act.

No explanation is given on detection and diagnosis of the disorder, let alone whether medical practitioners have been used to check Aboriginal communities for trauma victims.

Yet in each country heated talk of this new disorder has lacked a medical component. No clinical advice is available on diagnosis. How does a medical practitioner identify this trauma? Matters are further complicated because known traumatic disorders are personal injuries which cannot be transferred to others, like the psychological equivalent of a broken limb. So how do we establish that the personal traumatic injury of an indigenous individual in colonial times has subsequently mutated into a mental health condition passed to their descendants?

And might individuals of mixed descent have inherited the disorder through non-indigenous forebears? How can we be sure those of English descent are not suffering from trauma caused by the invasions of the Romans, Saxons, Vikings and Normans? And might Australians of other ethnic backgrounds suffer from inherited trauma?

Prescribed treatment remains a mighty blank. Where are the scientific publications on therapies, and data on their effectiveness? Have there been clinical tests to ascertain if medications successful in treating other traumatic illnesses are effective with this disorder? And what of a cure? Or will intergenerational trauma continue to be transmitted to future generations?

The global COVID-19 pandemic has highlighted a disconnect between medical science and talk of intergenerational trauma. Australia's news media embraced medical experts and research scientists to report on the virus. These authorities were front and centre in every news bulletin and current affairs show, talking infection rate metrics, presenting detailed medical information, and summarising the science replete with animations showing how the virus assaults human cells at a microscopic level.

Journalists daily sought out the current numbers and geographic distribution of people infected, cases in hospitals, and deaths, as well as running data on inoculations. They also delivered intermittent updates on: diagnosis and medical testing; how to prevent infection and the spread of illness; development and efficacy of vaccines, including explanations of how they stimulate antibodies; treatment and a search for medications to use on seriously ill patients. Attention was directed into medical research, the news media running interviews with team leaders at scientific institutes and university medical faculties working on the virus.

None of this media scrutiny is applied when attention shifts to intergenerational trauma. Information is not so much vague, as formless. No explanation is given on detection and diagnosis of the disorder, let alone whether medical practitioners have been used to check Aboriginal communities for trauma victims. Metrics are elusive, with no firm figures on the number of people afflicted by the condition, their ages, and geographic distribution. Especially shady are treatment and therapies. What these encompass, and whether they are delivered by medical practitioners and clinical psychologists, is never declared. Instead, "Aboriginal healing" is cited as the wonder cure-all.

Judging by the television current affairs shows *7.30*, *The Project* and *The Drum*, it is clear there are currently two separate tiers of medical journalism: one for Covid, and another for intergenerational

trauma. Medical science is front and centre when reporting the pandemic, but never mentioned if the topic is Aboriginal trauma. These differences especially stood out when Covid entered indigenous communities, firm medical facts being delivered about vaccination rates and hospital treatment. No official brushed off an insistent Stan Grant by announcing indigenous communities infected with Covid would be saved by intensive "Aboriginal healing".

"Experts" have even appeared on current affairs programs to discuss the issues. Scientists and medical practitioners handle Covid, delivering genuine medical information. Whereas social activists and welfare workers deal with intergenerational trauma, complaining of historical racism while saying nothing that is medically informative. When the focus is intergenerational trauma, medical journalism is switched off.

Insurers and government bodies have fixed procedures for dealing with individuals suffering from trauma. It is a medical condition, so just saying you are traumatised is not sufficient, especially if a compensation entitlement is involved. The psychological disorder must be diagnosed by a qualified medical practitioner; and it is usual to require a second opinion by a specialist in mental health. As well, a clear cause for the injury needs to be shown. The sufferer demonstrates that their mental condition was triggered by a particular incident, or set of events, to establish the legitimacy of their claim.

Once these terms are satisfied, the primary stress is on treating the disorder and working towards a cure. The individual follows a prescribed course of treatment to alleviate the traumatic condition. Doctors or therapists monitor the patient's condition, regularly reporting back on medical progress. Failure by a patient to follow their treatment program without consulting the supervising doctor usually results in compensation being voided.

As in any compensation case, the injury's existence must be medically proven, its cause shown, with treatment followed as necessary. The object is to ensure that people burdened with real mental health problems are getting the professional care and specialist support they need and are entitled to.

This attentiveness, long required by regulators for non-indigenous trauma cases, contrasts strongly with how new Aboriginal trauma programs are being run. Indigenous schemes appear to involve no formal diagnosis by medical professionals, and no effort to confirm that mental health problems are indeed based on trauma. Treatment is ambiguous, short-term and not medically supervised.

As a consequence, there is open scepticism about Aboriginal trauma across the health profession, including doctors working in indigenous care. Indeed, during my research for this article, a medical specialist offered this advice: "Whenever people claim to have trauma," he said, "just ask two questions. First, who diagnosed it? Second, what treatment has been prescribed? If you can't get straight answers, we're not talking about genuine medical cases."

Christopher Heathcote, a frequent contributor, lives in Melbourne. This article appeared in the June 2022 issue.

Paul Thomas

Compensation and Indigenous Corruption

Paul Thomas (a pseudonym) was a senior official in the Hawke, Keating and Howard governments. These two articles appeared in the March 2022 and May 2022 issues respectively.

Part One: A Far-Reaching Reparations Scheme

What do Paul Keating, Barnaby Joyce, Anthony Albanese and the Stolen Generations have in common?

A silly question? A sick joke? Not at all. What links them is the unprecedented reach of the Stolen Generations reparations plan recently announced by Indigenous Australians Minister Ken Wyatt and scheduled to commence early this year.

On August 5, Wyatt and the Prime Minister announced, as part of the government's Closing the Gap Implementation Plan, $378 million for "a financial and wellbeing redress scheme for living Stolen Generations members who were removed as children from their families". The scheme is to include one-off payments of $75,000 to affected individuals and a "healing assistance" payment of $7000 plus a face-to-face or written apology where desired.

It is targeted at removals that took place in the Northern Territory and Australian Capital Territory before self-government (1978 and 1988 respectively) and child protection removals that continue to this day in the Jervis Bay Territory, which remains under Commonwealth control. It does not apply to the states, some of which have had their own arrangements.

The radical character of the plan is that it encompasses removals that have taken place under contemporary child protection policies. Previous state schemes in New South Wales, South Australia and Tasmania basically confined compensation claims to the preceding "protection" and "assimilation" eras. The Wyatt plan envisages compensation for decisions made since indigenous child protection was mainstreamed, thus encompassing removals made under the authority of ministers in Labor and Coalition governments *since* Whitlam.

The budget estimate of $378 million assumes that some 3600 individuals will qualify for a $75,000 payment, representing about one in four surviving adults born in the Northern Territory or ACT whilst under Commonwealth control. A further 12,300 "descendants" could qualify for "healing assistance".

The plan describes itself as "survivor-focused and trauma-informed". It comes amid claims of "another stolen generation" thirteen years after the Rudd Apology. Aboriginal "care and protection orders" and "out-of-home" placements are at a record high and a priority under the latest Closing the Gap agenda.

Keating, Joyce and Albanese

The scope of the scheme is such that even Paul Keating could be "implicated", having been appointed Minister for Northern Australia, his first ministerial post, in the last months of the Whitlam government in 1975. This included administration of the Northern Territory. It remains to be seen how many Northern Territory individuals come forward to claim compensation for wrongful removal during his brief tenure as the responsible minister (although it would add an unintended dimension to his 1992 "we stole the children" Redfern speech). Gordon Bryant is another, having been both Aboriginal Affairs and Capital Territory minister.

Fraser government ministers responsible for child protection in the territories at various times included Ian Sinclair, Bob Ellicott and Tony Staley. In the Hawke government it was Tom Uren (for whom Albanese then worked) and Clyde Holding, who also served as Aboriginal Affairs minister. Since ACT self-government in 1988, federal government child protection responsibility has largely

been confined to the remaining territory of Jervis Bay, a Commonwealth enclave on the New South Wales south coast. Half of its population of 400 live in the Aboriginal community of Wreck Bay. This is where Joyce and Albanese enter the frame.

The inclusion of Wreck Bay in the compensation scheme was neither incidental nor accidental, as the Prime Minister was keen to point out on the day of the announcement: "A special shout-out to those I know down there at Wreck Bay, which we're able to get a message to you today, as well."

Barnaby Joyce is currently responsible for Wreck Bay as the Minister for Infrastructure, Transport and Regional Development. Anthony Albanese was one of his predecessors in the Rudd–Gillard governments. Joyce's department's website says that it has "overall responsibility for the provision of local and state government-type services" to the community of Jervis Bay, including Wreck Bay. While most of those services are subcontracted to other levels of government (local, state and, in the case of child protection, the ACT) the minister and his department remain accountable for outsourced outcomes.

Most individual cases, including the cameos on the Healing Foundation's website, reveal that removals from two-parent families were rare, except in circumstances of alleged neglect.

At last count there were more than 200 Aboriginal children from Canberra and Jervis Bay subject to "out of home" care orders. How many Jervis Bay residents, past or present, will claim compensation for wrongful removal remains to be seen but the Prime Minister's words and the stated intent of the government's redress scheme clearly envisage their potential eligibility, as does the related "facilitation" legislation recently enacted (this legislation is intended to preclude compensation payments being taken into account for pension and benefit means-testing purposes).

Such is the indiscriminate scope of the government's plan that contemporary child protection procedures on the New South Wales south coast are deemed comparable to last century's assimilation policies in the Northern Territory for compensation purposes.

Establishing wrongful and involuntary separation

The government's National Indigenous Australians Agency website defines eligibility as: "removed from their family by government bodies (including the police), churches/missions and/or welfare bodies, and in circumstances where their indigeneity was a factor in the removal". Aside from the ambiguous reference to "indigeneity" there is no confirmation as to whether the scheme will depend upon removal being voluntary or involuntary, warranted or not. The "facilitation" legislation uses the term "forced removal" without definition.

To be eligible for compensation, a claimant, whether from the Northern Territory, ACT or Jervis Bay, may need to show not just that they were removed but also that removal was wrongful, that is, without cause and without consent. Herein lies the nub of the problem, not least when dealing with events going back decades, often ambiguous in circumstance, poorly documented (if records still exist), and without surviving witnesses. Previous test cases in the courts have revealed that claimants are often mistaken or misinformed as to their early childhood. A recent New South Wales official report likened the process to "looking through the grubby windows of a ransacked museum".

It may be that for such reasons, two years after its original announcement, Victoria is still to articulate the nature of its promised scheme. Queensland and Western Australia continue to resist making similar commitments.

The question of parental consent is one of the most vexed in establishing wrongful removal. For this reason the original 1997 *Bringing Them Home* report recommended that compensation be payable not only where separation was obviously involuntary (and unwarranted) but also wherever apparent parental consent was subject to "compulsion, duress or undue influence". Thus sending a child away to boarding school or into foster care, or even signing a premeditated adoption instrument in the maternity ward (as was the norm), could still constitute wrongful separation if tainted by "duress or undue influence". For example, there was a time (before the contraceptive pill, legalised abortion and single-parent benefits) when social and financial pressures "forced" unwed mothers, black and white, to surrender their children for adoption. Indeed most Aboriginal adoptees now class themselves as "stolen", as do many who were informally fostered by relatives, for example as a result of family breakdown.

Elaborate kinship strictures in traditional communities could place unique pressures on single mothers of mixed-race children, especially girls (59 per cent of those identifying as stolen are female). Indeed, notwithstanding the popular image of

random, spontaneous kidnappings, most individual cases, including the cameos on the Healing Foundation's website, reveal that removals from two-parent families were rare, except in circumstances of alleged neglect.

Determining wrongful removal is further complicated in certain cases, particularly in metropolitan settings, where it can be difficult to authenticate Aboriginal ancestry ("indigeneity"). Identity fraud and "race shifting" also become risks when financial incentives are in play.

Census counts have witnessed extraordinarily large increases in the indigenous population since 2000, for example over 40 per cent in the decade to 2016, primarily in eastern seaboard cities. This otherwise inexplicable phenomenon has been ascribed by the Australian Bureau of Statistics (ABS) to what it calls "a changing propensity to identify". This is the cohort John Newfong famously characterised as "nouveau noir", distinguished by higher rates of educational attainment, employment, income, home ownership and life expectancy (six to seven years longer than in remote areas).

State governments encountered such challenges when they established Stolen Generations compensation schemes. Tasmania rejected one-third of its compensation claimants as ineligible, 40 per cent of whom were found to be non-Aboriginal. South Australia rejected a quarter of all applicants for its scheme. In New South Wales it has been one in three.

How many were "stolen"?

The incidence of "stolen" children is much contested. *Bringing Them Home* speculated that "at least 100,000" people had been removed from their families as children, arguing that this amounted to "genocide".

This estimate of one in three was based solely on a prior, unrelated survey of 320 adults in Bourke that classified single-parent households and parental hospitalisation or imprisonment as cases of childhood separation. After carefully re-examining this and other numerical indicators cited in *Bringing Them Home*, the federal government, in a controversial March 2000 submission to a Senate References Committee Inquiry into the Stolen Generations, concluded:

> The proportion of separated Aboriginal children was no more than 10 per cent, including those who were not forcibly separated and those who were forcibly separated for good reason, as occurs under child welfare policies today. There was never a "generation" of stolen children. The category of persons commonly categorised as separated (or "stolen") combines and confuses those separated from their families with and without consent, and with and without good reason.

Attempts to establish the numbers affected have since relied upon the ABS's National Aboriginal and Torres Strait Islander (ATSI) social or health surveys conducted every three or four years. Each such survey has included a particular set of questions concerning the Stolen Generations. Responses are separately tabulated for people born before the early 1970s in order to capture the relevant cohort.

The results over the years for those answering "Yes" to having been "removed" have varied wildly: 9.9 per cent in 2002; 9.3 per cent in 2004-05; 11.1 per cent in 2008; 16.4 per cent in 2012-13; and 13.5 per cent in 2014-15. The most recent survey in 2018-19 produced a "Yes" response of 21.4 per cent. The Australian Institute of Health and Welfare (AIHW) recently extrapolated from this record response to estimate that 33,600 people from the surviving cohort born before 1970 were removed as children.

Seeking to reconcile the 2018-19 reported removal rate of 21.4 per cent with the figure of 13.5 per cent four years previously, AIHW simply speculated that "ATSI people who were removed as children are becoming more willing to report their experiences". Is it not curious that such a phenomenon would suddenly emerge a decade after the Apology and two decades after the *Bringing Them Home* report?

More to the point, the proportion of survey respondents claiming to have been "stolen" is dramatically at odds with the numbers who have actually sought and qualified for compensation under reparations schemes established by state governments. For example, based on the 2018-19 survey AIHW calculated that in South Australia 2100 adults aged forty-six and over, representing 24.7 per cent of indigenous people born before 1970, had been removed. That state's compensation scheme, established in 2015, was open to people born before the Racial Discrimination Act of 1975 (a larger cohort than the 1970 cut-off applied by AIHW) who were "removed from their families by the direct or indirect actions of the state and its agents". This scheme ultimately resulted in just 343 applicants qualifying for compensation, compared to the survey-based estimate of 2100, that is, a removal rate of about 4 per cent, not 24.7 per cent.

Similarly, although the overall numbers are small, the equivalent of 400 Tasmanians, representing 5.6 per cent of those aged forty-six and

over, identified themselves as "stolen" whereas the number who eventually qualified for compensation under that state's scheme was eighty-four, representing 1.2 per cent of the cohort.

The New South Wales experience is even more telling than South Australia or Tasmania both because of the numbers involved and because its $75,000 per person compensation scheme, established in 2017 and due to conclude in 2022, is open to anyone taken into the custodianship of the former Aborigines Protection and Welfare Boards up until 1969, *regardless* of circumstance, whether voluntarily, justifiably or not. All that is required is matching ID. After three years New South Wales had compensated 720 individuals and expects another 400 to 500 before the scheme closes later this year. This prospective total of 1220 compares with the AIHW estimate of 11,400 New South Wales residents (aged over forty-six) having been "stolen"—2.1 per cent of the age cohort, not 19.5.

Eligibility for the New South Wales scheme precluded children removed via court order under mainstream child protection legislation, unlike Canberra's plan, which contemplates revisiting such decisions. The "independent assessor" who led the New South Wales scheme happened also to be a director of the Healing Foundation, indigenous former Senator Aden Ridgeway.

Survey respondents may have been thinking of other forms of parental separation such as family breakdown, adoption, being orphaned, temporary child protection orders, parental imprisonment, boarding school or juvenile justice.

South Australia, Tasmania and New South Wales are the only jurisdictions to have financially compensated survivors of the pre-1970s era of child separation. In total these states account for 41 per cent of the 33,600 people aged forty-six and over calculated by AIHW as having been "stolen". Their combined estimated removal rate was 18.8 per cent, whereas the actual proportion, as measured by the number of successful compensation claimants, is 2.2 per cent. (In comparison, the contemporary rate of indigenous children in compulsory "out of home" care is 6.0 per cent, about ten times the overall national rate.)

How to reconcile such a massive difference between survey respondents and verified claimants? Victim reluctance is unlikely to have been the reason, given the celebrated Apology, the long-standing campaign for such recompense, and the considerable financial incentives on offer ($50,000 to $75,000). In truth, the answer most likely lies in the odd way in which the ABS Stolen Generations survey question is framed, being the same formulation used since the first ATSIC-inspired National ATSI Social Survey in 2002: "Have you been removed from your family by welfare or the government or taken away to a mission?"

This question, which requires a "Yes" or "No" answer, conflates two entirely different concepts: "removed from your family" and "taken away to a mission". Child removal is clearly different from the "protection" era policy of "shepherding" entire families and groups onto missions and reserves (most of which survive today as self-managed communities). It is not surprising that so many people who lived through that era would say "Yes" to such a wide-ranging question, *and* that so few of them have since applied for financial compensation for wrongful parental separation.

The scope of the question may have also caused respondents to apply a wider, more subjective notion of "removal" than that of arbitrary separation by authorities. Informal fostering (by grandparents, aunts, extended family) is commonplace in Aboriginal communities, especially given the high proportion of young single mothers. Survey respondents may also have been thinking of other forms of parental separation such as family breakdown, adoption, being orphaned, temporary child protection orders, parental imprisonment, boarding school or juvenile justice.

Some may also have simply been making a political statement, out of a desire to associate with an emblematic cause. This could explain why younger respondents born since 1970 have claimed equivalent rates of childhood separation to their elders, for example in the 2014-15 ATSI Social Survey.

Nonetheless, for whatever reason, Canberra's new compensation scheme seems to assume that about 25 per cent of the current Northern Territory and ACT Aboriginal population born in the territories during the relevant periods will be eligible for compensation for wrongful removal. Should the proportion of successful claimants turn out to be nearer the 2.2 per cent average in New South Wales, Tasmania and South Australia, however, the Commonwealth's scheme could, ironically, prove to be the final reality check to the Stolen Generations narrative.

The misguided events of last century represent perhaps thousands of individual human tragedies,

but twisting the facts to portray it as commonplace—or appropriating the legacy to claim an association that is unwarranted—devalues and disrespects the experience of the genuine victims.

Effects of removal

Last year's Australian Institute of Health and Welfare analysis of the 2018-19 National ATSI Health Survey sought to identify the longer-term effect of removal on the individuals concerned. This work was commissioned by an advocacy group, the Healing Foundation, which is now engaged in designing Canberra's planned compensation scheme.

Based on Stolen Generations responses to the 2018-19 survey, AIHW concluded that "Stolen Generations survivors aged 50 and over face poorer outcomes across a range of health and social measures when compared to other Indigenous and non-Indigenous Australians of the same age". They were found, for example, to be less likely to own a house and more likely to be unemployed (but also more likely to have completed Year 12 schooling).

The implied causal connection (*post hoc ergo propter hoc*) between childhood removal and adult life outcomes assumes that those outcomes are the result of removal itself and are unrelated to the background circumstances that may have given rise to removal, such as abuse or neglect. The findings also rest on an implicit assumption that "removal" was the result of external intervention, as opposed to separation resulting from disruptive family events, informal fostering, community dysfunction and similar experiences which can impact on later life.

That aside, the AIHW "analysis" is more fundamentally flawed by the fact that, as a result of the muddled survey instrument, the affected cohort comprises not just individuals "removed from family" but anyone "taken away to a mission". As suggested by the results of the various state compensation schemes, as many as eight out of nine people who answered "Yes" to the Stolen Generations survey question have not sought or qualified for compensation as "stolen".

Thus the fact that "Yes" respondents exhibit certain distinguishing characteristics (negative and positive) could in fact be the legacy of the institutional experience of "mission" and reserve life. The last "mission manager" in New South Wales, for example, was not removed (from Toomelah) until 1976.

Descendants

Stolen Generations advocates argue that the children of survivors of the Stolen Generations also experience particular disadvantage ("intergenerational trauma"). In order to quantify the number of such survivors, the 2018-19 survey used the standard question: "Have any of your relatives been removed from their family by welfare or the government or taken away to a mission?"

On the basis of the "Yes" responses the Australian Institute of Health and Welfare calculated that 142,200 people, representing 35.7 per cent of adults aged over eighteen, had "relatives" who had experienced removal. This data is quite meaningless. The question itself is corrupted by conflating individual removal and group relocation to missions and reserves. The terms "mission" and "reserve", whether run by churches or government, are today used interchangeably in indigenous conversation. Given the widespread "shepherding" of indigenous people to such places during the pre-1970s "protection" era, it is hardly surprising that as many as one in three of today's adults claim such a linkage via previous generations, if not directly.

The South Australian and Tasmanian reparation schemes found that a significant proportion of their claimants were mistaken: "some separations were purely private matters … without any government involvement".

For example, every Queenslander "related" to a Palm Island or Cherbourg resident, past or present, would be fully entitled to answer "Yes" to such a question, thus identifying as a Stolen Generations "descendant". As could descendants of descendants of descendants. The same applies nationally to several hundred other "reserves" and "missions" to which people were "removed" last century. There are more than sixty in New South Wales alone.

Beyond that, however, responses to the question are further compromised by the scatter-gun definition of "relative" used in the survey. The follow-up survey questions asked: "Are you able to tell me which of your relatives have been removed or taken away from their family (by welfare or the government or taken away to a mission)?" The interviewer is then instructed to "probe with response categories if required", those categories being not just parents and siblings but also "great/grandparents, cousins,

aunties and/or uncles, nieces and/or nephews".

It would be remarkable if someone (who may also be misinformed as to their own childhood experience) could be relied upon to report the childhood experience of a parent or great/grandparent up to a century ago. And in contemporary indigenous parlance the terms "aunty" and "uncle" are applied casually to almost any older acquaintance, as is "cousin" to any peer, whether or not a family relation.

The Australian Institute of Health and Welfare cross-tabulated these "Yes" responses with the respondents' answers to questions about their health and lifestyle, resulting in estimates of comparative disadvantage. For example, that "descendants" were (puzzlingly) twice as likely as other indigenous people to have felt discriminated against or to have been a victim of threatened or actual physical violence in the past twelve months.

Deriving estimates of so-called inter-generational disadvantage from a fundamentally compromised data source (as to who is a "descendant") is methodologically flawed to the point of being specious, yet it is the basis of the proposed $7000 "healing assistance" to some 12,000 individuals in the Northern Territory and ACT.

Testing claims

Seeing its role as "truth telling", the *Bringing Them Home* inquiry elected not to probe or query witness testimony (or to seek the evidence of those previously involved in administering the subject policy). And, because of the evidentiary challenges facing claimants, *Bringing Them Home* eventually recommended that, for the purpose of compensation, the onus of proof be reversed, so that those responsible for removing a child would have to demonstrate that separation was either necessary (abuse or neglect) or genuinely voluntary (without duress or undue influence).

The landmark Gunner and Cubillo test case in the Federal Court in the Northern Territory (involving a baby left to die on an anthill) and the equivalent Joy Williams case in New South Wales each failed because the claimants were found to be unaware of the full circumstances of their removal. There are things a mother can be loath to share with her children.

The South Australian and Tasmanian reparation schemes found that a significant proportion of their claimants were similarly mistaken: "some separations were purely private matters … without any government involvement". Family folklore isn't always reliable.

New South Wales avoided such awkward individual eligibility assessments by automatically compensating every child who had formally come into the custodianship of the state's Aborigines Protection or Welfare Boards (1909 to 1969), regardless of circumstance.

Reflecting the challenge of reliably reconstructing past events and establishing "wrongful" removal, some advocates, such as Victoria's Aboriginal Legal Service, have argued that the circumstances of individual removal are irrelevant: "The fundamental issue is that once in institutional care these children suffered cultural loss."

Changing demographics: the end of ancestry-based programs?

The same could be said of contemporary separations if the Aboriginal Child Placement Principle has not been observed. This policy requires that Aboriginal children should be fostered only with Aboriginal carers. It has been criticised for treating Aboriginal children as cultural artefacts. The policy is more directly challenged, however, by dramatic changes in Aboriginal family composition since its adoption in the 1980s.

Single parents account for about one-third of Aboriginal families (about three times the non-Aboriginal rate). According to the 2016 census at least three-quarters of Aboriginal couples (including almost nine out of ten in non-remote areas) now include a non-Aboriginal partner.

This means that most Aboriginal children today have a non-Aboriginal parent and non-Aboriginal grandparents and cousins. This exposes the inherent tension between the individual rights of the child and indigenous collective rights as embodied in the Child Placement Principle, a conflict that bedevils and sometimes compromises the work of today's child protection authorities.

Along with changing patterns of self-identification in non-remote areas, this shift in family composition has numerous policy implications, including for design of the Voice and for established indigenous funding models. For example, the recent Calma–Langton report on the Voice (*Indigenous Voice Co-design Process Final Report*) eschewed a model based on direct election ("one person, one vote"), instead recommending an opaque and convoluted "bottom-up" local and regional structure, noting that otherwise: "If there is consistent low voter turnout, then this could affect the legitimacy and authority of the National Voice." As a possible alternative organising principle, "First Nations" also notably failed to appeal to the co-design committee.

Eschewing direct election was prudent, given

the results of previous indigenous elections. ATSIC never achieved more than 24 per cent voter turnout. Victoria's more recent Treaty Assembly election resulted in a devastating 7 per cent participation rate, exposing the extent of the disconnect between treaty advocates and grassroots priorities.

Compiling and authenticating a direct election roll for the Voice would be almost impossible given the contemporary dynamics of the indigenous population, as acknowledged in the Calma–Langton report: "eligibility to vote, particularly with regard to confirming indigeneity ... has historically been divisive in some communities".

While 3.3 per cent of today's Australian population identify as indigenous, among school-age children the proportion is 6 per cent and among the newly born it is 7.5 per cent. By the time this emerging generation become grandparents the overall indigenous component of the population could, as a result of continuing inter-marriage and increasing propensity to identify as indigenous (Newfong's "nouveaux noir"), exceed 10 per cent. How prudent and practical would it be to "constitutionalise" such a rapidly evolving segment of the population?

These changing demographics also represent a threat to the funding base of existing organisations catering to the less disadvantaged urban diaspora. It is now fifty years since the first Aboriginal medical and legal services were established in Redfern, at a time when the American "Black Power" phenomenon was surfacing here.

Such urban-based interests are influential affiliates of the Coalition of Peaks to which Canberra has ceded leadership of the Closing the Gap agenda. (What need for the Voice as well?) The Coalition of Peaks is a curiously eclectic, unincorporated grouping of fifteen so-called national bodies (including the Healing Foundation) and fifty state/territory-based organisations, heavily dominated by the health sector, which accounts for eight of the fifteen national affiliates. Training, employment, business and housing interests comprise just half a dozen of the total sixty-five members. There is also a strong imbalance between jurisdictions: South Australia, Victoria and New South Wales account for thirty-five of the fifty state/territory-based members and Western Australia and Queensland just five.

The Coalition of Peaks' pivotal role in Closing the Gap constitutes a classic case of "provider capture" whereby the interests of the service provider are presumed to equate with those of the client. These providers claim to be representative by virtue of being "community controlled", which is often just a polite fiction (see postscript below concerning the Healing Foundation). As most insiders are aware, an all-too-common pattern is that of control by an individual family or faction, often resulting in organisational instability, nepotistic staffing practices, and selective, second-rate service provision. This pattern accounts for much of the inefficiency and ineffectiveness within the sector.

An all-too-common pattern is that of control by a family or faction, often resulting in organisational instability, nepotistic staffing practices, and selective, second-rate service provision.

The necessary shift from existing, ancestry-based to genuinely needs-based funding will face continuing resistance from established urban players. In the meantime, the increasing focus on "remote" communities is code for such a politically sensitive transition. Even the Calma–Langton model for the Voice is explicitly weighted in favour of remote residents (although the inordinate influence of metropolitan players is still evident in the ACT's being apportioned the same number of seats as Victoria despite Victoria's indigenous population being eight times that of the ACT).

The devil's advocate

Against this background the Commonwealth's reparations scheme will have to be carefully designed. Canberra cannot afford another NDIS-type financial and administrative mess. Nor can it risk raising expectations it cannot satisfy. A compassionate but transparent and robust process will be essential.

The objective criteria for establishing Aboriginality (demonstrable descent and community recognition) will be hard to apply in some cases. Will historical (for example, pre-1970s) and contemporary claims be assessed in the same way? Will apparent parental consent be open to question or simply deemed irrelevant? How will "wrongful" removal be assessed, or will it be assumed? Who will bear the burden of proof, the claimant or the respondent? Which agency of government will be the respondent? Wyatt's officials?

This goes to the issue of child separations facilitated or effected by third parties such as churches, charities and other NGOs. Even if the responsible entity still exists it may be reluctant to risk the opprobrium (and cost) of contesting historical claims, especially if someone else will be paying the compensation.

Ultimately it will fall to government, as defender

of the public purse ($378 million in this case), to test and verify these and other unsupported, uncertain or ambiguous claims. Simple *Bringing Them Home*-style "truth telling" won't suffice. The devil's advocate role is unavoidable—and may be an uncomfortable fit if not a conflict of interest for the Indigenous Australians portfolio and for its minister, who has described his own mother as "a survivor of the stolen generations".

It remains to be seen what assessment mechanism the minister establishes to reconcile the government's fiduciary duty to the public purse with its stated aim that the process be "survivor-focused and trauma-informed" (and knowing that the rort-sensitive Auditor-General will be watching from the sidelines).

And what of those other ministers under whose stewardship claimants were removed? Of course, they were rarely, if ever, directly involved. But they could still play a role in the personal apologies contemplated by the government, could they not? Anthony? Barnaby? Paul?

Postscript: The Healing Foundation

The ATSI Healing Foundation Limited is a not-for-profit unlisted public company. Located in Canberra (around the corner from the Prime Minister's department) it is also registered as a tax-deductible "health promotion" charity. It describes itself as "providing a platform to amplify the voices and lived experience of Stolen Generation survivors and their families" whereas its charities registration category is as "An institution whose principal activity is to promote the prevention or control of diseases in human beings".

The Foundation has a symbiotic relationship with its neighbourly funding source. The Prime Minister's portfolio funded the Foundation to contract the Australian Institute of Health and Welfare to undertake the Stolen Generations cohort analyses of the ABS's ATSI Health and Social Surveys. The Foundation's CEO featured at the Prime Minister's August 5 press conference announcing Canberra's compensation scheme.

The Foundation's 2021 financial statements show total income of $10.7 million of which 94.8 per cent came from government grants including $8 million from the Prime Minister's portfolio (National Indigenous Australians Agency). Employing thirty-five staff, it spent $4.5 million on wages, $1.8 million on "programs", $1.6 million on contractors and consultants, and $0.8 million on travel and accommodation.

A major Foundation program, funded by Canberra, is a series of Resources Kits for Teachers and Students. The kit for Year 7 students recommends four successive "activities" culminating in students "writing a persuasive letter to the Minister for Education calling for the Healing Foundation units to be compulsory in all schools".

Membership and control of the Foundation are effectively confined to the existing eight directors, most of whom, including the chair, have been on the board for at least eight years. It requires only five of them to constitute a quorum at an AGM. The directors collectively decide on appointment to any board vacancy—it is not possible otherwise to join the organisation or participate in an AGM (unless you remain one of the half-dozen founding members at the time of incorporation in 2009). Being akin to a private club, there is no such thing as an application form for joining this "community controlled" organisation.

Part Two: Apology Promise Abandoned

Following the revelation in *Quadrant* ("Compensation and Aboriginal Corruption", March 2022) that current and former Territories ministers Anthony Albanese, Paul Keating and Barnaby Joyce could be called upon to apologise to children "stolen" during their tenures as the responsible ministers, the federal government has quietly abandoned this element of its Territories Stolen Generation Redress Scheme.

Announced last August and commencing on March 1 this year, the scheme includes individual payments of $75,000 to Stolen Generations claimants removed by the Commonwealth in the Northern Territory or Australian Capital Territory before self-government (1978 and 1989 respectively) or in Jervis Bay up to the present day. This includes periods when Keating, Joyce and Albanese were been the ministers responsible—Keating in the 1970s and Joyce and Albanese in recent decades.

When the Prime Minister and Indigenous Australians Minister Ken Wyatt made the $378 million announcement on August 5 last year they said that, in addition to cash compensation, successful claimants would be entitled to "receive a face-to-face or written apology for their removal and resulting trauma". On March 1, the day the scheme officially opened for applications, the minister repeated the offer of individual apologies, saying in a press statement that claimants would be able to "confidentially tell their story about the impact of their removal to a senior government official, have it acknowledged and receive a face-to-face or written apology".

That was the same week that the March edition of *Quadrant* highlighted the role of Keating, Albanese and Joyce in child removal and therefore their potential involvement in the provision of individual apologies, possibly face-to-face. Since then, all references to the prospect of apology have been quietly deleted from the scheme. The government website inviting applications and detailing the Territories Stolen Generations Redress Scheme now refers only to what it calls "a Direct Personal Response":

> A Direct Personal Response is telling your story to a senior government person about the impact of [*sic*] removal from your family or community had on you. Your story can be acknowledge [*sic*] face-to-face, or you could ask for a personal letter, or ask for both.

There is no longer any mention of the promised individual apologies, least of all an apology from a responsible minister.

Is this the result of belated pushback from an angrily surprised Deputy Prime Minister? Will the alternative Prime Minister recommit to individual apologies? Was a certain former Prime Minister displeased to find himself caught in such a spotlight?

Canberra's scheme aims to be "survivor focused and trauma informed" but it will also need to be rigorous and transparent if it is to be fraud-resistant and genuine-survivor focused.

Other concerns have come to light since *Quadrant*'s March edition highlighted some of the unanticipated ramifications of the ill-considered scheme. These problems arise largely from the fact that Wyatt and his department have been in thrall to the Healing Foundation, the Canberra-based Stolen Generations advocacy entity that has been prominent in lobbying for and now designing the Redress Scheme. Wyatt, who describes his own mother as "a survivor of the Stolen Generation", frequently waxes emotional about the whole issue.

As outlined in the March issue, the Healing Foundation commissioned and continues to promote the spurious "analysis" of ABS survey data purporting to show that one in five Aboriginal people born before 1970 (including one in four in the Commonwealth Territories) were "stolen" and that one in three of current adults are their "descendants". What the Foundation fails to disclose is that, as a consequence of continuing use of ATSIC's poorly (if not mischievously) designed survey questions, these figures include not just people identifying as "stolen" but also anyone who had lived on an Aboriginal reserve or mission during the pre-1970s "protection" era (plus descendants thereof). The Foundation relies upon the same fundamentally corrupted data to infer lifetime and intergenerational consequences.

The ultimate reality check as to how many children were actually stolen in that era has been provided by the experience of the three states (New South Wales, Tasmania and South Australia) that have implemented schemes to compensate those who may have been wrongfully—without cause or consent—removed. The resultant number of verified claimants amounted to slightly less than 3 per cent of adults born in those jurisdictions before the mid-1970s. This contrasts with the Healing Foundation's claim of one in five and with the premise of the 2008 parliamentary Apology, as asserted by Kevin Rudd: "Between 1910 and 1970 between 10 and 30 per cent of Indigenous children were forcibly taken from their families."

During Ken Wyatt's tenure as minister the Healing Foundation has successfully inveigled itself into the heart of Canberra policy-making. Its inordinate influence—playing to the minister's emotional blind spot—possibly accounts for the spectacular overreach that resulted in Canberra's compensation scheme targeting not just last century's assimilation practices in the Northern Territory but also today's judicially sanctioned child protection removals on the New South Wales south coast, thus inadvertently ensnaring Joyce and Albanese in the process.

Where were the normal public service checks and balances when this idea was first canvassed? Didn't anyone, especially the Finance Department, probe the evidence base on which the $378 million budget was calculated? Were Barnaby and the rest asleep when Wyatt proposed his idea to Cabinet (assuming it was subjected to Cabinet scrutiny)? Was his Indigenous Australians agency cowed or complicit (these being the same officials now assessing individual claims)? Where was the Attorney-General when they decided to revisit and compensate court orders? Didn't the Department of Prime Minister and Cabinet warn the Prime Minister of the management risks and political implications? Did nobody speak truth to power? Frank and fearless advice? This is how you make bad policy.

The states did not make this mistake. Even the

equivalent scheme finally announced by Victoria in March this year applies only to those removed before 1976 under administrative discretion, similar to the New South Wales, Tasmanian and South Australian schemes. Those schemes also revealed the extent of the risks involved when financial incentives are in play: one in three of their claimants proved to be not stolen, not Aboriginal, or otherwise unentitled.

Canberra's scheme aims to be "survivor focused and trauma informed" but it will also need to be rigorous and transparent if it is to be fraud-resistant and genuine-survivor focused.

The Healing Foundation has been intimately involved in Canberra's decision-making from the start. At the August 5 press conference announcing the Redress Scheme the Prime Minister revealed, "Earlier this year I met with the Healing Foundation and I committed then that I would look at this important issue. Today we are delivering on that commitment." The Foundation's CEO featured at that announcement. Since then Wyatt, who facilitated its original meeting with the Prime Minister, has announced that the Foundation would, in tandem with his department, co-chair the external advisory board that will "guide the scheme".

Given the Foundation's outlook and record, this is unlikely to facilitate a robust claims assessment process. Future grist for the Auditor-General's mill?

Governments need to maintain a healthy arms-length relationship with lobby groups if they are to protect the common good and the public purse. The Foundation has been exempted on the assumption that it is accountable to its clientele and properly run. But this assumption is not true.

In particular the Foundation is described as "community controlled", whereas for all practical purposes it is a private club. Incorporated as an unlisted public company, membership is by invitation only, whenever the directors need to fill a board vacancy, which is rare (most of the existing eight directors, including the chair, have been on the board for at least eight years).

There are also questions concerning the Foundation's financial affairs. Over the past decade, according to its financial statements, the Foundation has received Commonwealth grants totalling $77 million! During the same period it has raised less than $1 million in public donations (most of it in a single tranche). Its auditors have repeatedly cautioned that "The company is dependent on the National Indigenous Australians Agency for the majority of its revenue used to operate the company."

Over the last four years annual remuneration payments to the Foundation's "key management personnel" have increased by almost 60 per cent, from $401,000 to $637,000. The most recent auditor's report (2021) is overtly critical of remuneration practices for the Foundation's senior staff. Fees paid to directors have never been publicly disclosed (and you can't go to an AGM to ask). Nonetheless, Canberra pours millions into the Foundation annually and permits it to "guide" a $378 million public program.

The Healing Foundation is fundamentally compromised—by its closed-shop corporate structure, its worrying financial affairs, and its conscious misuse of unsound data to mislead the public.

The minister, whether or not re-elected, and his bureaucrats have a case to answer for their favoured treatment of this company and for the unravelling consequences.

Keith Windschuttle

Traditional Culture is the Problem, not the Solution

We owe this community an approach that honours the wisdom of the oldest living culture in the world, its elders and particularly the women. An approach that says: we believe in you. When Wik people return to activities deeply rooted in their traditions, lores and customs, I see respect, pride, strength and hope.

— Billy Gordon, MP for Cook, speaking at Aurukun, Cape York, in May 2016 after teenage violence forced the evacuation of white teachers and the school's closure

The Commonwealth of Australia is a liberal democracy based on the rule of law. It allows its citizens the right to publicly air their grievances, to criticise one another and even to show profound disrespect for their leaders, without fear of losing their freedom or their lives. It has a Constitution that guarantees long-term consistency in both the political and legal systems. Its government and courts are conducted in public and its laws are all knowable. Its statute laws are all publicly proclaimed when they are created and its common law can be found through published legal precedents and textbooks. Legal guidance is available to both rich and poor so that all citizens can predict with reasonable precision whether the actions they contemplate will be lawful or unlawful.

Yet Australia's Aboriginal political class wants a constitutional change that will repudiate not just some of the above but all of it. These activists and their white supporters want to segregate their constituents from this civilised approach to government and law in order to restore self-determination within Aboriginal communities.

The Labor government that has promised a referendum to change the constitution to fulfil the activists' demands has not yet defined what it means by "self-determination"—and it will certainly try to avoid spelling it out in its campaign for the referendum. However, the proponents of the Voice have long been clear about their objective. They want to restore the customary laws of the ancient Aboriginal culture that was on this continent before the British came in 1788.

The kind of society Aboriginal activists want to build throughout Australia is not imaginary but has long been real. Its specimens are clearly visible today in the communities in central and northern Australia created since land rights were granted in the 1970s. That was when federal and state Australian governments withdrew their meagre funding of the old Christian missions in remote communities and replaced them with far more expensive regimes run by committees of local indigenous people.

What followed was a long, expensive and dispiriting exercise for those Aboriginal people subject to it. Yet Aboriginal leaders and their white advocates imagine they can solve the problems self-determination has already created by doling out more of the same and replicating their proposals on a much larger scale.

The basis of the "self-determination" that is now being touted has been described by Marcia Langton and Lisa Palmer:

> Aboriginal people have continued to argue that not only customary property rights in land but also ancient jurisdictions survive, on the grounds that, just as British sovereignty did not wipe away Aboriginal title, neither did it wipe away Aboriginal jurisdiction. Aboriginal governance under the full body of Aboriginal customary laws, by the same logic as that that led to the recognition of native title at common law must, even if in some qualified way, have survived the annexation of Australia by the Crown.

Anyone who thinks that our legal profession would automatically reject this and defend the benefits of the English rule of law would be mis-

taken. In 2000, the New South Wales Law Reform Commission investigated the issue and came out in favour of customary law. Its 2000 report, *Sentencing: Aboriginal Offenders*, claimed that, for Aboriginal people, customary law was more humane and effective than Western law. Its punishments were largely confined to shaming and banishment and customary law was more culturally rigorous. It included many offences not recognised by Western law such as insulting an elder, singing sacred songs in public, showing sacred objects to women, and neglecting kinship obligations.

Hence, the report claimed that recognition of customary law by the state's judicial system would help reduce the incidence of Aboriginal incarceration and deaths in custody, solve the problem of alcohol abuse and "help bring about safer and less violent communities". Not only that, but the report seriously believed that a revival of customary law today would bring about a cultural "renaissance" for Aboriginal people:

> Before Aboriginal societies can have equal standing with non-Aboriginal societies, there must be recognition of Aboriginal customs and traditions. Furthermore, recognition of customary laws may bring about a renaissance of those laws: recognition has the potential to motivate Aboriginal people to pool their knowledge and recollections, creating the foundations for a rebirth of dormant customs and traditions. This process could well have the effect of increasing the value of Aboriginal ways and of empowering Aboriginal people, raising self-esteem and self-respect.

The violence permitted by customary law against Aboriginal women and children sanctions actions that are morally offensive to the wider Australian society, and are serious offences against Australian law.

However, it is not difficult to show there is no way that customary law could work, or should work, for Aborigines in the modern world. There are at least four problems that no amount of legal dissembling can overcome:

• Customary law is unwritten and there is no way to solve differing opinions within Aboriginal society about what the law actually says.

• Customary law is not unified or unifiable; each of the more than 200 or so existing clans in remote Australia have their own brand of law and, if it comes to a dispute between them, there are no higher courts of appeal to rule in favour of one or the other. In these cases, the most common traditional recourse of the disputing parties is violence.

• The customary concept of "payback" as practised in traditional society, where innocent individuals can be punished along with the guilty, is unjust, illiberal, and under Australian law would often be a serious criminal offence.

• The violence permitted by customary law against Aboriginal women and children sanctions actions that are morally offensive to the wider Australian society, and are serious offences against Australian law.

Customary law is immutable and must not be changed by its custodians. It derived from ancient spirit beings who existed in the Dreaming, a sacred heroic time long ago when man and nature were created. The role of human beings was to obey the law, not make it. As one Pitjantjatjara man put it to an anthropologist: there is "one Law and it is there forever". Hence, rather than supporting a renaissance within Aboriginal culture, it is a positive drag on progress and improvement.

It was also dominated by men, yet is endorsed by many female academics and politicians like Marcia Langton, Linda Burney and Megan Davis. In traditional society, male elders kept the higher principles of law and custom secret to themselves. Traditional life for a male was a process of revelation in which male elders gradually released the contents of the secret men's business that governed them. It would take an initiated man until middle age to gain full knowledge of its secrets. Younger men and all females had little say in how their society was managed, and little opportunity to influence the course of their own lives.

Although male initiates were eventually told the laws of their clan, cases in the Northern Territory have emerged where elders accused of serious crimes have expressed different views about what the law actually says. They have also wanted to allow defences that other elders do not recognise. Bill Stanner's classic essay, "Durmugam: a Nangiomeri", discusses how his central character, an Aboriginal leader on the Daly River in the Northern Territory named Durmugam, killed at least four members of the Kunabibi cult because they had broken the laws of that cult. However, two of the victims' close kin thought the killing had no legal justification and that Durmugam was merely pursuing his own interests. In other words,

unwritten customary law provides scope for some people to have different memories of the law when it suits them.

Traditional culture's process of "payback" has been observed by Europeans since the first settlement at Sydney Cove in 1788. It has been ubiquitous across the Australian continent, with observations from Victoria to the Northern Territory naming it at times as the chief cause of premature death among Aboriginal people. In a study of the Murngin people of Arnhem Land in the early twentieth century, Lloyd Warner found:

> Of seventy-two recorded battles of the last twenty years in which members of Murngin factions were killed, fifty were for blood revenge—the desire to avenge the killing of a relative, usually a clansman, by members of another clan … The idea underlying most Murngin warfare is that the same injury should be inflicted upon the enemy group that one's own group has suffered. This accomplished, a clan feels satisfied; otherwise, there is a constant compulsion towards vengeance, causing a continuous restlessness among those who are out to "buy back" the killing of one of their clansmen.

Payback is still practised today. In three murder trials in the Northern Territory in 2000 in which Aborigines were accused of killing other Aborigines, the payback duty imposed by local customary law was used as a defence, even though it had fundamental conflicts with Australian law. The customary law at issue required that, after the killing of three people from one clan, they should be avenged by the clan of the victims. This could be satisfied by the killing of any three members of the clan of the perpetrators, not necessarily the guilty ones. In other words, an individual who had no part in killing anyone could be put to death in what customary law regarded as just retribution for a murder committed by another member of the clan. But even in its own customary terms, there is nothing "just" about this. Its innocent victims regard it as an unjust and terrifying ordeal. Dave Price records an example of this collective guilt from the Northern Territory in 2009:

> A senior woman from Papunya told me that the young ones she was escorting to face traditional punishment were literally pissing themselves with fear. In this case, they were the female kin of the accused male perpetrator. They had to share in his punishment for the crime of being related. It is about revenge and blood lust as well as restoring the balance and maintaining the peace, and the lives and physical well-being of the most vulnerable are expendable in this process.

Moreover, the payback process did not require any testing of the evidence to determine conclusively who the actual guilty party was. In her book *Trouble: On Trial in Central Australia* (2016) about the failure of both customary and official law to stem the appalling levels of violence in central Australia in recent years, Kieran Finnane records two cases of this kind. In 2009, in revenge for a non-fatal assault on one of their relatives, six men armed with knives and clubs went searching for the two assailants who they believed were at a drinking party in the bush north of Alice Springs. The two men they wanted were not there, but they attacked the rest of the drinkers anyway, stabbing two of them to death. When interviewed by the police, one attacker was asked by an officer:

> "Were you talking about payback for them blokes then?"
> He said, "Yeah, got the wrong ones. Wanted to pay back Watson Dixon.
> [The officer] said, "Those dead are the wrong ones?"
> He said, "Yeah, should be Watson."

In another case in 2013 at a town camp near Alice Springs, six members of one family "hunted like a kangaroo" a man as payback for the killing of a female relative. They abducted him in a car to another camp, poured petrol on his genitals and set him on fire, and finally clubbed and stabbed him to death. However, their victim could not have been the woman's killer. He was in jail at the time she died. He had done nothing to provoke the attack on him and had not caused any harm to any of his killers or their relatives. Despite the evidence, his killers denied payback was their motive, and successfully pleaded guilty to manslaughter while drunk, rather than murder.

In some cases of payback, an aggrieved relative of the person killed could discover the name of the killer in a dream. Anthropologist Kenneth Maddock argues that traditional Aboriginal society believed death always had a human cause and usually was the result of sorcery. Death was "induced by the sorcerer using his art to separate irrevocably the bodily and spiritual parts of his victim's person". Sorcery meant that Aborigines ruled out the possibility of death by accident or misadventure. Ronald and Catherine Berndt wrote:

> Even wounding or death in fighting may be seen in this light. The immediate cause may be a spear thrust; but the real cause may be the hostile action of a third person, who has arranged the situation in advance to ensure that the victim was in the right position at the right time.

The belief that all deaths were caused by malign humans led to the corollary: that it was necessary to avenge deaths by punishing the suspected murderer. If before his or her demise, an Aborigine did not reveal the name of those who caused it, Aboriginal inquests would look for signs in nature that would identify the sorcerer responsible. These beliefs created societies permanently bent on revenge against neighbouring tribes. And if the sorcerer could not be found, then the killing of other individuals from the same clan would satisfy the payback duty.

These principles offend not only against Australian law but also against international law and legal procedures, as well as international notions of human rights, not to mention all civilised moral values. Payback is in direct conflict with the integrity of Australia's liberal society, which is founded upon the dignity and worth of the individual. If an autonomous Aboriginal community within the Commonwealth established a regime that, instead of performing payback illegally and covertly as happens now, embedded it in its own customary law, the Australian government would have a moral duty to intervene to overturn it. However, the kind of constitutional change recommended by today's Aboriginal political class would legitimise acts of this kind.

The strongest argument against customary law is that the interests of Aboriginal people themselves are better served by the legal system we inherited from the United Kingdom and have since been modifying to suit the needs of all Australians. Despite frequent claims to the contrary by legal academics steeped in the currently fashionable doctrine of cultural relativism, the framework of laws and the concepts of justice inherent in the Australian system are not ethnocentric, that is, they have not been established only for people of Anglo-Celtic or European background, even though that is the cultural environment in which they first developed. They incorporate the accumulated experience of the English common law, of accurately recorded statutes developed over the course of centuries within a complex, rapidly changing, modern urban society with global interests and responsibilities. There is no way that the memorised customary law of Aboriginal tradition, designed to regulate kinship relations in a hunter-gatherer society, could have a just place alongside it.

Keith Windschuttle is the Editor of ***Quadrant*** *and author of* ***The Break-up of Australia****. This article appeared on* ***Quadrant Online*** *in June 2022.*

Raymond Burns

Indigenising the Curriculum in Our Schools

In recent weeks, BHP, Australia's biggest mining company, has announced the Ngarrngga Project, an educational initiative aimed at "encouraging Indigenous knowledge experts and practicing classroom teachers to work collaboratively". The project finds BHP partnered with the University of Melbourne, which is well known for its Indigenous Knowledge Institute. According to the promotional materials, the program "will expand the trial and use of Indigenous resources and tools to better support the teaching of First Nations content across the existing Australian Curriculum, and in teacher education programs". Professor Marcia Langton, an Iman woman and academic from the University of Melbourne, announced that the project would teach Australians that contemporary First Nations communities are "strong, resilient, rich and diverse".

Mirroring this language, Caroline Cox, BHP's Chief Legal, Governance and External Affairs Officer, stated that the project would encourage "celebration and pride in the strong, diverse and living cultures" of Australia's Aboriginal peoples. The announcement followed years of bad press for BHP regarding the disturbance and desecration of Aboriginal cultural heritage sites as part of its $4.5 billion South Flank iron ore operations in Western Australia. Setting aside the appearance of corporate whitewashing, the project shows the considerable prestige that indigenising the curriculum has acquired in recent years. We now have Australia's top-ranked university teaming up with Australia's largest non-financial company to give new impetus to the indigenisation of Australian education.

Yet as Professor Langton's reference to the "existing Australian curriculum" suggests, the goal of indigenising the National Curriculum has been a major priority among educators since 2008, and English teachers have been at the forefront of this development. As a result, English teachers have accumulated considerable experience in teaching stories, poems and plays from indigenous writers. However, serious problems have emerged. The biggest of these is that the texts selected by boards of studies are almost invariably soaked in the victimhood narratives popularised by American-style social justice. Far from learning that indigenous communities are "strong, diverse and resilient", students are presented with a syllabus that focuses on exploitation, dispossession and molestation, making indigenous communities appear as perpetually traumatised victims of settler-colonialism.

A related problem (one also evident in the promotional materials for the Ngarrngga Project) is that indigenised curricula frequently involve the religiose quoting of progressive shibboleths about whiteness and indigeneity. A final issue, one which the Ngarrngga Project could *potentially* help to address, is that indigenisation projects put non-indigenous teachers (roughly 99 per cent of the total teaching body) in the position of authorities and curators of the indigenous experience, a position which is highly problematic according to the tenets of social justice. Unless these issues are openly debated by educators and the general public, the Ngarrngga Project runs the risk of replicating past mistakes and becoming another well-intentioned but counterproductive initiative from educational bureaucrats.

A prevalent myth in education reporting in Australia is that students are uninformed about the "true history" of colonialism in Australia, and a dose of "truth-telling" is required. This view was recently repeated in *The Conversation* by Tracy Woodroffe, a Warumungu Luritja academic from Charles Darwin University:

> "We didn't learn this in school," they say. This proves school students need to be given a balanced and truthful education about Australia's history. This needs to include the stories of massacres, dispossession, segregation and exclusion, as well as the personal long-term impact of the Stolen Generations and other racist government policies.

Speaking as an Australian teacher, I am not surprised that many students have learned nothing about indigenous history and culture, but this does not mean that teachers have never spoken about it. The headline of a recent article from the *Sydney Morning Herald* says it all: "We Can Use the Word Illiterate: The Writing Crisis in Australian Schools". As grim as the article sounds, it is not hyperbolic: Australian literacy and numeracy levels have been in precipitous decline since the turn of the millennium. Many Australian teenagers are chronically disengaged at school, partly due to the prevalence of sub-literacy. In all likelihood, the students who professed little awareness of indigenous history would also know next to nothing about the pharaohs or trench warfare. This cannot be taken as proof that they were never taught about ancient Egypt and the First World War.

NESA, the New South Wales Education Standards Authority, has compiled a detailed timeline of indigenous educational initiatives which goes back decades. As long ago as 1991, Aboriginal Studies courses were added to the curriculum, and by 1995 the Aboriginal Education Policy covered all students and staff. During the 1990s many novels on indigenous issues were taught in Australian schools, such as *My Place* by Sally Morgan (a Stolen Generations narrative), James Maloney's *Dougy Trilogy*, and *No Sugar* by the indigenous dramatist Jack Davis. From 1998 onwards, Sorry Day was commemorated in Australian schools to apologise for child removals during the Stolen Generations and by 2006 ten Aboriginal languages were being taught in New South Wales schools.

The indigenisation of Australian education gained greater momentum with the implementation of the National Curriculum from 2010 onwards. This document identified three cross-curricular priorities for Australian education, the first being "Aboriginal and Torres Strait Islander histories and cultures". In other words, for the past decade Australian teachers have been tasked with incorporating Aboriginal perspectives into *every* subject. The first of three key concepts in this area is that indigenous peoples have "unique belief systems that connect people physically, relationally and spiritually to country/place". The second and third involve recognising the linguistic and cultural "diversity" of Aboriginal cultures, a state of affairs which teachers are expected to explain without being able to speak a single word of an indigenous language or having the authority to explain indigenous cultural protocols.

While these concepts seem benign on the face of it, they are often vacuous and reductionist. The curriculum requires students to accept the paradoxical mantra that indigenous cultures are both wonderfully diverse and completely interchangeable: truisms about the spiritual importance of "country" apply equally in Tasmania and Arnhem Land. At the same time, students and teachers are expected to accept that these simplistic concepts are so profound that they require endless elaboration. If students are not "engaged" with a curriculum that recycles these same concepts in every subject, it is presumed that the teacher is doing something wrong and requires professional development. This, I suppose, is where the Ngarrngga Project comes in. In truth, the talking points of its promoters are substantively *identical* to the key concepts in the twelve-year-old National Curriculum (namely, that Aboriginal cultures are "unique and diverse"), yet educators will be expected to feign excitement, as if something revolutionary is being offered. But where the buzzwords of "celebration" and "diversity" are merely tiresome, something far more worrying lurks in the English texts prescribed by the Board of Studies.

Since 2018, the New South Wales Board of Studies has mandated that every final-year school-leaver should study "Texts by Aboriginal and/or Torres Strait Islander authors and those that give insights into diverse experiences of Aboriginal and/or Torres Strait Islander peoples". Therefore, it is absurd for Tracy Woodroffe to talk about the lack of indigenous perspectives in Australian education. In Australia's most populous state, it is *impossible* to graduate from high school without writing essays about indigenous perspectives.

While many people would regard this development as a noble attempt at "inclusion", it is patently clear that some indigenous voices are more valued than others. Predictably enough, the Board of Studies has promoted texts which propagate a social-justice worldview, with intergenerational victimhood being a common theme. A popular choice in New South Wales and Victoria is *Rainbow's End* by the indigenous playwright Jane Harrison. Dux College, a tutoring college based in Sydney, offers the following overview about Nan Dear, the novel's dauntless matriarch:

> She is a bearer of intergenerational trauma as she lived in the era of the stolen generations. She is painfully aware of many families around her whose children were taken. She has developed a kind of stoicism to deal with this trauma and is thus reluctant to speak about this subject. She was also sexually abused by a white man in her youth. Her character is also useful to demonstrate the great resilience and perseverance of indigenous Australians … despite the discrimination levelled against them.

These themes of white depravity and Aboriginal nobility are also explored through the other characters. For instance, would you be surprised to learn that Dolly Dear, Nan's granddaughter, is also the victim of discrimination and sexual abuse but nevertheless emerges as a powerful survivor, who symbolises the feminist resilience of a younger generation of Aboriginal women? The experiences explored by a text like these are not human universals such as love, growing up or the search for meaning, but the experience of oppression, which, in accordance with social justice theory, is the unique preserve of minoritised groups. *Rainbow's End* lacks the complexity and ambiguity of true literature, replacing it with Manichean generalisations about the racialised nature of experience. Sadly, it is typical of the texts on offer.

An alternative option for budding dramatists is *Parramatta Girls* by Alana Valentine. (*Shafana and Aunt Sarrinah*, another Alana Valentine play, is also on the reading list. It explores the politics of the hijab, ultimately presenting it as a symbol of liberation.) In contrast, *Parramatta Girls* offers a dramatisation of testimonies of child abuse at a girls' home. The play centres on the trauma of three indigenous women: Marlene, Kerry and Coral. Marlene's flashbacks reveal her sexual violation by a medical officer known as "Dr Fingers"; Coral's story involves her sexual assault and impregnation by a prison guard before being brutally bashed in an attempt to induce an abortion. Apart from these horrors, the play details degrading chores and punishments. Nonetheless, the women achieve maturity and healing through their communitarian solidarity with the other former inmates of the home.

Exam-takers can also satisfy the indigenous literature requirement by studying poetry. Many teachers select poems from Ali Cobby Eckermann's 2015 collection *Inside My Mother*. These poems offer a dual focus, swinging between the callousness of non-indigenous Australians and the otherworldly mysticism of Aborigines. For example, "Oombulgarri" is a protest poem about the closure of a remote Aboriginal settlement in Western Australia. According to the *Guardian*, the remote indigenous settlement was closed due to the prevalence of suicide, alcoholism and child sexual abuse. However, these details are completely absent from Cobby Eckermann's poem. They remain what left-wing theorists might term a "gap and silence" within the poem. In fact, anything that would challenge the dominant narrative of white oppression and Aboriginal victimhood has been expunged. The take-away message is that white callousness has destroyed a thriving Aboriginal community, causing trauma and grief. As Matrix College candidly sums it up on their websbite: "'Oombulgarri' does not hesitate to place the blame for what has happened on those who drove the population of the town away: ('the town is empty now / as empty as the promises / that once held it together')." Indigenous communities are represented as the powerless victims of capricious state power.

"Unearth", another Cobby Eckermann poem, uses burial as a metaphor for the white repression of indigenous culture, before ending with the hope that this vanished heritage might yet "boomerang" back into existence. In contrast, her poem "Trance" colourfully depicts an Aboriginal woman drifting off into a trance while "hunched in a possum-skin cloak" and "floating in a pitjuri haze"—*pitjuri* being a kind of native tobacco. Here we have a highly stereotyped view of indigenous people as otherworldly beings, adrift between the material and spiritual worlds. At least "Trance" offers a respite from the tales of dispossession and cruelty, but it also exemplifies the dualistic worldview evident in most of the set texts by indigenous authors. In fact, the perceptive student will suspect that there is something very Western about these texts; they owe far more to the social-justice worldview of the last twenty years than to timeless indigenous myths. The focus on dispossession, trauma and abuse is saturated with victimhood culture, relieved only by neo-colonial clichés about the timeless spirituality of indigenous people.

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What has the media response been to the wholesale adoption of the metanarratives of the social-justice Left? Very frequently, it is to deny that any such thing has happened. Apart from Professor Woodroffe's piece in *The Conversation*, the ABC ran an article with the following assertions:

> "Despite the traumatic impact that the Stolen Generations policies continue to have on Aboriginal and Torres Strait Islander people and communities, very little about this chapter of our history has been taught in schools—particularly from an Indigenous perspective," Professor [Steve] Larkin said.

This puff piece was written in its entirety by the Healing Foundation, which, according to a 2022 *Quadrant* article by Christopher Heathcote, received $600 million in forward funding to facilitate "healing" in communities affected by the Stolen Generations. However, as Heathcote revealed, "No medical specialist in Aboriginal health sits on the board or is listed in senior management of the Healing Foundation, which is incorporated as an unlisted public company. There is not even a token GP." The all-indigenous-identifying board consists mostly of academics, administrators, social workers and activists.

To sum up, the education page of the ABC was handed over to an activist organisation devoted to intergenerational (but non-medical) healing. What was the result? Even as tens of thousands of matriculating students were studying texts written by Stolen Generations survivors, the ABC blithely assured its readers that "very little about this chapter of our history is taught in schools". Furthermore, millions more in funding is going to projects, like the Ngarrngga Project, which aim to help educators embed these perspectives still more deeply in the curriculum.

What students make of it is anyone's guess, but many of them have read *The Burnt Stick* (a Stolen Generations picture book) in primary school, watched the Stolen Generations film *Rabbit Proof Fence* in the early years of high school, studied modules on "European Invasion and Indigenous Resistance" in history, and completed high school writing essays about dispossession and intergenerational trauma for their leavers' exam. There is nothing more canonical than Stolen Generations narratives in the current Australian high school. Furthermore, only one perspective is being advanced: namely, that the episode was the defining moral outrage of twentieth-century Australian history, one which is the leading cause of intergenerational trauma for indigenous Australians and the reason why white Australians should support initiatives like those offered by the Healing Foundation. This approach is now so central to Australian education that is hard to see what more could be done to "embed" it.

An alternative approach (or what appears to be) is what Caroline Cox of BHP terms "celebration and pride in the strong, diverse and living cultures, knowledge systems and histories of Aboriginal and Torres Strait Islander peoples". This could, in theory, offer a more promising approach, but educators should first notice the non-academic emoting from which the formulation suffers. Some decluttering is in order. The first target should be the list of adjectives "strong, diverse and living". Tellingly, this is very similar to "strong, resilient, rich and diverse" in the Australian curriculum. If teachers are to develop critical thinking skills in their students, they should warn them that adjectives and adverbs are discouraged in scientific forms of analysis. As Rutgers University explains:

> One of the good elements of style is to avoid adverbs and adjectives. Adjectives and adverbs sprinkle papers with unnecessary clutter. This clutter does not convey information but distracts and has no point especially in academic writing, say, as opposed to literary prose or poetry.

The ubiquity of "strong, diverse and resilient" in policy documents around indigenous education indicates a high level of (positive) bias in favour of indigenous culture. It is one of the indicators that clear thinking has been abandoned in favour of on-trend sloganeering. The second cause for concern here is the language of "celebration and pride", which also indicates a highly emotive approach to learning rather than the development of critical thinking skills. Funnily enough, the concept of "celebration" is also problematic for social-justice educators, though for very different reasons. As the *Encyclopedia of Diversity and Social Justice* entry on "school climate" explains:

> If the norms, values, practices, heroes, and sacred stories *celebrate* [my emphasis] middle-class Anglos, which is often the case with older schools, minority and non-middle-class students may feel that they are not welcomed.

In other words, if the culture and stories of the majority are celebrated, others may feel excluded. Therefore, celebration of Western culture is problematic because of the putative hurt feelings of non-Anglo minorities. The encyclopedia goes so far as to describe the celebration of majority cultures as "insidious". In contrast, the same encyclopedia encourages teachers to celebrate the beliefs of ethnic and religious minorities. The advice is: "Both students and teachers … overcome their fear and *celebrate* [my emphasis] diversity in religion." Therefore, it is only non-majority norms, beliefs and stories which can be safely celebrated by schools—the sort of double standard which is rife in social-justice circles. This usage maps neatly onto the Ngarrngga Project, where indigenous cultures will be unproblematically celebrated. Plainly, celebrating non-Western cultures no less than decrying the evils of colonialism is part of social-justice education. Therefore, there are serious signs that the Ngarrngga Project is already affected by social-justice ideology and its

entrenched biases.

However, decluttered of such excrescences, the formulation holds promise. Students would simply study the "cultures, knowledge systems and histories of Aboriginal and Torres Strait Islander peoples". Yet this should be done using a multi-perspectival approach that would necessarily include source materials which do not support the certitudes of the social-justice approach. For example, Oodgeroo Noonuccal, Australia's most canonical indigenous poet, published a poem, "The Child Wife", which is highly critical of the Aboriginal custom of marrying young girls to older men:

> They gave me to an old man,
> Joyless and old,
> Life's smile of promise
> So soon to frown.
> Inside his gunya
> My childhood over,
> I must sit for ever,
> And the tears fall down.

A more balanced indigenous studies curriculum would have a place for works that are critical of some aspects of indigenous culture. It is now standard for teachers discussing Shakespearean drama to look at patriarchal marriage customs in Elizabethan England. How many teachers would feel safe subjecting indigenous marriage customs to the same level of critical inquiry? It is surely no accident that "The Child Wife" has been kept well clear of a curriculum ostensibly intent on indigenisation.

At present, educational bureaucrats are so deeply ensconced in the "celebration and pride" model of indigenous studies that it has already caused them to drastically misinterpret texts. The classic example is the poem "Mango" by the indigenous poet Ellen van Neerven, which matriculating students were asked to analyse in 2017. The exam paper asked them to consider "how the poet conveys the delight of discovery". Unfortunately, it later emerged that the poem is about the sexual assault of an eight-year-old girl at a swimming hole. Lines such as "boys talking about mangoes / slapping water / some have never had one", make the sexual content abundantly clear. Asking students to write about "the delight of discovery" in the context of childhood sexual abuse was a true fiasco.

We should ask why educators who have recommended the study of sexual violence in *Parramatta Girls* and *Rainbow's End* would completely miss the signs of it in a poem about indigenous Australians. It is hard not to conclude that they have convinced themselves that abuse is something white men do to Aboriginal people but is absent in indigenous communities. Oppression operates across racial boundaries, not within them. Therefore, the Board of Studies grotesquely assumed that nothing but "delightful discoveries" were going on in a poem about childhood sexual abuse. So-called education experts are fundamentally misreading texts in accordance with their ideological biases.

There seems little hope that poems like "Mango" or "The Child Wife" would be willingly assigned to students under current conditions, but an indigenised curriculum might be better for it if they were. It would provide some balance to a curriculum which is monomaniacal in its focus on white wrongdoing and Aboriginal innocence. For while educators are constantly asserting that indigenous communities are diverse, they do not seem to have viewpoint diversity in mind. They devote themselves to whitewashing the problems of indigenous culture by attributing every problem to the legacy of settler-colonialism.

Apart from a greater diversity of viewpoints and opinions, an indigenised curriculum could be improved by including more exposure to oral literature. One of the notable absences from current English syllabi is songs and poems collected from traditional communities. A celebrated example would be *Song Cycle of the Moon-Bone*, which was collected from north-eastern Arnhem Land by Ronald Berndt in 1946-1947. For teachers who have cut their teeth on the traumatised narratives of the current curriculum, this song can come as a welcome respite:

> People were diving here at the place of the Dugong …
> Here they are digging all around, following up the lily stalks,
> Digging into the mud for the rounded roots of the lily,
> Digging them out at that place of the Dugong, and of the Evening Star,
> Pushing aside the water while digging, and smearing themselves with mud …

Berndt observed in 1948 that the *Song Cycle of the Moon-Bone* is a work of "exceptional beauty and poetic quality". It also represents valuable insights into the culture and mythology of a hunter-and-gatherer society. There are now many translations of such "song-poems", with *Songs of Central Australia* by Theodor Strehlow containing many fine examples. These songs offer access to indigenous cultures which are comparatively unmuddied by contemporary ideological obsessions. (As translations, these songs will undoubtedly include

influences from Western thinking and poetics.) If the Ngarrngga Project truly wants to incorporate indigenous perspectives in education, it could do worse than starting with "dream songs" which offer a representation of indigenous culture from inside.

However, we should be aware of the dangers of this proposal. Several years ago, I showed students some photographs of Aboriginal rock art as part of lessons on Noonuccal's much-anthologised poem "No More Boomerang", which favourably compares indigenous rock art to the abstract art of the 1960s. One of my indigenous students protested that I had no right to speak about examples of Aboriginal rock art as they were "sacred sites". I offer this as an example of how fraught the concept of indigenous knowledge and culture can be. The well-meaning non-indigenous teacher who tries to incorporate indigenous perspectives and history can easily break cultural protocols of what is "sacred" and "non-sacred". As it turns out, the *Song Cycle of the Moon-Bone* is a non-sacred song which can be safely taught, but non-indigenous teachers are ill-equipped to navigate these protocols. A potential solution is to bring more indigenous teachers and elders into Australian schools, as they are best placed to judge such matters. If this is the sort of collaboration BHP has in mind, then it could be helpful. But it should only be part of a frank discussion about the purpose, scope and direction of indigenising the curriculum, a debate which educational elites show little interest in having.

Indigenising the curriculum is a prestigious prospect, which has attracted the attention of everyone from mining giants to the national broadcaster. Far from being marginal, it has been a national educational priority since at least 2008, with precursor projects dating back as far as the 1980s. The current focus, especially in high schools, has been on the Stolen Generations and cultural dispossession, with these experiences mediated through the social-justice lexicon of oppression, harm and trauma. Many academics and media outlets seem either puzzlingly unaware of this development or convinced that this perspective needs to be embedded still more deeply, a belief that should ring alarm bells about indoctrination.

What is truly needed is a free debate about what indigenous education should look like. I would recommend more viewpoint diversity and greater attention to oral literature from traditional communities, but the winds are blowing in a completely different direction.

Raymond Burns is an English teacher with many years' experience teaching in Australian schools. This article appeared in the April 2023 issue of ***Quadrant****.*

Tony Thomas

The Aborigines Lost in Translation

The Australian Broadcasting Corporation's wokerati want me to use Aboriginal words in my everyday discourse. They'd like me to say at dinner parties that I grew up in Boorloo (formerly called "Perth"), moved to the press gallery in Ngunnawal Country ("Canberra") and finally settled down in Naarm (formerly "Melbourne") out near "Mirring-gnay-bir-nong" ("Maribyrnong") which translates as "I can hear a ringtail possum".

As the ABC puts it in their 2019–22 Reconciliation Action Plan, it wants Aboriginal languages and cultures normalised to become a part of my daily life, creating openings "to start conversations and to embrace and form personal connections with Australia's ancient cultures". The ABC's inescapable avalanche of Aboriginal words and acknowledgments and tributes is, it says, just

> the first stage of a longer journey … The overarching project of fostering a richer and more inclusive national conversation that the ABC is committing to will take many years and will continue beyond the end of this Elevate RAP and into the next. It is one small contribution to the broader journey to reconciliation.

A key goal is indoctrinating small kids to kowtow to the Aboriginal industry. For example, ABC Kids launched twenty-seven episodes of *Little Yarns* where tots learn a word of two while absorbing the ABC's version of Aboriginality—"family, nature, culture and belonging". *Play School* took up the pledge with "Specials … including the landmark episode, *Acknowledgement of Country*, celebrating Aboriginal culture and language".

ABC classroom materials combine the usual Disneyfied version of Aboriginal culture with wallows in victimhood and massacres. A small example: Aboriginal songwriter and activist Della Rae Morrison, born in Narrogin, Western Australia, praises kids singing their pop-rap songs in Noongar, and says:

> We almost lost our language since the stolen generation, and my grandparents being told in the missions that they can't speak their language, and if they did, they'd have it flogged out of them. So I've grown up with my grandmother never speaking the language to me.

Is there evidence for such floggings—at which missionary centre, and when? Bob Hawke's uncle, Bert, was a Labor Party organiser in those parts from 1928 and held the nearby seat of Northam from 1933 to 1968. Was he uninterested in such (alleged) barbarity in his bailiwick?

The same program says only 250 out of 30,000 Noongar speak the language, presumably the remote elderly, so its survival prospects are dim.

Radio National Breakfast ran a piece quoting Sydney University Linguistics Professor Jakelin Troy with her prescription that every Australian school should teach an Aboriginal language. She is described by the ABC as a Ngarigu woman (the Ngarigu inhabit Snowy Mountains country). Professor Troy says thousands of school students are already studying a local language, and she has designed a K-10 syllabus across all school ages nationally.

In the article she emphasises her own Aboriginal status a dozen times—"her community is starting to use their language again"; she has learnt a corroboree ceremony song in "my language"; "I greet people in my language"; and young Australians love engaging with "who and what we, as the Indigenous people of Australia, are", and so on

The Dark Emu Exposed research group has looked into her Aboriginality claim:

> Extensive genealogical investigations into her maternal and paternal family trees has failed to find even one Aboriginal ancestor. In our opinion, based on these investigations, allegations that Jakelin Troy is not Aboriginal by descent appear to be valid. We are unaware

> of any genealogical evidence that has been made public by Professor Troy herself to substantiate her claims for her Aboriginality.

Perhaps her claim is based on her own valid research and Dark Emu Exposed is in error. But I think it's in her own interest to answer the query with documentation, rather than allowing it to distract from her Aboriginal language advocacy.

The Radio National Breakfast item also quotes Professor Felicity Meakins, a University of Queensland linguist. She says that "the languages have been silenced as the result of brutal colonial policies" including via the stolen generations. She wants curricula to support bilingual education—that is, indigenous language and English language. She warns that Australia could come under critical scrutiny from UNESCO for loss of local languages. She wants them to be learnt and spoken not just in schools but "across a wide variety of domains", including the arts. She cites how the Noongar have translated *Macbeth* into the Noongar language.

The ABC really means business with its Reconciliation Action Plan. Its progress is monitored both by Karen Mundine at Reconciliation Australia and the ABC's own Bonner Committee reporting direct to the ABC's managing director David Anderson. The ABC is quite frank about its intended transformation of the Australian way of life:

> The ABC's vision for reconciliation is an Australia in which Aboriginal and Torres Strait Islander names, voices and languages—and the culture and wisdom they reflect—become an everyday part of the national vocabulary.
>
> It will know that this has been achieved when the words, stories and traditions of Australia's First Peoples have been so embraced and integrated into the way Australians speak as to be unremarkable.

The language push, incidentally, seems to involve yet another revenue stream for the Aboriginal industry. The ABC's dousing of words onto their airwaves is always preceded by "rights and release forms enabling Indigenous communities to retain the copyright and ownership of their cultural knowledge and languages."

Perhaps this ABC exercise is well-meaning but dopey? Yes, judging by Gary Johns in his impeccably-documented book *The Burden of Culture*, a synthesis of thirty years' research. Johns has been writing and researching in this field since 1990 when, as a Labor member of parliament, he was a close observer of the Coronation Hill debacle. That was when the Hawke government, in search of Green second preferences, made a decision on false evidence preventing mining on Aboriginal land.

Johns describes the bilingual push as counter-productive to progress for the 20 per cent of Aborigines who are stagnating on their jobless homelands (the other 80 per cent are doing fine in suburbia). "Aboriginal languages were not built for the modern world," he says. Language revivals just grant new powers and sinecures to the industry's city-based elite. The past decades of bilingual efforts in remote schools merely "gave licence to Aborigines to not only reject learning English but not attend school". At some Northern Territory schools, Aboriginal kids' attendance rates are as low as 14 per cent—and the government is loath to enforce attendance.

Bilingual education even in the Northern Territory resulted in time-consuming translations and low English proficiency, and all but ceased in 2008. Earlier, a similar approach in Western Australia was abandoned. Australians can only progress by proficiency in English—both spoken and written. Without literacy, they can't engage and thrive in the wider world. "To not immerse [in English] is to cruel the chances of Aboriginal children," Johns writes. He's sad to see the decline in homelands, from mission-schooled literate grandparents to illiterate offspring and grandchildren. Worse, some communities now take a pride in resisting English literacy, given they can and do live on welfare.

The idea that Aboriginal kids and adults can somehow benefit from learning and reviving a near-lost local language is fanciful. There are few native speakers able to teach, and most text versions of such languages are just word lists of animals, foods and body parts, abstracted from dialogue. Any motive for kids doing the work involved is likely to dissipate by the late teens. The feds currently allocate a mere $20 million a year for such programs, a vote of little confidence, Johns writes.

Some documented local languages like Mudburra (around the Barkly region of the Northern Territory) involve only a tenth of the words used by a typical English speaker. Indeed there are only about ten speakers of Mudburra. Overall, Johns says only 25,000 to 34,000 Aborigines speak local languages, and the percentage of speakers in thirty years has fallen from 16 per cent to 10 per cent. Only about eight languages out of 141 have more than 1000 speakers, including two Kriol languages—whereas viable languages need around 100,000, according to some overseas yardsticks .

In any event, mobile phones and readily available vehicles are causing young people to hugely modify

their local language into a Kriol or pidgin. Bess Price, of Alice Springs and a fluent Warlpiri speaker, refers to young people's Warlpiri as "baby talk"—inventing language to suit their own world. "Are young Warlpiri reading Facebook in Warlpiri?" Johns wonders. An Aboriginal participant in a research project commented, "Leave the culture to us and you just teach our kids to read."

If a language dies, it just means that people are using a different language. To keep up the narrative of "saving the language", bureaucrats cite various academic studies (of dubious worth) claiming improved well-being. For example, researchers claim the Barngarla people of South Australia's Eyre Peninsula have been rescued from "linguicide" and dysfunction by language counsellors using "decolonising methodology". But after ten years' well-funded but circular work, the results from the sample of only sixteen clients were a blank. "A men's or women's shed would be a lot cheaper," Johns remarks. "Aboriginal leaders such as Noel Pearson, Marcia Langton, Pat and Mick Dodson, Megan Davis and others of the professional Aboriginal spokespersons have moved well beyond their community. I do not know whether they have been reintroduced to their language."

Preserving the languages is very expensive and unlikely to succeed. Only a linguist would worry about losing them. Of the top ten languages being renewed in Australia, the number of speakers varies from forty to 450, but child speakers number only twelve to 130. A "recovered" language at Port Macquarie had not been spoken for 150 years but revived from the writings of a European Christian. Much is made of local languages surfacing in music, television and movies like *Ten Canoes*. But NITV, an Aboriginal channel on SBS, has a risible 0.2 per cent of the television viewing audience.

"These language initiatives are not without their problems," Johns writes:

> In February 2021, the Office of the Registrar of Indigenous Corporations, for the fourth time, extended the special administration of the Central Australian Aboriginal Media Association Aboriginal Corporation. Based in Alice Springs, the media corporation was placed under special administration in March 2020 in response to its poor financial position and growing debt, exceeding $2.7 million. Further, without English, none of these programs or the corporation would have succeeded.

Outside the cities, too many Aborigines lack spoken and written English skills. Their need is not language and cultural revival—the culture has bad as well as good elements—but adult education and training for careers like plumbing and carpentry. That would remove them from control by the Aboriginal industry. So the industry, such as the Lowitja Institute, continues to blame low literacy on "colonisation, exclusion and systemic racism"—purported problems for which it says the Lowitja Institute and its kin, rather than TAFE courses, should take charge.

There are limits to recovering languages, Johns says. Should the English language as spoken by the First Fleet be recovered? In any event, discrete Aboriginal communities are shrinking and the growth is coming from latter-day identifiers in the cities and regions. Johns concludes:

> There is no proof that reviving Aboriginal language has a beneficial effect on Aborigines. It may lift their spirits for a time, it may fascinate, but it will not unlock the knowledge they need to gain a foothold in the wider community. Aborigines do not need to revive dead languages, they do not need therapy to prove their worth, they need to learn English and skills so that they can be truly self-determining and escape the clutches of an industry hell-bent on pursuit of an ideology built on identity, which is destroying the dignity of Aboriginal people.
>
> Adult education would be a far more productive course than language revival, and courses are readily available. They do not require capture by Aboriginal-owned and community-controlled organisations. Incompetence is no way to climb out of poverty.

What underlies this language-revival exercise? One answer is that the Aboriginal industry can no longer gain traction via cries of racism and discrimination, since Aborigines (the city-based identifiers at least) are now a privileged caste lauded from kindergartens upwards. Hence they want to switch from "race" to "culture" to keep the largesse flowing. Leading their "culture" propaganda is the taxpayer-funded cabal at the ABC. The wokerati there now see themselves—as set out in the ABC's Reconciliation Action Plan—no longer just as a news group but as engineers of the Australian soul.

Tony Thomas's new book from Connor Court is ***Anthem of the Unwoke: Yep! The Other Lot's Gone Bonkers****. For a copy ($35 including postage), email tthomas061@gmail.com. This article appeared on* ***Quadrant Online*** *in December 2022, with footnotes.*

William D. Rubinstein

Aboriginal “Science” and Western Knowledge

In recent years, many false claims have been made about the nature of Aboriginal culture and the extent of Aboriginal knowledge of science and other aspects of learning and discovery known in the West. Most of these claims are distorted, and often clearly nonsensical. The aim of this article is to have a closer look at some of these very dubious aspects of Aboriginal culture. It might be useful to begin this discussion by looking at one facet of their worldview, Aboriginal astronomy.

According to Charles Mountford, “the Aboriginal people of Groote Eylandt and Yirrkala in Arnhem Land have an explanation for the waxing and waning of the Moon. They believe that when you have a full Moon, it is because at high tide the sea water runs into the Moon and at low tide the sea water runs out of the Moon. The Moon then has a crescent shape. However, there is no scientific evidence that they have actually seen the sea water rushing or coming out of the Moon …”

“Venus is the most conspicuous planet. Stories about Venus, the Morning Star which is known as Barnumbir, are well known and common knowledge to the Aboriginal people. To the Aborigines in north-eastern Arnhem Land, Barnumbir is associated with death … According to the Aboriginal people, Barnumbir is held on a long string held by two old women on the Island of the Dead … Just before dawn Barnumbir is let out of the bag so that the star can wake up the people and give them messages from the dead. At dawn the star is pulled back to the shore and kept in a bag during the day. The process is repeated again next morning. The Aboriginal people in north-eastern Arnhem Land perform morning star ceremonies to ensure that the deceased travels safely to the Land of the Dead.” (Dr Ragbir Bhathal, “Astronomy of the First People of Australia”, online.)

“In many Aboriginal traditions, the planets are seen as children of the Sun and Moon. They represent ancestor spirits walking across the sky, connecting ceremony and Law to various groups of stars. In Wardaman Aboriginal traditions, Uncle Bill Yidumduma Harvey describes the planets moving across the sky as ancestral beings walking along a road. Just as you or I walk down the street, sometimes we stop and turn back before moving forward again. Sometimes we slow down and chat with other people during our journey. Uncle Yidumduma says the ancestral beings are coming back for another ‘yarn’ with other planets as they travel across the sky … The planets are seen as celestial beings with heads, but no bodies.” (“Indigenous Astronomy and the Solar System”, Indigenous Knowledge Institute, University of Melbourne, online.)

This farrago of superstition, ignorance and balderdash is not “indigenous knowledge”, or knowledge of any kind, and represents the exact opposite of Western knowledge about astronomy as it has developed since ancient times, by empirical observation, the propounding of rational theories to explain these observations, their testing and criticism of these theories in the light of further empirical observation, followed by the propounding of further, improved theories, which are always subject to rejection or amendment in the light of better rational theorising.

It might be worth setting out the main landmarks in the development of Western knowledge of astronomy since ancient times, as given in one timeline of the history of astronomy. In 467 BC, Anaxagoras produced a correct explanation for eclipses, and described the Sun as a large fiery mass. He was also the first to explain that the Moon shines with light reflected from the Sun. In 270 BC, Aristarchus of Samos proposed the theory that the Sun was at the centre of the universe, with the Earth just one planet revolving around it. From Roman times until the Renaissance, and especially during the “Dark Ages”, when original knowledge was often regarded as blasphemy and heresy in a way which parallels the regard for original knowledge in traditional Aboriginal

society, there was no progress, at least in Europe, in our knowledge of astronomy, but then great scientists and their discoveries re-emerged. In 1543 Copernicus revived the theory that the Earth revolves around the Sun, rather than the other way round; in 1608 the Dutchman Hans Lippershay invented the refracting telescope; in 1609 Johannes Kepler devised his three laws of planetary motion, showing that the orbits of planets were elliptical; in 1610 Galileo published a work describing what he found using his telescope, including sunspots, craters on the Moon, and four satellites of the planet Jupiter; in 1687 Isaac Newton published his *Principia Mathematica*, propounding the theory of gravitation and the laws of motion—and so on, to the latest discoveries made with telescopes in orbit around the Earth.

Some of these discoveries were made at cost to their discoverers: Galileo spent the last ten years of his life under house arrest by the Inquisition for his theories (and for apparently attacking the Pope in one of his books). The cost to some brilliant and brave discoverers should never be forgotten by those who now champion the prep-class drivel of Aboriginal "uncles" as scientific knowledge, although in Australia it increasingly is. But in the West, great scientists and discoverers were also admired and honoured: Newton, for example, was made a knight, given the sinecure position of Master of the Mint so that he could have an income with no duties, and was buried in Westminster Abbey. So, too, was Charles Darwin, who was also one of the most honoured scientists of his day, despite the fact that his theories appeared, to some, to undermine established religion.

> *The implication that there was something unique about their use of the stars in their "navigation" is false. The use of the stars in celestial navigation at sea was virtually ubiquitous among an enormous variety of peoples and cultures.*

Another common trait today in considering Aboriginal "science" and "knowledge" is to greatly exaggerate its originality and novelty. A good case in point is the use by pre-contact Aborigines of the stars at night as a map to "navigate" (on land) when on their nomadic travels. According to Robert S. Fuller ("How Ancient Aboriginal Star Maps Have Shaped Australia's Highway Networks," ABC [where else?] *Conversation*, published April 7, 2016): "Like [travellers] today [Aborigines] turned to the sky to aid their navigation. Except instead of using a GPS network, they used the stars above to help guide their travels ... the pattern of stars showed the 'waypoints' on the route. These waypoints were usually waterholes or turning places on the landscape. These waypoints were used in a very similar way to navigating with a GPS, where waypoints are also used as stopping or turning points ... The pattern of stars (the 'star map') was used as a memory aid in teaching the route and waypoints to the destination ... Such a route resulted in what is known as a songline. A songline is a story that travels over the landscape which is then imprinted with the song (Aboriginal people will say that the landscape imprints the song.)"

"Songlines" were necessary in Aboriginal society because they had no writing or maps on paper to guide their nomadic wanderings, and because pre-contact Australia had no marked roads or streets, no horses, stables or wheeled vehicles, and no wayside inns to facilitate travel. The implication that there was something unique about their use of the stars in their "navigation" is entirely false. The use of the stars in celestial navigation at sea was virtually ubiquitous among an enormous variety of peoples and cultures. It is worth citing Wikipedia's Epic List of the many peoples who have "excelled as seafarers", making use of the stars and, later, of man-made devices like the astrolabe (invented in Hellenistic times) to master sea navigation: "The Austronesians (Islander Southeast Asians, Malagasy, Islander Melanesians, Micronesians, and Polynesians), the Harappans, the Phoenicians, the Iranians, the ancient Greeks, the Romans, the Arabs, the ancient Indians, the Norse, the Chinese, the Venetians, the Genoese, the Hanseatic Germans, the Portuguese, the Spanish, the English, the French, the Dutch, and the Danes." It should also be noted that in 1787-88, Captain Arthur Phillip successfully led a fleet of eleven vessels on a 24,000-kilometre voyage from Portsmouth, on the south coast of England, to Botany Bay, often in uncharted or virtually uncharted waters, in all weathers.

Another central navigational device is the compass, enabling the identification of magnetic north. The compass is believed to have been known and used in Han Dynasty China between 300 BC and 100 AD, and is also known to have been used in China from c. 1050 AD. Its first use in Europe has been dated to c. 1090 AD, and in the Muslim world to 1232 AD. There is also remarkable evidence that it may have been known to the Olmec

people of what is now Mexico as early as 1000 BC. The compass was also used on trade routes in East Africa in medieval times. One of the few places in the Eastern Hemisphere where its use was not in use was Australia: it was completely unknown to the Aborigines, so far as we know.

Most recent commentators have viewed Aboriginal culture as centring around the concept of the "Dream Time", which was introduced into anthropological discourse by Francis James Gillen (1855–1912), a noted anthropologist, but without formal training, who was master of the Alice Springs Post and Telegraphic Station from 1892 and also Sub-Protector of Aborigines in that area. The term became known to the wider public by his collaboration with the eminent Oxford-trained anthropologist Sir Baldwin Spencer (1860–1929), and first appeared in print, it seems, in an 1896 work by Spencer and William Austin Horn, *Report on the Work of the Horn Scientific Expedition to Central Australia*. There is no record of the term, or anything like it, being used by anyone before that date. It was apparently unknown to the dozens of explorers, settlers, missionaries and others who knew Aboriginal society well and wrote about it.

A number of important points should be made about the use of this term. First, it derives from a word in the language of the Arandic people of central Australia; many linguists believe that it might more accurately be translated as "eternal created", "abiding law", or the like. Second, and more importantly, it is not a description of the workings of the universe, but a code of proper tribal behaviour. The term "Dream times" (in the plural) apparently occurs twice in the *Horn Expedition* report, most importantly on page 111:

> The morality of the black is not that of the white man, but his life, so long as he remains uncontaminated by contact with the latter, is governed by rules of conduct which have been recognised amongst the tribe from what they speak of as the "alchēringa," which Mr. Gillen has aptly called the "Dream times." Such rules of conduct are taught by older men to the young ones and are handed down from generation to generation. Any breach of these rules renders the offender liable to severe punishment—either corporal or what is perhaps quite as bad, the feeling that he has earned the opprobrium of, and is ridiculed by his fellows.

That the "Dream time" is not an attempt to explain the meaning of life but attempts to make binding for eternity the rules and regulations of the tribe is echoed in a magisterial 427-page work by Spencer and Gillen, *The Native Tribes of Central Australia* (1899), page 17:

> As amongst all savage tribes the Australian native is bound hand and foot by custom. What his fathers did before him he must do ... Any infringement of custom, within certain limitations, is visited with sure and often severe punishment.

The early anthropologists of the "Structural-functional" school, like Emile Durkheim, indeed saw the function of tribal myths not as an explanation of the origins of anything, but an attempt to enforce tribal solidarity and conformity.

The other early use of the term "dream times" in the *Horn Expedition* work occurs on page 50:

> The blacks have a rather curious myth to account for the origins of the pillar [a natural formation in central Australia]. They say in what they call the Alcheringa (or as Mr. Gillen appropriately renders it the "dream times"), a certain noted warrior journeyed to the east and killing with his big stone knife all the men, he seized the women and brought them back with him to his own country. Camping for the night on this spot he and the women were transformed into stone, and it is his body which now forms the pillar, whilst the women were fashioned into the fantastic peaks grouped together to form what is now known as Castle Hill, a mile away to the north.

This "explanation" is typical of both the nonsensical, non-rational basis of all Aboriginal myths, and of its extreme brutality.

The term "dream time" is apparently not used at all in the later major works by Spencer and Gillen, which are accounts of tribal marriage and relationship taboos, totems, ceremonies and aspects of tribal life such as the "medicine men". What is absolutely clear is that the term did *not* denote any Aboriginal worldview of harmony with nature, preservation of the environment, communion with the animal and plant world, and the like, such as one might expect to hear about at some New Age love-in, or from the vegetarian wing of the Greens Party (and the Aborigines were emphatically not vegetarians). Any such interpretation dates from the recent past, probably no earlier than the 1960s, and has been advanced by the woke brigade in order to make the Aborigines seem not merely less

utterly brutal and superstitious than they actually were, but also far more moral than today's white Australians.

Probably the most alarming aspect of the distortion of the nature of Aboriginal culture is that it is widely accepted in the curricula of schools and even universities. Bruce Pascoe, whose apparently mendacious claims about the Aborigines have been repeatedly exposed in *Quadrant* and elsewhere, received a Chair at Melbourne University; misleading claims about Aboriginal "science" are readily available on numerous websites. One such, "Aboriginal Knowledge for the Science Curriculum" (online) claims that "If we understand 'science' to mean a systematic approach to acquiring knowledge, then 'Aboriginal science' is the science of their natural environment. After all, they used scientific methods of data collection, such as observation and experimentation, for thousands of years."

This site makes a number of claims which seem highly dubious. It states that "most modern aircraft's wings mirror the shape of a boomerang". But aircraft wings were, for many decades, straight rather than v-shaped, and exist to create a partial vacuum over the (horizontal) wings which will cause the aeroplane to rise. The dynamics of boomerangs—however ingenious they may be—and aircraft wings are nothing alike. The site also claims that "Aboriginal people knew that the tides are linked to phases of the moon, while Italian scientist Galileo Galilei was still proclaiming, incorrectly, that the moon had nothing to do with the tides." The statement about Aborigines here is an apparent reference to those in Arnhem Land, who believed that "when the tides are high, water fills the moon as it rises. As the water runs out of the moon, the tides fall, leaving the moon empty for three days. Then the tide rises once more, refilling the moon." ("Australian Indigenous Astronomy," online.) Obviously, water does not fill or leave the moon—this is nonsense. That the moon was linked to the phases of the tide was well known to the ancient Greeks and Romans, such as Pytheas of Massalia and Seneca, and to medieval writers like the Venerable Bede and Dante. It was first proposed in an exact way by Kepler in 1608, and was given technical grounding as an aspect of gravity by Newton in 1687. Galileo's untrue belief was that tides were caused by the movement of the Earth round the Sun, apparently an overly enthusiastic inference from the Copernican theory, which he had been championing. Ironically, it flew in the face of the beliefs of most other Western scientists since ancient Greece that the moon and the tides were linked. The examples noted here are typical of recent efforts to make wildly exaggerated claims of Aboriginal genius while denigrating Western scientists.

This interpretation has been advanced in order to make the Aborigines seem not merely less utterly brutal and superstitious than they actually were, but also far more moral than today's white Australians.

As well, there is, of course, zero evidence that the Aborigines used "observation and experimentation"—particularly the latter—in anything they did; the most striking aspect of the pre-contact Aboriginal presence here is that they did not modify or change anything in their environment which might ameliorate the fact that they were nomadic hunter-gatherers who were forced to murder 35 per cent of their children. Nor does it take into account the fact that the Aboriginal population of Australia was perhaps 350,000 in 1788, whereas today Australia is the home of 26 million people, most of whom enjoy a standard of living almost infinitely higher than did the pre-contact Aborigines. These inconvenient facts must be asserted and reasserted every time absurd and misleading claims about Aboriginal society and culture are made, as they are with increasing frequency.

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Peter O'Brien

The Fine Art of Being Aboriginal

When I first started writing for *Quadrant,* I was primarily interested in the global warming scam, but my contributions covered the whole range of politics and current affairs. Recently, though, I seem to have typecast myself as, predominantly, a commentator on Aboriginal issues. That is not because I harbour any particular animus towards Aboriginal people; however, I have lately wondered if I have become a bit obsessive about this—finding offence in every public expression of Aboriginal "culture" and victimhood.

On reflection, I think not. I have become a keyboard warrior pushing back against what Gary Johns calls "Aboriginal colonisation"—the phenomenon of having Aboriginal memes constantly shoved down our collective throat to the extent that they are changing our public discourse. The most obvious example is the ubiquitous acknowledgment of traditional owners and elders. It has become as common an opening as once was "Ladies and gentlemen".

Our nation, a British nation based on British traditions and institutions, owes nothing whatsoever to indigenous or Aboriginal tradition or heritage. Yet it is being brown-washed with a superficial ochre-tinged veneer of wokeness and virtue-signalling that suggests we are essentially an Aboriginal nation.

Recently I became aware of more of this nonsense at the New South Wales Art Gallery, which was:

> proud to announce that cross-cultural Wiradjuri woman Karla Dickens, one of Australia's most exciting artists, has been invited to create a new contemporary work for the Gallery's iconic entrance.
>
> Dickens' preliminary concept for the empty niche on the sandstone facade, "To see or not to see" 2019, is a powerful exploration of her female and Aboriginal identity and the continuing legacy of colonialism. It has been on display at the Gallery in the exhibition "Dora Ohlfsen and the facade commission", which explored the story of the empty niche and its original design by artist Dora Ohlfsen.
>
> Dickens said of her concept, "The work is about women and invisibility, something just as much an issue today as it was in Dora Ohlfsen's time. The year of her commission in 1913 was the year my grandmother Myrtle was born. She and her family were constantly hiding or being hidden, forced to mask their indigeneity. The issues she faced continue as the legacy of Aboriginal women today, and it's important to me, and to my mob from northern New South Wales, to have this chance to speak."
>
> Launching in 2021 to coincide with the Gallery's 150th anniversary celebrations, the work will be one of the first visitors encounter as they cross the threshold into the Gallery.

I daresay the irony that Dickens's work is flanked by the names Canova, Goujon, Giotto and Raphael *et al* is lost upon the curators of the gallery. You might care to know a little more about Karla:

> Karla Dickens describes herself as a menopausal woman pushing 50, with plenty to say and nothing to lose. She is too busy working and going to the tip to be bothered by what people are saying (or not saying) about her. Karla proudly reminds us she's a mum and her daughter Ginger motivates Karla to work hard for very little money. She's been a solidly practising artist since finishing her Bachelor degree at the National Art School in Darlinghurst in 2000. Historically, the work ethic has always been an important part of Aboriginal life. Something she recognised in her own family and always understood to be a fact of life for Aboriginal people.

I thought Ian Hamm claiming on NITV *Insight* that "You don't get much for being a blackfella" was the height of chutzpah, but Karla's thoughts on the intrinsic work ethic of Aboriginal life could top that.

As if that episode wasn't enough, my resolve to continue was strengthened recently by my own experiences with ABC Classic, to which I have been listening for more years than I care to remember. These days I only listen to it when I am in the car and, over the past couple of weeks, I have been struck by the fact that almost every time I tune in, the first thing I hear is a didgeridoo or clicking sticks or a mournful chant. The main offender is Russell Torrance on Breakfast on weekdays. Russell, who hails from the UK and came here in 2007, never fails to let us know from which Aboriginal country his offerings are being broadcast.

Below is a breakdown of the Aboriginal items that appeared on Breakfast in the week November 14 to 18.

Monday
Assiginaak, Barbara: *Mnidoonskaa, Ntam Ginjigan* (An Abundance of Insects, Book One): I. Water striders [02'26]
Allen, Steve | Barton, William: *Heartbeat* [07'55]
Tuesday
Howard, Luke: *Passions Of All Kinds* [05'11]
Gifford, Brenda: *Plover Bird* [03'15]
Mizrahi, Netanela | Guwanbal Gurruwiwi: *Ku Kuk* [02'16]
Gurrumul: *Ngarrpiya* (Octopus) [06'09]
Wednesday
Ngulmiya: *Bandhay* [05'54]
Cheetham, Deborah: *Pecan Summer: Prelude* (Dreamtime) [02'53]
Barton, William | Tognetti, Richard | Burbrook de Vere, Piers: *Ritual* [01'29]
Thursday
Gifford, Brenda: *Dhugawara B song* [02'19]
Mizrahi, Netanela | Guwanbal Gurruwiwi: *Miyapunu* [06'43]
Chance, Alice: *So Strong* [03'04]
Henry, James: *The Rains* [03'46]
Sainsbury, Christopher: *Djagamara* [04'22]
Friday
Assiginaak, Barbara: *Mnidoonskaa, Ntam Ginjigan* (An Abundance of Insects, Book One): I. Water striders [02'26]
Allen, Steve | Barton, William: *Heartbeat* [07'55]
Ngulmiya: *Dhararri* [05'10]
Kleinig, Hilary: *Great White Bird* [04'12]
Barton, William | Serret, Véronique: *Runs Deep / Dreamtime Dawning #3* [04'11]

I wondered if that week was some sort of Aboriginal music week—an addition, perhaps, to the thirteen existing events of importance to Aboriginal people that we celebrate annually. So, I checked the previous week. No, Torrance managed to give us fourteen Aboriginal pieces in four days of the previous week. (The program for Friday, November 11, had disappeared down the memory hole by the time I looked.)

That seems a somewhat disproportionate Aboriginal representation—albeit that most of the pieces are fairly short—in what is purportedly a showcase of classical music which spans six or so centuries and many nations.

Torrance is not alone, although he is the most determined to push what seems to me to be more a political agenda than a cultural one. There is also the Lunchtime Concert, hosted by Genevieve Lang, Mairi Nicholson and Alice Keath. Here is the Aboriginal contribution to this two-hour show from Monday November 14 to Friday November 18:

Monday
Buckskin, Jack: *Pudnanthi Padninthi* [03'38]
Wednesday
Deborah Cheetham: *Long time living here*
Deborah Cheetham: *Galnya Yakarrumdja*
Deborah Cheetham: *Long Journey Boonwurrung*
Deborah Cheetham: *Wominjeka Elements 2*
Deborah Cheetham: *Wominjeka Birrarunga*
Deborah Cheetham: *Nganga Yinga*
Deborah Cheetham: *Bunjil Ngalingu*
Deborah Cheetham: *Wooroongt Bik*
Deborah Cheetham: *Yarran Ngarnga Yinga*
Barton, William | Cislowska, Tamara-Anna: *Chant of the Earth* [03'22]
Thursday
Sheppard, Elizabeth: *Burradowi (Women's Song to the Eels)* [02'54]

The Friday concert showcased *Songs from the Heart*, which according to the ABC website is:

> a new a capella cantata created by First Nations composers Elizabeth Sheppard and Sonya Holowell, in collaboration with The Song Company led by Antony Pitts. The work is a musical and poetic response in five parts to the words and themes of the Uluru Statement from the Heart.

Antony Pitts is an English composer and musician who became artistic director of the Song Company in 2016. I caught only the tail end of one of his comments during the concert, to the effect that although he had been here only a short time he

lamented the wrongs done to Aboriginal people, or words to that effect, and he called out the hypocrisy of acknowledging traditional owners when we had no intention of handing any of it back. I would have thought that, being here since 2016, he might just have heard of *Mabo*? I think Pauline Hanson could be recruited to give the appropriate advice to Maestro Pitts. Here is the concert.

Songs from the Heart, part 1:
Sheppard: *Cross Country*
Sheppard: *Kaouwi Two Children Cooee*
Sheppard and Neale: *As I Walk*
Holowell: *Never Extinguished*
Songs from the Heart, part 2:
Sheppard: *Kaouwi ex Cordis — Gathering; The First Sovereign Nations; Sovereignty*
Holowell: *We Here*
Songs from the Heart, part 3:
Sheppard: *Ngaala Maaman (The Noongar Prayer)*
Sheppard: *Noonakoort Karnya Respect*
Holowell: *This is the torment of our powerlessness*
Songs from the Heart, part 4:
Sheppard: *Kaouwi ex Cordis—Miyaldjan Teardrops; Australia's Nationhood; A Rightful Place; Enshrinement*
Holowell: *Like You Can*
Sheppard: *Kaouwi ex Cordis—Makaratta; A Better Future*
Songs from the Heart, part 5:
Holowell: *A Way*
Sheppard and Neale: *Keep Guard of our Dreams*
Sheppard: *Koorlangka Children*
Sheppard: *Land of Sunshine*
Holowell: *Become Like Children*
Barton, William: *Until We Win in C major* [06'48]
Clapham, Rhyan: *Pitara Yaan Muruwariki (pitched)* [05'39]

On November 11, Lunchtime Concert gave us *No More Sugar, No More Tea* (approximately thirty minutes) described by the ABC website as occupying:

> a unique space—not quite opera, not quite theatre, but deeply informed by its writer/composer and natural storyteller Richard Frankland's Indigenous heritage, as well as co-composer Biddy Connor's direct melodic style. Drawing on letters exchanged between Indigenous women and their husbands and sons on the frontlines of the First World War, *No More Sugar, No More Tea* is a compelling narrative of disappointment, resilience, and what makes us human.

This appeared to be the only musical acknowledgment of Remembrance Day. No Vaughan Williams and no Frederick Septimus Kelly, an Australian composer killed at the Somme.

I am not saying this music is bad—some of it is quite good. What I am saying is that, first, it owes vastly more to Western music than it does to Aboriginal tradition and, second, it reeks of tokenism and propaganda.

Peter O'Brien is the author of ***The Indigenous Voice to Parliament? The No Case*** *(Connor Court) and* ***Bitter Harvest: The Illusion of Aboriginal Agriculture in Bruce Pascoe's Dark Emu*** *(Quadrant Books). This article appeared on* ***Quadrant Online*** *in November 2022.*

Christopher Joliffe

The Synthetic Reinvention of Indigenous Culture

Lately, with all the hullabaloo around the Voice and the other silly and dangerous ideas endlessly thrown around by our elites, who seem to be suffering a prolonged attack of the vapours, I've been feeling some sympathy for Aborigines. Not for the usual reasons, mind. This has little to do with disingenuous sentiments about country or colonialism or culture or whatever magic word presently moves the withered heart of the patricidal activist, nor even because they get endlessly shifted this way and that as symbols and totems to bend the public mood. Instead, I see in what happened to them the same process that is presently befalling us. They, like primitive peoples everywhere, were overmatched by material and ideational forces that broke apart how they lived, and whether they embraced this or had it imposed upon them is academic, really. Nobody who has had a taste of indoor plumbing or enjoyed living under a roof can easily return to hunting kangaroos barefoot, or drinking from rivers patrolled by saltwater crocodiles.

There's a reason the ancestors of us cold-weather types built walls, and prepared frantically for winter; nature is only a friendly companion to the bushwalker who returns home to her modern conveniences. For most of prehistory, nature was our fallen vengeful sister, not our bountiful mother. Some never overcame her, while others flattered themselves that they had. As Daisy Bates put it long ago, "The Australian native can withstand all the reverses of nature, fiendish droughts and sweeping floods, horrors of thirst and enforced starvation—but he cannot withstand civilisation."

It is not civilisation, *per se*, that serves as an accurate epigraph for what we now enjoy, in the postmodern West. Our state of affairs more closely resembles an anti-civilisational moment, one that wears the clothes of what came before it whilst utilising very different means to pursue oppositional ends, capped off by the absence of any clear thinking whatever. Whether the present shape modernity enjoys is the product of direct intention by careful architects, or the inevitable metastasising outgrowth of unchecked utopian optimism, can be debated fiercely. I will let the determinists and their opponents have that discussion somewhere else.

The sad trail of native groups cast beneath the long shadow of modernity, unable to accommodate themselves to civilisation, is a well-travelled, well-mapped path. It has become an article of faith to the right-thinking postmodern, who regards the fate of these peoples as damning evidence against what came before him, and helps justify his eternal adolescent rebellion against the civilisation that gave him everything. Nobody has improved on a response to these sentiments since the late John Hirst, in his essay "How Sorry Can We Be", in *Sense and Nonsense in Australian History* (2005), though compared to today, the 2000s seem an era of intellectual consensus and civility. Hirst himself wrote for the *Quarterly Essay* in 2005; it is impossible to imagine a similarly-oriented commentator being invited to today. We've divided into battle lines, in part over whether our nation is worth anything, though this notion is not entirely novel. Looking back a little earlier, Hirst finds Rudyard Kipling, and allows him to make his point for him: "A man might just as well accuse his father of a taste in fornication (citing his own birth as an instance) as a white man mourn over his land's savagery in the past."

Part of the attempt to create a new Australian identity, to atone for the land's prior real-or-imagined savagery—something those architects are so desperate to do—has been an attempt to salvage the indigenous experience and form it into something that can be used as a springboard for the notion of an Australia detached from European roots. Culturally, these attempts range from the controversial to the ludicrous, from Bruce Pascoe's *Dark Emu* to the gallery displays lately put forth by the National Museum in Canberra.

The latter was best represented by the Endeavour Voyage exhibition put on a couple of years ago.

The exhibition was full of artefacts from Captain Cook's day on the one hand, and a bizarre attempt at cultural equivalence on the other, crowbarring invented Aboriginal history into a spot of parallel importance. Virtually everything on display had been fabricated in the last few years, or appeared in the form of "oral recollections" that are really just contemporary notions of First Contact, as the historically illiterate might dress them. Myth-making is I suppose the business of nation-states, if you believe the likes of Benedict Anderson, but this felt so artificial, so forced and jarring, that I could not help but view it as an own goal. Who could not, having seen the portraits and instruments taken from the *Endeavour* and, comparing them to the sticks presented as the native equivalent, walk away without being convinced that one is far superior to the other? It would seem that any effort to polish such a thing might be defeated by the essence of its opposite, and yet, at the end of the gallery, were the not-so-subtle notes left on a wall by visitors. "BLM", "Reconciliation Now", and so on, were stuck on paddle-pop sticks along a wall. Most concerning were the "I'M SORRY" notes scribbled in children's handwriting, as though the complexities of the age of sail could be reduced to comic-book villain format, digestible for that generation. To deal such psychological wounds to children is reprehensible, though of course, to people for whom the ends are everything, they are but grist.

Encapsulating the whole affair was a bizarre newspaper clipping, set in 1970s London, where the city was being invaded by Aborigines mounted on goannas and flying saucers. Ahh, I thought, so revenge fantasies are what we are dealing with. So much for reconciliation: it was always about who wears the boot, and who presents the throat. Nobody's ancestors were perfect, but few peoples have treated defeated foes with such dignity as the European race—to Christianise, civilise and uplift the savage peoples of the world—and nobody has reaped a more wretched harvest as a result. I'm in a Kipling mood: why not one of his best?

> Take up the White Man's burden—
> And reap his old reward,
> The blame of those ye better,
> The hate of those ye guard—
> The cry of hosts ye humour
> (Ah slowly!) towards the light:–
> "Why brought ye us from bondage,
> "Our loved Egyptian night?"

But this is to suppose the time we live in is accustomed to nuance and literary finesse and measured thought, rather than one in which our galleries and museums have become depositories of a base and wretched ideology that hates anything with height on behalf of that which crawls on the ground. It is the spirit of the mob, of the *sans-culottes*, of those who would burn the mahogany library, who hate beauty and truth and anything that stretches skyward. What a hill to die on the West has chosen.

Forgive me: I can get worked up. There is much more to say on this nasty sort of cultural equivalence, and the odious purposes to which it is put, but this ought to suffice to demonstrate that the forces that move against us are fervent and true-believing, if ill-equipped in terms of their weapons, and also their governing ethos. Take comfort in their absurdity, even if it doesn't render them any less dangerous, at least in the immediate term.

Nations, or at least national sentiment separated from political formulations, do indeed enjoy a corporeal existence. This is because they are produced by what is natural, proximate, and renewed daily.

At the heart of this desire to undermine Australia's historic identity, and replace it with what might be best described as simultaneously a premodern and postmodern version, is the thinking that all the structures of human life are, well, structures. That's why they call tearing it down *deconstruction*, and it's not limited to literature; progressive elites like to imagine themselves as builders or demolishers, depending on their mood, as though redesigning a society is little different from redesigning a bathroom in an investment property. It's helped along by the navel-gazing that characterised twentieth-century philosophy, especially that coming out of Europe, where everything once considered concrete was reduced to mere phenomenological experience with no noumena of its own. Much of our trouble, from the Endeavour Voyage exhibit to the Voice, has its root in this category error, spurred on by a great deal of overreach when it comes to the limitations of human will here on Earth.

I hope it is not uncontroversial to claim that nations, or at least national sentiment separated from political formulations, do indeed enjoy a corporeal existence. This is because they are produced by what is natural, proximate, and renewed daily; in other words, they are the products of the habits of life that all of us enjoy, expressed through routine

and language, things we share together, and a past that binds us. These are not planned inventions any more than the English language is a planned invention. Our language, like our national consciousness, came about through a long process; in our case, one imported from the motherland, though generating features of its own with time. People who claim that nationhood is a peculiarly modern phenomenon are stupid; who can read about Greece or Rome in ancient times without seeing it there? They generally mean the nation-state, which is a different beast, an attempt to join that natural sentiment to a definite political conception. I am not here concerned with the nation-state, though the forces that act to undermine the concept of the nation will certainly do the nation-state no favours in turn.

Outside of philosophy and literary criticism, it was the 1983 book *The Invention of Tradition* by Eric Hobsbawm and Terence Ranger that helped cement these ideas into the study of history. That both of these men had little love for the West ought to need no great elaboration. You too would be keen to prove nations are mere inventions, if you're a thoroughgoing internationalist, because then you can uninvent them, and invent something else in turn. One notion the book popularised was that the adoption of tartan as a clan motif among highland Scots was, in fact, a recent invention: therefore, the entire concept of Scottish nationhood was, as the internet would say, *debunked*. It's about as convincing as the tongue-in-cheek atheist who thinks he's finally defeated all religious thinkers everywhere when he starts talking about the Flying Spaghetti Monster. See! I can invent things too!

A neurotic and not-too-bright progressive elite would cleave to these ideas, because they're operating under the modernist conceit that everything ought to be subject to them, that nothing should exist without their consent. It's why progressives get so upset when you explain a vision of the world that is oppositional to theirs. They don't see any difference between the way the world is, and the way they wish it to be. They often view the two things as the same thing, because they are prescriptive thinkers. When you propound a vision of the world that you yourself might not entirely like—the tragic version of the world, as some call it—they respond by assuming you are pleased by that vision, and wish for it to come to pass, as though such a thing is within your power, rather than your merely aiming to report reality accurately.

But the natural and the proximate stick, and the unnatural and the distant don't, unless you are shovelling coal into the oven of progress at a phenomenal and exhausting rate. Just as Esperanto didn't quite take off, it's difficult to imagine "g'day mate" going the journey, at least not just yet, though not all the signs are encouraging. Of the two versions of internationalist identity that dominated the twentieth century, one is almost dead: the communist one. Oh, it's shifted clothes, and now talks about climate and refugees and so on in place of the global proletariat, but it's the same people with the same agendas, merely couched in liberal language, out of respect for effectiveness. The other version is that of a mass global consumer culture, that would turn everyone into a brain-dead economic unit, if such a thing was possible. That the Adorno-driven Left was half-right about this stuff should bring you some comfort. It means they aren't total idiots. If they were total idiots, then our almost complete cultural defeat at their hands would be even more embarrassing.

This latter form of internationalism, unfortunately, looks to be more successful than its twentieth-century ancestor. Globohomo, the online Right calls it. It represents the closest thing we have to a global culture, one united by commercial consumer products, which is why you'll sometimes see a rebel fighter in the Congo wearing a shirt with Steve Irwin's face on it. Where local, national culture is not robust—where it has been annihilated by the forces we'll get to in a minute—then the internationalist versions arrive to fill the gap, like vultures to a corpse. No healthy country, nor healthy person, goes communist.

And all this smug talk of how culture and nationhood are invented, or do not exist at all, is completely forgotten the minute we're talking about indigenous culture, which was so obviously invented right in front of our eyes. If you Google "inventing indigenous culture", you'll receive a list of Aboriginal inventions and inventors. If you do the same for "inventing Australian culture", you'll receive a catalogue of all the tropes I've touched on above. Sometimes you are lucky enough to see the capturing of a particular zeitgeist in a single artefact. In my case, it was in a suit of indigenous body armour on display as part of the Endeavour Voyage exhibition. The cuirass, which looked quite peculiar, was noted to have been constructed with synthetic materials by an artist in the last couple of years, and the plaque beneath indicated it was an "imagining" of how such a thing might have looked. Why was it in a museum at all? Synthetic inventions, indeed.

One of the best books I read about Aborigines was the aptly named *Aborigines of the Canberra Region*, published in 1984. It's impossible to get now; a copy goes for upwards of a few hundred dollars. It was a straightforward historical take on how the tribal peoples of the area survived, and much of

it was fascinating. One could admire their sort of tenacity, as Daisy Bates noted, especially in our age of air-conditioning. Everything to admire about this culture, in unsentimental terms, was present in this book. There was no need to turn it into something it wasn't, but alas, the genuine article was discarded in favour of that synthetic armour on display at the Endeavour Voyage expedition.

Such an obvious and frankly insulting bait-and-switch should have been immediately evident to everyone. But a great deal of sympathy exists for Aborigines, and you'd have to be heartless not to share some of it. This has allowed us to allow them a built culture, invented in part by academics and the art world, because otherwise all they're left with is that of underclass Australia. I've read my Dalrymple. If you've spent some time up north, you know how bad it can get. Whether we blame those indigenous communities, ourselves, or lay it somewhere in the middle, only an absolutely cold-blooded individual could feel nothing, especially for the children who suffer at the hands of their own people.

We do no favours to our fellow sons of Adam by excusing their sins, any more than we do in excusing our own; we treat them as something less than full human beings.

The juxtaposition of feelings on the matter was illustrated by a recent article in the ABC that talked about how the Northern Territory community of Wadeye burned itself to the ground in 2022. Five per cent of the adult population are in prison; 125 houses had been torched, according to the Northern Territory government. The article ended on an optimistic note, that "culture" was being restored, that this sort of violence was in the past. I am not convinced. What sort of a society watches this sort of thing happen within its sovereign territory, and then responds with rosy sentiments? A gutless and morally exhausted one, certainly. We do no favours to our fellow sons of Adam by excusing their sins, any more than we do in excusing our own; we treat them as something less than full human beings. A culture invented by latter-day Rousseaus in urban centres and exported back to these remote places has made them only more volatile, as there is nothing one likes more, regardless of the melanin content of one's skin, than to know nothing is really one's fault.

These progressive re-imaginers would like you to suppose that your own historic culture is entirely invented, and thus has no value, but indigenous culture is the longest-running example of the thing on Earth, entirely genuine, rooted in the red sands of the outback. The truth is almost exactly the opposite. For those of us who just want to rub along, it's all fun and games until that synthetic culture decides it wants a hand in running the show, or you have to make ridiculously florid statements before boring meetings, or observe how it warps into a pseudo-religion for an ostensibly irreligious age. Then you might think things have gone a little far, and you'd be right. It's what a couple of decades of deciding we don't need to think deeply, that the culture war is merely a distraction from economics, or that it doesn't need fighting in the wake of Cold War victory—that all the big questions have been settled—has done for conservatives.

What wiped out those indigenous cultures—the real versions, not the latter-day synthetic re-imaginings, that are kept alive through constant ideational effort and financial expenditure—was the imposition of modes of life that utterly annihilated the local, the routine, the proximate. In places, this was done deliberately; in others, it was an outgrowth of the collision of worlds that could never coexist for long. A favourite novel of mine is *Black Robe* by Brian Moore, where towards the end, the Algonquin tribesmen who lead the titular character to the Huron mission make comment on what has happened to their people: "But we accepted their gifts! We have come to need them. This is our undoing—and it will be our ending."

We have accepted certain gifts, too, without thinking a great deal about them. These gifts were not the products of an external culture far more sophisticated than our own, one that could produce muskets, beads or fire water. Rather, these gifts were the products of our own culture, come unmoored from its base premises, and drawn like a chariot behind those twin engines of modernity: globalisation and technological advancement. These gifts, regarded irresponsibly by those who ought to have known better, were the promise of vast amounts of power to those who would redesign and reorganise society, and a great many tools to self-actualise for ordinary individuals, who no longer need nor want to discover who they are in the traditions and customs of a people. Young people especially are badly lost in the mirror-maze that is the twenty-first century's epistemological equivalent of the printing press, finding and redefining themselves wherever they please online. A less healthy thing is difficult to imagine, and all

our talk of "mental health" and social media has less to do with deficient dopamine receptors and more to do with the fact that the phenomenological worlds inhabited by many are artificial, remote, far-removed constructions that flicker across screens. This postmodern Western person, whose entire externalisation is very often a carefully crafted and individualised act of rebellion against the natural and the proximate, is a pitiable formulation. It brings to mind the drunken tribesman outside the mission, who in an earlier time would have been a respected hunter or warrior amongst his tribe.

Again, what we call nations are extensions of the familiar and the daily stretched over geographic, chronological and cultural lines, nestled in things rooted in common experience, things that act on the empirical senses as much as the rational mind. This holds today, even in the face of increasing refraction as we fill our countries with strangers, coupled with the rabid individualism allowed us by technology that cleaves us away from communal activities, or even communal feeling at all. There is something joyful about running into a broad Australian accent overseas; for most of us travelling, our nationality is the second thing we'll denote ourselves by, after our name. Most of all, the nation is made possible by shared language, but if you listen carefully to many of our teenagers, they now sport strangely American-sounding accents, and not the pleasing Mid-Atlantic type. Perhaps "g'day mate" is less resilient than we thought.

Waxing sentimental and nostalgic about those blue remembered hills is a preoccupation the Left is quick to accuse the Right of having, even as they are far more egregious offenders, especially when it comes to the Dreamtime. Nonetheless, while we might mourn the loss of certain warm and comforting things—the larrikinism that seems dead in today's Australia, and those memories of our youth that constitute the land of lost content—there are more tangible casualties that have accumulated along the way.

The fruits of this relentless deconstruction are everywhere to see, in collapsing families, in substance abuse, in the mass-adoption of the language of psychotherapy, and in the endless wandering into what amounts to modern reservations. Transient places like Canberra, where everybody is just passing through, are canaries in the coal-mine for what a wholly unrooted *polis* would be. A forthright individual conception of oneself might be manageable for some, those who like Cicero see a garden and a library as being everything, but what is good for the goose does not appear to be good for the gander. Instead, we are confronted by scatty and ludicrous malformed people, who have no wholesome collective identity to which they can anchor themselves. Rather, they cleave to consumer choices on the one hand, or bland and meaningless pseudo-moral prognostications on the other, usually spelled out on Twitter biographies in terms of what they support. They are busily engaged in creating their own loved Egyptian night. It is all so very exhausting; this, above all else, is what depresses me about the postmodern world we've stumbled into.

It seems we must concede that to a point the likes of Hobsbawm and Ranger were right, that you can uninvent a national culture, even if they had less of a hand in it than they might have liked; and the irony is that the internationalist vultures that have arrived to feast are less communist and more neoliberal in character. The end result is much the same for us, who are suffering the fate of latter-day Aborigines, watching as our modes of life wither away beneath the onslaught of new ways of being, made possible by trinkets and baubles and the rush of restless feet.

The worst part of modernity is feeling robbed of a home, of the particular, of a place where yesterday was much like tomorrow will be, with special and unique features. Others have their homes, but this is yours, and what we are letting happen to ourselves is precisely the crime many condemn our ancestors for committing. The man without a home, or with a home swept out from under him, is a lost and contemptible thing. He lives beneath a conquerors' yoke or chases the ashes all his days.

Christopher Joliffe contributed the article "Why I Will Not Acknowledge Country" in the March issue.

Christopher Heathcote

Truth-Telling, Botany Bay and Naive Art

In recent decades escalating disapproval has been directed at the discipline of Australian history. The objectivity of many authoritative books is now doubted on racial grounds, detractors alleging the books were written from too "white" a perspective. Calls have been made to remedy this via narrative histories which press an indigenous viewpoint, or, better still, are based on the eyewitness accounts of Aborigines. Especially sought is "truth-telling" where abuses by white people are revealed by the descendents of victims.

The pictures of Aunty Marlene Gilson, a senior citizen residing near Ballarat, are currently said to be answering these needs. Since taking up the brush in 2012, this Wathaurung (Wadawurrung) elder has been crafting in acrylic naive-style paintings of local life in the past. Her initial efforts on small pieces of wood were made for the entertainment of grandchildren. Then an encouraging curator chanced to see some, and there was also supportive advice from her daughter Deanne Gilson, a contemporary political artist. She began painting more cohesive pictures and her unassuming work started appearing in indigenous group shows.

Marlene Gilson's big break came in 2015. The City of Melbourne was planning an exhibition about a legal case and subsequent execution in the early settlement during 1842. It involved a pair of Tasmanian natives convicted of murdering some whalers. Aborigines across Victoria were invited to participate in this "truth-telling" project. Under one of the council's arts programs, Gilson landed a commission to paint a picture of the public hanging. This had not occurred in, or near, her people's country, which lay half a day's ride to the west. So the finished effort was a purely imagined version of early Melbourne.

During that exhibition it was argument proposed that, given the artist's heritage, her untutored pictures revealed past events from a distinctly Aboriginal perspective. Exhibition publicity material pressed further and claimed an intellectual depth for the recognisably naive pictures: "Her paintings may initially seem charming and unassuming, but on closer inspection they reveal Gilson to be a sophisticated reader of historical events," it stated.

This painting depicted what ambitious curators were raring to exhibit: colonial capital punishment being dished out to Aborigines. In no time the picture had been slotted into a sequence of political art shows, including "Sovereignty" at the Australian Centre for Contemporary Art, "Frontier Wars" at the National Gallery of Victoria, and "The Art of Tasmania's Black Wars" sent on a national tour by the National Gallery of Australia.

The former hobby painter was soon taken on by a commercial gallery in Sydney. Gilson settled into manufacturing naive views of the gold rush at Ballarat. Most marketable were her pictures of the historic clash at the Eureka Stockade, which she has painted more than five times—they go straight into institutional and major private collections.

It now began to be said that Gilson based her art upon precise oral histories carefully passed down over centuries through her mother's family. Thus her work was talked of in the museum sector as a significant new contribution to "the field of historical narrative painting", with exalted claims made on its display of intellect. Some art curators advanced the line that the septuagenarian artist's naivety may be a ruse, and that behind a surface simplicity were the efforts of a postmodern deconstructionist.

The Art Gallery of New South Wales states that Gilson's naive pictures "question the colonial grasp on the past by reclaiming and recontextualising the representation of historical events". This sounds imposing, but it consists of hollow phrases—a suspicion confirmed by the lack of any explanation on how those pictures question, reclaim and recontextualise. Still, a cluster of other museums now quote, and even mimic that sentence in their own publicity. Like Ballarat's Eureka Centre, which

owns a fetching Gilson view of the 1850s goldfields. This popular tourist centre assures visitors that her works "overturn the colonial grasp on the past", along with further exalted claims about reframing history. Again no clarification is offered, as if all can see the Emperor's splendid new costume.

Esteem for Gilson's work was boosted exponentially in 2018 when she completed *The Landing*. Another instance of "truth-telling", it portrayed an event some 250 years ago as purportedly witnessed by Aborigines—Captain Cook's visit to Botany Bay in April 1770. Featured in the prestigious Biennale of Sydney, *The Landing* was unveiled before an international audience. Given the 250th centenary of Cook's visit was coming up, this historical picture shot to instant renown, and was purchased by the National Gallery of Victoria. Again the event portrayed had not occurred anywhere near Gilson's tribal country. Nonetheless her picture was acclaimed as a solid Aboriginal witness statement. "Her recounting of events poses an alternative to sanctioned or official chronicles, disrupting the prevailing colonial view that dominates Australian history," ran the Biennale's gush. What led Gilson to depict a subject with no connection to her tribal forebears was not explained.

The Landing is a highly entertaining instance of naive art. Younger children especially enjoy pointing out the many little people in the scene and telling you what activities they are undertaking. Gilson depicts Cook and a military party taking possession of Australia at a beach camp—the first European settlement. Rowboats are drawn up on the sands and tents pitched in a protective circle with a slender flagpole set in its centre. Uniformed marines stand at attention as a naval officer raises the British flag. This formal parade is watched from the side by more naval officers and gentlemen in suits.

Meanwhile, a scene of restless animation appears around the camp. Figures spread out in an even scatter. We see the ship's crew cutting down trees, gathering fuel, foraging for food, filling barrels with fresh water, fishing from two rowboats, and attending to assorted tasks. Further out still, among shrubs and trees, Gilson shows Aborigines going about daily activities oblivious to the European visitors taking over the land.

This composition is so crammed with activity viewers might be forgiven for not initially noticing how much is amiss. Cook did not take possession of Australia at Botany Bay; nor did he set up a camp there. Then you notice, and count, the number of tall ships anchored in the bay, and those assertions about Gilson "questioning", "overturning" and "disrupting" any view of the past crumble upon themselves. Instead of travelling the South Seas on a single vessel, the famed *Endeavour*, Gilson has Captain Cook in command of four sailing ships! This work portrays Cook visiting Australia in 1770, accompanied by three vessels from the First Fleet in 1788.

On inspection it is obvious that far from presenting Cook's arrival in Botany Bay in a revealing way, this Aboriginal version of events gets facts wrong. Many, many facts wrong. A list of shortcomings seems needed, given the claims made for what is a naive picture which muddles the explorer's visit with a different historical event.

> *When either of her Cook paintings is exhibited in public museums, the supporting labels and wall texts treat Gilson as correct in what she portrays: as if Cook was with the First Fleet.*

Not only the number of ships shown is incorrect. Twenty-three marines and nine naval officers appear in the picture. But a dozen marines were assigned to the vessel, while, as well as Cook himself, there were five officers on board: Lieutenant John Gore, Lieutenant Zachary Hicks, the midshipmen Charles Clerke and Richard Pickersgill, and the ship's surgeon Dr William Monkhouse (technically, he was a petty officer). Likewise when counting off the tars shown busily working all around the picture, the crew is too large. The *Endeavour*'s foredeck could not accommodate so many people and their provisions.

As the inquisitive eye wanders, errors mount. The sailors did not fish with rods at Botany Bay; they used a fishing net, pulling in each day a weighty catch (including plump stingrays) with just a couple of hauls. Nor were eight rowboats carried on the *Endeavour*. It had a pinnace and a yawl. As for the eight huge tents shown pitched on the sands, for safety Cook ordered all his men to sleep aboard the *Endeavour* each night. For the same reason, in daylight hours the men went ashore and worked in small parties closely supervised by petty officers and protective marines. What we are shown is seriously wrong.

Much as the camp portrayed is a fiction, so too is that flagpole Gilson shows erected on the beach. A flag was raised and flown ashore each day—from a tree. About those marines attending the parade,

they were not bare-headed with white powder in their hair as shown. They wore shakos, those distinctive black military hats which were part of their uniform. Worse still, that British flag in the picture did not exist in 1770. Gilson has painted a Union Flag which was introduced thirty years later upon the Act of Union in 1801.

Kangaroos hop by the camp. But no such creatures were glimpsed by Cook's men at Botany Bay. The first sightings, of wallabies on grassy river flats, happened months later along the Endeavour River. Gilson's naive painting even has the wind behaving bizarrely. Filling the billowing sails on those four ships, it blows from right to left; yet making the flags on the same vessels flap in the opposite direction, it also blows from left to right.

Most telling about the picture's reputed accuracy is what it does not show. On several occasions Aborigines confronted the Europeans, throwing spears while shouting they should go away. Not shown. Each day during the *Endeavour*'s visit Aborigines went down to the water and spear-fished, as well as gathering oysters and shellfish. Not shown. Then there was the funeral and burial on the beach of Forby Sutherland, a seaman who died of tuberculosis overnight on May 30. The Aborigines watched the service intently, but it is not shown.

Stranger still, Gilson leaves out the scientific and survey work which was the reason for the voyage. The naval officers are not surveying and making a map of Botany Bay. The botanists Daniel Solander, Joseph Banks and their expert assistants are not hunting for plants and flowers in this new land. The astronomer Charles Green and expedition's technician Herman Spöring have not set up the telescopes to study stars in Southern skies.

The Landing is an obvious confection, a fictional scene, and it raises a simple question. Does the artist have a poor grasp of history due to limited schooling, and mistakenly thinks this is what happened? She would not be the only person ignorant about the facts of Cook's expeditions. Or might this naive scene be allegorical, an effort by the painter to make a symbolic connection about James Cook and the First Fleet? An explanation is surely needed.

Public museums refrain from accounting for the visible errors in pictures like *The Landing*. Instead of addressing Gilson's defective history, curators engage in word games. When, earlier this year, the picture of Cook at Botany Bay with the First Fleet in 1770 was included in a show at Bendigo Art Gallery, an impenetrable wall text declared its consequence. Of the composition's design, it stated:

> Eurocentric artistic imaginations of this event usually revolve around Cook as the dramatic central protagonist, but in Gilson's painting each figure is equivalent in size and importance, emphasising the multiplicity of history and the complex interconnectedness of human lives.

This reads as if written by a person straining to be clever. The sentence is overcrowded with words, running much too long. It also tries to keep the best idea until the end, aiming to impress you with a brilliant point. These are moves typical of art administrators out of their depth and arguing a weak case. The sentence is a cultural bluff, giving itself away with the phrases "multiplicity of history" and "complex interconnectedness". Those concluding terms are meaningless fill, which is why they are not expanded upon.

This analysis is so obviously wrong. The picture's design *does* make Cook and his officers central protagonists in the drama, not the reverse. Gilson brings this off by using the circular shape of Cook's camp to catch the eye and draw it in. This talented naive painter positions the flagpole in that shape's centre. This is calculated to make the viewer look at the flag-raising ceremony. So the text presents a political argument which Gilson's measured picture is visibly not advancing.

Some public institutions applaud Gilson's work as if the historical mistakes are meritorious. Take the Shepparton Art Museum in regional Victoria, which purchased another Cook picture painted by Gilson. This second naive work, a quite cluttered composition, depicts the First Fleet under the command of Captain Cook settling Australia in January 1788.

Interviewed by the town newspaper about what was a controversial acquisition, the museum's director Dr Rebecca Coates called Gilson's eccentric picture a "powerful" work. Continuing on, the curator made the bold claim that this portrayal "challenged mainstream historical narratives" by depicting Cook with the First Fleet at Botany Bay during 1788.

This is sophistry. If a student taking a history test makes a basic mistake—for instance, having General Washington cross the Rubicon—we acknowledge and treat this as incorrect. The student cannot pass the exam by claiming to have challenged mainstream history. That would be absurd. As for James Cook, he died in Hawaii eight years before the First Fleet even set sail. Yet Dr Coates neither accounted for his presence in the scene, nor explained how the work "challenged" the

discipline of history. An attempt at interpretation is in order, and not just for the benefit of the perplexed. That exalted claim begs to be proven: show us how the picture does this to justify the effort and expense of purchasing it. But Shepparton Art Museum did not, and has posted the newspaper report on its website instead of offering a proper artistic analysis.

As a literal representation of the historical event, Marlene Gilson's picture is false and misleading. To point this out is neither racist nor politically incorrect. It is common sense, a matter of historical accuracy, Cook having no contact whatsoever with the First Fleet. In no way does Marlene Gilson's Aboriginality have a bearing on the issue. Ethnicity and racial identity do not cause events to shift their temporal location. The blunt facts are unchanged, and to repeat without correction or explanation her erroneous story that Cook accompanied the First Fleet to Australia is to knowingly spread disinformation.

It stretches credibility to claim Gilson's pictures give a real sense of how Aborigines felt about the goldfields, let alone that she is relying on knowledge passed down between generations.

However, when either of her Cook paintings is exhibited in public museums the supporting labels and wall texts treat Gilson as correct in what she portrays: as if Cook was with the First Fleet. School parties, visitors and tourists are assured by gallery staff there is nothing odd with the pictures' presentation of history. When viewing *The Landing* in an exhibition, I saw a gallery guide tell Asian students this is Australia's history. Not even information on museum websites admits there are inaccuracies in Gilson's historical scenes.

The insistence across public museums that Marlene Gilson's art is factual affects how it is categorised, the genre it sits within. Ordinarily such work would be classed as Naive Art. But much is at stake in intimating Gilson's pictures amount to information relayed from natives in past times. So the museum sector categorises her work as Contemporary Aboriginal Art, downplaying or just ignoring anything characteristic of Naive Art. Exhibition labels and curators' essays even caution viewers not to be misled by a "naive style and colourful palette".

Curatorial discussion on Marlene Gilson avoids the Wadawurrung, her tribal forebears. The Wadawurrung and the neighbouring Djab Wurrung were feared in early Victoria. William Buckley's memoirs report them as most aggressive, and practising ritual cannibalism. Both tribes routinely ambushed Europeans either heading to or coming from South Australia, usually accosting small groups of solitary travellers in the lonely wilderness between Buninyong and the Grampians. During the 1840s my great-great-great grandparents walked from Adelaide to Corio without incident in that dangerous corridor because they travelled in a large party—safety in numbers.

During the following decade the Wadawurrung and Djab Wurrung targeted people on the move to the many new goldfields west and north-west of Melbourne. There was alarm among miners as word of these attacks circulated, and it motivated the commercial artist S.T. Gill, who was recording life at the Ballarat diggings in 1854, to compose a drawing of human remains decaying on a desolate track out of Buninyong. Especially vulnerable to native attack was that stream of Chinese who hiked several hundred kilometres from coastal Robe to the Ballarat diggings and beyond. The Aborigines were brutal with the Chinese, eating some of their victims, who they notoriously said tasted "like pork".

Gilson's pictures of the 1850s do not show natives preying upon travellers, let alone killing Chinese making for the goldfields. This should not prevent art museums from explaining the history of the Wadawurrung during the period repeatedly portrayed. Museums never do this. They do not mention Aboriginal attacks on prospectors.

Museums do briefly outline whichever historical event is portrayed in a Gilson picture. But what they say is not necessarily correct. History will be twisted about. At the Biennale of Sydney in 2018 the text supporting a Gilson painting of the Eureka Stockade stated the rebellion portrayed had been a workers' uprising. This is preposterous. Workers had not risen against employers. As every Australian history student knows, individual prospectors were aggrieved over the government's stringent licensing arrangements for self-employed miners working their own claims.

Bendigo Art Gallery used the occasion of exhibiting Gilson's painting of Cook and the First Fleet at Botany Bay to rewrite Australian history. It hung *The Landing* at the beginning of the exhibition adjacent to a selection of tribal Aboriginal artefacts collected locally, including spears, baskets, spear throwers and a boomerang. This made a strong visual introduction.

However, wall texts displayed through that

exhibition arbitrarily changed Australian history with no regard for evidence. One declared that Australia was a "sustainably managed land" before white settlement. Hunting our megafauna into extinction surely does not square with this statement. Another text railed against Federation for imposing upon the nation an "implanted government". Details were not supplied. Another text asserted that Aborigines were not entitled to vote in Australia until "several decades" after Federation. This is manifestly wrong. Aborigines were given the vote in Victoria, New South Wales and Tasmania in the late 1850s, a time when—as Geoffrey Blainey has pointed out—fewer than 1 per cent of the world's population enjoyed the right to vote.

Bendigo Art Gallery's rewrite of Australian history cancelled even information fundamental to the labour movement. This was most pronounced with a text explaining the major painting *Shearing the Rams* by Tom Roberts, which was also displayed in the exhibition. It said nothing about the mighty controversy which greeted this work when first exhibited—a time of protracted strikes over the introduction of mechanical shears. Given how Roberts deliberately heroised men using hand shears, his painting was widely suspected of supporting the shearing union's demands. Ignoring all this, which is fundamental to what Roberts was alluding to with his picture, Bendigo's interpretive text instead proceeded to blame the wool industry for environmental degradation across Australia.

With her success in the museum sector, and joining a Sydney commercial gallery, Gilson settled into steadily painting the 1850s Ballarat goldfields. But those naive pictures do not show plausible diggings. No one, not a single prospector, is seen in them panning for gold on alluvial flats. Absent too from along her creeks are the many small dams, channels and sluices made and used by miners. Also omitted are larger mechanisms collectively made and used; like a puddler, which miners would use to separate heavy earth from ore-bearing sediments, and simple crushing devices to break the gold-bearing quartz.

Most striking about Gilson's goldfields is how they are not covered with a multitude of individual claims. By law each prospector had to stake out his claim. So her views should be dotted with markers and signs, especially beside patches of excavated earth, shallow shafts and mullock heaps, those characteristic mounds of tailings. Likewise the network of criss-crossing dirt paths, rutted tracks and muddy roadways which threaded through active goldfields are not shown, while trees and shrubs—which were quickly thinned out, in places clear-felled—spread evenly in Gilson's backgrounds. This is not how things were, not at all how they were. We know this from the drawings, watercolours and lithographs of journalist-artists like S.T. Gill who went onto the goldfields to report visually on what was taking place for the print media.

Instead of disorderly clutter, what Gilson paints are neatly laundered white tents and rough-hewn huts, with one small, solitary shaft sunk somewhere in middle ground and tailings piled adjacent to it—just a single mine usually in the entire picture. Meanwhile, little people go through a repertoire of pointless actions right across each scene. Some bear shovels, but no one is digging for gold or prospecting. In the foreground of several canvases there are even Chinese figures who—instead of mining—busily tend vegetable plots.

Meanwhile at the edge of the diggings there will be a number of Aborigines, who are leading a traditional life seemingly unaffected by how their land has been taken over. It stretches credibility to claim Gilson's pictures give a real sense of how Aborigines felt about the goldfields, let alone that she is relying on knowledge passed down between generations. Consider her painting which has Aboriginal men performing a corroboree beside the Eureka Stockade even as fighting there is taking place. This simply did not occur.

That Marlene Gilson is of indigenous descent ought not to affect the value ascribed to her naive pictures, those child-like scenes with a touch of fantasy, any more than if she was of other background. As for declaring that her paintings destabilise Australian history, this is unwarranted and potentially exposes the artist to needless criticism. Of course, there will always be viewers who, unable to see beyond Gilson's cultural identity, attempt to impose meanings upon such work. But when held up to the pictures themselves, much of what is intellectually claimed for them does not correspond with what has been visualised.

Recognising Gilson as a naive artist would settle much. Besides a lack of aesthetic sophistication, swerves away from strict fact are common among naive painters. From Henri Rousseau's tropical jungles to Alfred Wallis's ships plying tilted oceans to Henri Bastin's flowering deserts, we savour and enjoy these moments of visual fantasy. Departing from fact is intrinsic to the self-taught creator's unrefined vision, indeed, it is why their *oeuvre* is classified as naive. The element of fantasy is a distinguishing feature, being central to such paintings' abiding charm.

It is usual for a naive artist to have taken up the

brush late in life, often after ceasing regular work. Their untutored pictures strike us as childlike not just due to flawed technique, that lack of perspective and visual proportion, the clumsiness to forms. It is chiefly conveyed by an innocence about the scenes shown, how there is neither cruelty nor evil in this imagined realm. Happiness reigns. This is because the naive artist is painting what they love. Each fantasy will be made by borrowing cherished aspects from their known world: with Rousseau it was the gardens and parklands of Paris, Wallis took from the Cornish sea trade, Bastin from the desert near Coober Pedy after rains.

Marlene Gilson began painting in her early seventies following a spell of ill health. She had been living for some years in the Gordon–Mount Egerton district, a small sleepy hollow about eighty kilometres west of Melbourne, not far from Ballarat. Her early run of naive paintings traded in past happenings from nearby Buninyong, down to Victoria's Surf Coast, and across to the Bellarine Peninsula. This is the place she knows and loves, her home country.

Gilson's early run of naive paintings traded in past happenings from nearby Buninyong, down to Victoria's Surf Coast, and across to the Bellarine Peninsula. This is the place she knows and loves, her home country.

Indicating sky on each picture with a bright blue strip painted along the top, Gilson then lays out landscapes as if she is placing items on a table top. Trees, tents, huts and humpies are schematic, not naturalistic, while a creek is denoted with another bright blue band, this one curving across the view. She then sets down a pattern-like crowd, the little figures set evenly at regular intervals across picture. Some flat men stand in static rows, but most perform activities. A figure will carry a shovel, or a bucket, a basket, a bag, some flowers, vegetables, a stick, a gun; another figure will be walking, or dancing, running, hopping, riding a horse; and some people tend vegetable plots, or cook at open fires, or rise from a mineshaft. Gilson avoids showing violence. Apart from in her pictures of the Eureka Stockade, figures do not fight or attack one another. Whether they are Aboriginal, European or Chinese, people are shown getting along together.

Marlene Gilson is at her best creatively when left to her own devices. She excels at views of Aboriginal life, of seasonal camps, of beach gatherings, as well as the beginnings of gold mining, local race meetings, sports club barbecues, always in the rural district where she lives. Some incidents in Gilson's paintings certainly came from family, but she does dip into a communal fund of folklore and memories. Everyone in the community speaks of the bushranger Captain Moonlight who robbed the Mount Egerton bank; several Eureka rebels also lived locally; a certain house is said to be haunted. The district is rich with tales, so people and places lifted from local legend will appear as quirky details in her homespun pictures, much to the amusement of other residents. Representation plays quite a part in Marlene Gilson's infectiously entertaining works, but so does invention. They are self-evidently pictures from an untutored yet talented hand, from a joyously fertile imagination, from one who paints what she cherishes.

Christopher Heathcote, a frequent contributor, lives in Melbourne. He wrote on Marianne Baillieu's Realities gallery in the July-August issue.

Marc Hendrickx

Locking Us Out of Our National Parks

*Marc Hendrickx is a geologist who blogs at righttoclimb.blogspot.com. The first part of this article appeared in **Quadrant** in June 2019. The second part is an edited version of the speech he gave on January 14 this year at a community rally in Murwillumbah devoted to debating the ban on the right of non-Aborigines to ascend Mount Warning. The third part appeared on **Quadrant Online** in July.*

Part One: Climb the Rock Now While You Still Can

In a few months time one of the most exhilarating, awe-inspiring experiences of the natural world, the climb up Ayers Rock, will be banned. With the ban, Australia will become the only nation to outlaw awe and wonder. The park board ignores the actions and words of past traditional owners who climbed the Rock and supported visitors climbing. What sort of malicious organisation would ban access to a place that has generated so much joy?

In regard to its name, the Rock at the heart of our country has two: Uluru and Ayers Rock. The dual naming recognises a shared history, and officially either name may used, together or separately. The name Uluru recognises the 4000-year cultural attachment to the rock of its Anangu owners. The name Ayers Rock celebrates European discovery and scientific advancement.

I strongly believe that visitors to our national parks should be free to use established public spaces and walking trails without being fettered by irrational religious beliefs or petty bureaucratic restrictions and regulations that serve no useful purpose other than to make life easier for underworked officials. Wouldn't it be so much easier for Parks Australia and their state equivalents if the public simply stopped intruding and exploring these magnificent natural places that they pay for with their taxes!

There is still time to make a difference and ensure this life-affirming experience is available to future generations. About 60 per cent of visitors to the Rock have done the climb. We need to ensure future generations also have this wonderful opportunity to engage with the natural world and see those summit views that are protected by a United Nations World Heritage listing.

Since 1991 the Board of Management of the Uluru Kata Tjuta National Park in concert with Parks Australia have been disseminating many falsehoods about the climb up Ayers Rock. My book *A Guide to Climbing Ayers Rock*, in exploring the history of the world's most famous hill climb, explodes these myths and shows conclusively that past traditional owners climbed and supported visitors climbing, that the climb is a safe activity with little risk to responsible visitors, and that it is still an activity that many visitors want to undertake. Just about everything Parks Australia and the park board say about the climb is a myth—even what they say about the weather can't be trusted.

Respecting the traditional owners

As you approach the base of the western climbing spur you will face a sign that purportedly expresses the views of the traditional peoples of Uluru, the Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra people, who these days call themselves "Anangu". The sign reads, "Under our traditional law climbing is not permitted". If you read the official guidebook you are told, "Due to cultural reasons Anangu do not climb Uluru." In the 1990 management plan this was expressed in the form, "We never climb".

It doesn't take much research to work out that this "We never climb" message is false. There is a rich history of Aboriginal people climbing the Rock, and it goes back to the very first humans to arrive in the Red Centre about 30,000 years ago. These pre-Anangu peoples, who did not share

Anangu culture but like all humans shared a curiosity about the natural world, likely climbed during the last ice age and watched the end of the megafauna and the climate change with the surrounding dune fields stabilised by vegetation during the early Holocene. They left their mark in the form of rock carvings—marks the Anangu believe were done by dreamtime spirits. Anangu culture emerged around Uluru about 4000 years ago. We know this because their creation myths include the dingo, which was brought to Australia from Asia around that time. We know Anangu climbed for generations.

Elders climbed with the anthropologist Charles Mountford in the 1940s, 1950s and 1960s and shared stories about summit features that had been passed down for generations. In the 1940s tourists wanting to climb would be guided by local Anangu men. The most famous of these guides was Tiger Tjalkalyirri, who guided Lou Borgelt and Arthur Groom to the summit. Borgelt's visit is preserved in some colour film footage recently restored by the Lutheran Archives. A highlight of Borgelt's film is the camaraderie between tourist and guides. Such goodwill is missing from the confected, highly regulated and politically correct tours at our modern UluRules.

Many past visitors who climbed have recounted having no problems with local traditional owners. In 1969 David Hewitt, a long-time Northern Territory resident who worked with Aboriginal people in the Ayers Rock area for decades, climbed with the daughters of Anangu elders, which busts the myth put out by the board that the climb is for men only. In the 1970s it was made clear by the man recognised as the principal owner of the Rock, Paddy Uluru, that traditional people climbed it.

Derek Roff lived at the Rock with his family between 1968 and 1985. The longest-serving ranger at the park, in the 1990s he gave a comprehensive interview with the Northern Territory Oral History Unit about his experiences managing the park. He reveals all about Aboriginal attitudes to climbing. In his seventeen years managing the park he says that tourists' climbing was never raised as an issue by traditional owners. In relation to traditional owners climbing, he says:

> Paddy Uluru used to tell me about climbing the Rock. It seemed to me that it was mainly the senior, traditional people who climbed, rather than everybody. But there was no doubt about it, that ceremonies were carried out in certain areas up there, that people did climb it. I'm just trying to think of the name of the Aboriginal people who went up with Mountford ... Lively Pakalinga, Nipper's brother, older brother. He climbed it with Mountford, and explained some of the stories up there and what-have-you. So, I must say, certainly it was climbed—not maybe by everybody, but certainly by the traditional people.

The board of management owes the Australian people an explanation for the many decades they have spread their never-climb message.

People who climb these days are told they are disrespecting the views of traditional owners. While they are certainly disrespecting the views of the park board and the misguided bureaucrats of park management, in climbing they are in fact respecting the views of owners who were born at the Rock and had lived a traditional life—men more aware of their customs, their land and its laws about access to the summit than the current board made up of people who have come from elsewhere.

Tiger Tjalkalyirri, the first climbing guide, should have a statue erected in his honour at the base of the climb for helping to bring two cultures together. Tiger was able to walk with one foot in each world, his traditional world and the new world being imposed by the tide of history. Tiger's voice, singing traditional songs and telling stories, is preserved in the National Library. At the Rock he was a great entertainer and encouraged visitors to climb. In an omission that shows great disrespect, his name and deeds are not mentioned in the current plan of management or in any official tourist information about the park.

In the 1970s Paddy Uluru was the man in charge of the park. Derek Roff was the ranger but on Aboriginal issues he was guided by Paddy. In an interview with Alice Springs journalist Edwin Chlanda, Paddy stated, "If tourists are stupid enough to climb the Rock, they're welcome to it." He also said "the physical act of climbing was of no cultural interest".

In the early 1970s Derek Roff asked the traditional owners if there were any areas around Uluru they wanted closed to the public. Paddy consulted with thirty-five owners and came back to Roff with just one site: Warayuki, the men's initiation cave. Roff promptly acted to close public access to this area by erecting a fence and signs. This work was recorded in 1975 by the ABC current affairs program *This Day Tonight*. The reporter, Grahame Wilson, interviewed Paddy's brother Toby Naninga. He asked: "Aside from Warayuki, do you mind tourists going anywhere else?" Toby replied that anywhere else was all right. He later joined Derek Roff's staff of rangers working for the Northern Territory Conservation Council.

So aside from Warayuki, "anywhere else is all

right". I'd argue that guided access to Warayuki would be a wonderful opportunity to share Anangu beliefs with visitors in the same way visitors are permitted access to the inner sanctums and altars of other religions. These ideas and beliefs belong to all of humanity and deserve to be shared.

Climbing not only respects the views of traditional owners but also the views of land councils. There was considerable animosity between the Northern Territory government and the Hawke federal Labor government about the handover of the Rock to traditional owners in the 1980s. The Territory government had argued the handover would effectively end tourism at the park. The federal minister at the time, Clyde Holding, sought assurances from the powerful Central Land Council and Pitjantjatjara Land Council and got this telex from them in November 1983:

> Before the facts are further muddied in the NT election campaign it is essential that the position of the traditional Aboriginal owners is clearly stated.
> • The Aboriginal people have always recognised the legitimate tourist interest in the national park.
> • They have always supported the concepts of leasing back the park to the Commonwealth.
> • They have consistently asserted that the park will always be available for the benefit of all Australians.
> • They have always supported a joint management scheme in which Aboriginal, conservationist and tourist interests would be represented.
> • They have no intention of unreasonably limiting access to Uluru National Park.
> • Basically for the visiting tourist it will be business as usual.
> • Any rare and limited restrictions necessary for ceremonial purposes are likely to be confined to those sites already registered as sacred by the NT Government's own Sacred Sites Authority (and already subject to restrictions).
> • Such ceremonies should be respected as a vital part of traditional Aboriginal life.
> • The Aboriginal traditional owners believe that Aboriginal ownership and involvement in Uluru substantially enhances the commercial tourist potential of the park.
> • The Yulara project will not be affected by Aboriginal ownership of Uluru. The Aboriginal people have expressed no interest in seeking to operate motels within the national park.
> • Indeed, Aboriginal traditional owners welcome the Yulara project in that it locates tourists away from their local Mutitjulu community and thereby reduces the impact of thousands of tourists a year on their way of life.
> • It follows that the granting of title to the Aboriginal traditional owners will not jeopardise investment in the Yulara operation.
>
> The Hawke initiative is an excellent measure which recognises the long-standing spiritual attachment of the Aboriginal people to this area whilst preserving the interests of tourists and conservationists in the park.

So not only were the words and actions of a few owners supportive of the climb, but climbing also had the support of the land councils—"for the visiting tourist it will be business as usual". At the time, before Parks Australia's nanny-state closure protocols came into being, about 75 per cent of visitors climbed.

The board tells us that Tjukurpa, the Anangu belief system, is unchanging. Based on the views of the old men who were born at the Rock and were well versed in the land and its laws and who supported the climb, either Tjukurpa is as open to change as any other system of belief, or the current board in its malicious act of banning the climb is effectively committing an act of blasphemy.

Safety

There are many more myths about the climb, and chief among them is the notion that climbing is not safe. If you can't discourage them with political correctness then scare them with disinformation about safety. In its "Fact Sheet" about the climb, Parks Australia states:

> The climb is physically demanding and can be dangerous. At least 35 people have died while attempting to climb Uluru and many others have been injured. At 348 metres, Uluru is higher than the Eiffel Tower, as high as a 95-storey building. The climb is very steep and can be very slippery. It can be very hot at any time of the year and strong wind gusts can hit the summit or slopes at any time. Every year people are rescued by park rangers, many suffering serious injuries such as broken bones, heat exhaustion and extreme dehydration.

The five memorial plaques at the base of the climb, hidden away just to the south of the start, commemorate the first five tourists to die climbing the rock. In an act of destruction on par with the Taliban's destruction of the Bamiyan Buddhas, Parks Australia and the park board, against any-

thing written in the current management plan, are moving to destroy the plaques, along with the climbing chain and the summit monument, after the ban comes into force. These acts of destruction are proceeding with the approval of the current government. The summit monument has appeared in millions of summit photos and would celebrate its fiftieth anniversary in 2020. The directional plaques on the monument guide visitors to views listed as World Heritage. In these perverse actions Parks Australia and the park board have placed this heritage in danger.

Like the idea that traditional owners never climb, assertions about safety also don't stand up to close scrutiny. There are a number of ways to tackle this misrepresentation. Arthur Groom described the climb before the chain was installed in 1947 as "nothing else but a strenuous and spectacular uphill walk" and that description still fits for experienced bush walkers. People of all ages have climbed, including eighty-year-old grandmother Sarah Esnouf, who climbed without the assistance of the chain in 1957 as part of the Petticoat Safari, a TAA tour of women of all ages that highlighted the wonder of a visit to the Red Centre. Children as young as four have climbed unassisted under the watchful eyes of their parents.

Tiger Tjalkalyirri, the first climbing guide, should have a statue erected in his honour at the base of the climb for helping to bring two cultures together.

The real myth about safety is in the numbers. Parks Australia claims thirty-five people have died on the Rock since the first in 1962. I tried to obtain details of these deaths including the names, where people were from, how old they were and where on the Rock they died, but Parks Australia was unable to produce any data. In November 2017 in an interview the park manager Mike Misso provided an insight into those figures: "Yeah, look over 30 people are known to have died from climbing, and what I mean by that, people could, um, you know, potentially climb it, go to the resort and then you know, could have a heart attack later." So Parks Australia bases its figures on people who *potentially* climbed the Rock and died sometime later in the resort. I can see why they decided against providing the data.

My own research has provided evidence for eighteen deaths on the Rock—six from falls and twelve related to heart failure. One woman and five men, all under the age of thirty-two, have fallen to their deaths. The twelve heart attacks were all suffered by men, one of whom was forty-four and the rest over fifty-two. There have only been two deaths on the Rock this century, in 2010 and in 2018, a few weeks before I climbed with my daughters. A similar number of deaths have occurred to tourists at Kata Tjuta, but Parks Australia and the board are not proposing to close walks there.

The alarming description from Parks Australia doesn't seem so scary and it falls to pieces when one looks in more detail at the actual risks. An analysis of the risks associated with climbing provides a stunning rebuke to Parks Australia propaganda that the climb is dangerous. For responsible climbers under the age of fifty there has only been one death. Given 75 per cent of the 7 million people who have climbed fit into this category the risk in micromorts (the micromort is a unit of risk defined as a one-in-a-million chance of death from a given activity) is just 0.2 micromorts. For responsible climbers over fifty there are eleven deaths from 1.75 million climbers, providing a risk of 6.3 micromorts. The average risk for climbers is just 1.7 micromorts. The same risk can be provided by the following activities: driving a car 800 kilometres; riding a motorbike just two kilometres; flying 3000 kilometres; flying to Ayers Rock from Sydney provides the same risk as the climb. For comparison, the climb up Mount Fuji carries a risk of 15 micromorts. Typical daily exposure for all causes of death amounts to about 20 micromorts per day (one in 50,000). For people under fifty, undertaking the climb represents just 1 per cent of the average daily risk.

It is clear when you look at the facts that Parks Australia and the park board have grossly exaggerated the risks of the climb to serve their own warped agenda and the warped views of the current board of management.

The proportion climbing

Another myth about the climb is that less than 20 per cent of visitors want to do it. Again this myth can be busted by simply observing action on the climb on those rare occasions when park rangers decide the clear blue skies and mild morning temperatures make it obvious there is no excuse to keep the gate closed.

The 20 per cent figure is one of the great fallacies about the climb. It is simply due to the fact that Parks Australia nanny-state closure protocols, those UluRules, keep the climb closed 80 per cent of the time. Most of the time visitors simply do not have the choice unless they break the law. The ridiculous

closure protocols, enforced by rangers who in the absence of working meteorological instruments at the summit are forced to guess the weather, mean the climb is fully open, from sunrise to sunset, only 10 per cent of the time. Only on those days can a reasonable gauge be made of visitor intentions. Despite the many years of propaganda about the climb and the cautious closure protocols, the overall proportion of visitors who have climbed is about 60 per cent.

To clarify the actual numbers, Parks Australia installed climbing counters between 2011 and 2015. There were many problems with these. Counters under-reported climbers by an astonishing 30 per cent and equipment failures meant many days went unrecorded, including most of 2014.

The actual data, sourced via a freedom-of-information request, paints a different picture from that put out by Parks Australia and the board. On those days when the climb is open from sunrise to sunset and visitors have a full choice of activities, on average, allowing for under-reporting, 44 per cent still choose to climb, and those numbers show no trend over the sampling period.

There is still time

The facts presented above do not make it into any official Parks Australia publications. The board does not celebrate past owners who climbed and had no issue with visitors climbing. This is in breach of the lease agreement for the park. Section 17 (2) states:

> The lease covenants that the flora, fauna, cultural heritage, and natural environment of the Park shall be preserved, managed and maintained according to the best comparable management practices for National Parks anywhere in the world or where no comparable management practices exist, to the highest standards practicable.

The climb, chain, memorial plaques and the summit monument are items of universal cultural heritage significance that Parks Australia under law is required to preserve, manage and maintain. By their actions it is clear Parks Australia and the board inhabit a dark alternative Orwellian universe, one in which the "highest standards of management" somehow provide the means to ban the climb and destroy our collective cultural heritage. Where there should be a statue to honour legends like Tiger and Derek there will be more UluRules complete with a fence, and the prospect of severe punishment; a metaphor for ignorance and closed minds.

As I write there are only about 200 days left before Parks Australia and the board ban the climb and destroy the chain, the five memorial plaques (did they ask or even inform the relatives?) and destroy the summit monument. There is still time to force the government to overturn this ridiculous decision that in the long term will hurt the traditional owners.

Seven million people from all over the world have climbed Ayers Rock, revelling in the beauty and majesty of the summit views and exhilarating in the physicality of the climb. We owe it to their descendants and the descendants and relatives of Tiger, Paddy and Toby to fight to ensure the climb remains open so millions more can experience the same wonder and joy.

Part Two: The Brush Turkey and the Bureaucrats

Thank you for coming today. You can all be proud of standing up in support of continued public access to this remarkable 20-million-year-old natural wonder, this grand volcanic edifice, that looks over this wonderful town and country. The underlying principle of park management should be that we are all able to enjoy the natural world on our own terms without interference from petty bureaucracy and the ideologies of others. Long-established trails and walks in our parks deserve to be properly maintained and open to all. Those that do not want to climb or visit the park are free not to do so, but they have no right to impose their views on others seeking the awe, wonder and serenity of this outstanding natural place.

Over a century ago in 1909 the good people of Murwillumbah saw the value of their mountain, and volunteers from the town carved a track to its summit that included a set of drystone retaining walls that deserve heritage listing but have been ignored by the current park management. The track was so good you could ride a horse to the base of the rock scramble a couple of hundred metres from the top. Try doing that today along what's become a narrow, neglected, overgrown single track. Between 1909 and 1929 the people of Murwillumbah petitioned the state government to preserve the area for posterity for *all* Australians, regardless of race or religion, as a national park.

The park was officially opened on Saturday, August 3, 1929, by the state's Attorney-General Francis Stewart Boyce. Lucky him, he got to ride a horse almost to the summit with his wife. The ceremony was attended at the peak by

over 200 people, mainly school children from Murwillumbah—they were tougher in those days. It would have been fairly crowded at the top.

The *Tweed Daily* covered the event. It says the opening ceremony "is another link in local history, and consummates a deep wish of many of the Tweed's leading citizens to have the reserve dedicated for public recreation and a sanctuary for wild life of all kinds".

Those present, aside from the Attorney-General, included the Mayor of Murwillumbah, Alderman A.R. Black, along with councillors and other dignitaries and people from Murwillumbah and the surrounding region, including delegations from Nimbin, Lismore, Grafton and Casino. It was truly a regional event.

In his speech, Mayor Black praised the efforts of volunteers in maintaining the track. To the many children at the summit ceremony he "urged the boys and girls to remember that the park was theirs and that each could be a trustee in his or her own little way. He said the park was a memorial of the beauty of nature and of the bountiful way in which God had blessed the Tweed and the people of Australia."

Alderman Rudd stated, "The opening of the park was an historic occasion, for the area would be a haven for all time, and would be famous for years to come as a tourist resort." Attorney-General Boyce said those who initiated and carried out the scheme to reserve the park deserved the highest compliments for their enterprise, "so this gorgeous and beautiful spot is dedicated to the people forever". With that, the park was declared open.

There are easy solutions available if they just open their eyes and look around. The minister needs to get his bureaucracy working for the people, not against them.

Between the opening in 1929 and the early 1970s tourism in the area grew and increasing numbers of people visited the park, putting pressure on maintenance and parking and the summit.

In the 1970s and 1980s the National Parks and Wildlife Service undertook extensive anthropological research into parks under its control. For Mount Warning, the anthropologist Howard Creamer, who is still around, undertook extensive interviews with Aboriginal elders including the last "Gulgan" or keeper of Mount Warning and its tribal folklore: Millie Boyd. In her interview, part of which is available on YouTube, Millie Boyd called Mount Warning *Wulambiny Momoli*. This has the meaning of "scrub turkey nest"—the mountain was an "increase site" where hunting was forbidden so that brush turkeys could replenish their numbers.

If you look at the profile of Mount Warning from the north, you can see the turkey sitting on its nest. It is as plain as day. No wonder this view inspired the story. In the foreground, north-east of Mount Warning, according to Millie, is Wollumbin the Warrior lying on his back on James McKenzie's property, looking at the stars. Its name was stolen by NSW Lands and incorrectly applied to Millie's turkey. Recently we have been told a new story about Wallumban as a place of Caterpillar Dreaming. Mount Warning has many Aboriginal names, each one depicting different Dreaming lore, but we are told all are connected.

Shamefully, this important cultural group with proven links to the mountain and its stories has been ignored for the past twenty years by NPWS bureaucrats. Ngaraakwal elder Marlene Boyd, daughter of Millie, worked to expose the misinformation being promulgated by NPWS. In 2007, not long before her death, she challenged the Bundjalung claims and stated: "I do not oppose the public climbing of Mount Warning. How can the public experience the spiritual significance of this land if they do not climb the summit and witness creation!"

No less shamefully, none of this wonderful mythology has made its way into current management plans for the park, including the Aboriginal Place Management Plan released last year. None of this has been provided for in signage at the base of the summit walk. Marlene Boyd's wonderful affirmation of humanity and of what many of us seek when we bushwalk is not on a sign at the summit. Instead NPWS bureaucrats have for twenty years misled the public about the nature of Aboriginal beliefs about the mountain and promoted the ideology of just one group, the so-called Bundjalung Nation, which seeks to ban the public from the entire park. In the declaration of the area as an Aboriginal Place in 2014 we are told there are at least eight Aboriginal stories about the mountain. We are told each story is equally valid, with no one story taking precedence. How then can NPWS justify promoting just one over the others? They can't, but they have nevertheless been getting away with it for nearly two decades, deliberately misleading government ministers and the public. I asked the state Ombudsman's office to look into this wilful deception but they declined to investigate.

In Howard Creamer's interviews with elders in

the 1970s and 1980s, the elders never raised the issue of the public climbing Mount Warning. NPWS management plans in 1985 acknowledged the importance of the mountain to Aboriginal groups but indicated there were no actual artefacts found on the mountain, stating: "There are no Aboriginal sites recorded in Mount Warning National Park although Mount Warning itself is considered by Aborigines to be of great significance."

In the century since the track was opened, the summit has been visited by millions of people—men, women, children, families. They have come, as I did, as we all do, to enjoy the peaceful journey through the rainforest and experience the remarkable views of the north coast from the mountain's summit.

We climb for a multitude of reasons—for the pure joy of it, for the physical challenge, for the view. Looking out on that remarkable landscape from the summit is humbling. It provides a sense of perspective and insight into our place in this world: we are but small specks in the face of such grandeur. It shows us we are part of a bigger whole, that what we see is worth protecting, worth preserving for the future. The vast majority of those millions of visitors left just their footprints behind. NPWS have raised issues about waste and rubbish but these problems have been exaggerated and are easily solvable. NPWS need to look overseas at parks such as Zion National Park in Utah or the Diamond Head Walk in Hawaii to see how these places can be managed in a way that preserves natural spaces but also provides for sustainable public access. There are easy solutions available if they just open their eyes and look around. The minister needs to get his bureaucracy working for the people, not against them.

Issues have been raised about safety along the walk and the increase in the numbers of visitors requiring rescue. First, and I deal with risks like this as part of my work as an engineering geologist, the numbers are no greater than other walks of similar grade elsewhere in the state. Second, this issue arises largely due to NPWS mismanagement and lack of maintenance of the track. The track was built by volunteers to a very high standard in 1909, with horses able to walk almost to the summit. No one needed rescuing at the opening in 1929, before the climbing chain was in place, because the track was in such good condition. It is currently a narrow, overgrown single track with areas of exposed boulders that get slippery when wet—no wonder people are twisting their ankles. Many of these minor injuries could have been prevented if only NPWS had maintained the track to a standard appropriate for the high level of visitation experienced since it installed the lookout platforms in the late 1980s. This was perhaps the last time NPWS undertook proper management of infrastructure in the park.

The current situation arises from the disgraceful neglect and mismanagement of the park by NPWS bureaucrats. I suspect most NPWS bureaucrats, based in Sydney or Byron Bay, prefer the comfort of air-conditioned offices to the exertion of the climb. They have been busy working for the last twenty years to make life easier for themselves. Since the mid-2000s they have been working on a "demarketing plan" to downgrade the experience of Mount Warning National Park, seeking to reduce visitor numbers. And it looks as if they will soon be successful.

Our political leaders, especially the Premier and current minister James Griffin, have lacked the courage to call out the misinformation, the lies about safety, the exaggerations about environmental issues and misinformation about the views of Aboriginal custodians. This disgraceful situation is an example of the worst management of public lands in the history of New South Wales, if not the whole country.

I call on the Premier and Minister Griffin, and the Ombudsman, to undertake an in-depth independent inquiry into the gross mismanagement of Mount Warning National Park and work to restore public access as soon as possible.

Today we gather together to celebrate the mountain's history. To remember how good and special it was to walk to the summit with friends and family or on our own to watch the sun rise over the Pacific. We call on the state bureaucracy and our political leaders to work with us, the Aboriginal custodians and other stakeholders towards a solution that will restore public access to the park and its summit so all our children and grandchildren through the ages to come can experience the same joy, awe and wonder as we have.

In 1929 Mayor Black entrusted the boys and girls at the summit to look after the park. We assembled here today are the descendants of those summit children. It is up to us to protect our legacy. Once again, let this beautiful spot be dedicated to all people forever.

Part Three: Another Landmark Kidnapped

The closure for a week of Mount Tibrogargan and nearby Mount Beerwah, the highest peak in the Glass House Mountains National Park, like Ayers Rock and Mount Warning and so

many other special places now permanently closed to the public on racial grounds, has more to do with politics than culture.

At Mount Warning security guards now stop all but one particular group of local Aborigines setting foot on a landmark that formerly belonged to *all* Australians. Yet those with the closest historical affinity to the mountain, the shunned Ngarakbal people, who support public access, have been ignored for more than twenty years by bureaucrats more interested in making life easier for themselves than protecting the nation's heritage. Look at it through the eyes of a city-bound public service pen-pusher: a closed mountain means no more safety issues, no more rescues, no more outlays to maintain walking trails. Like the hospital in *Yes, Minister* with no patients, a mountain with no walkers is perfection itself.

It's not about culture and never has been. It's about the power of favoured minorities to control the rest of us and the incapacity of the bureaucracy to say "No" to unreasonable—indeed, irrational—demands.

Non-indigenous Australians have been slow to realise the full extent of the campaign to delegitimise them by the "progressive" political players who now control much of our public sector and government. These seat-polishers have embraced postmodernist concepts of race, gender and identity and melded that toxic woke cocktail with a weird respect for animism; taken together these factors trump history, science and what should be democracy's most revered concepts, freedom of speech and freedom of movement. Pragmatism in managing our national parks has been replaced by impossible zero-harm safety targets that close walking tracks and restrict movement to carparks and paved trails. Combined with over-regulation, environmental alarmism, myth and superstition, all this has been happening under our very noses. If you're a regular visitor to our national parks, when was the last time you saw a ranger actually looking after the place? When the bushfires come again, as they always do, bear in mind the cool-season preventive burns that weren't done because officials were too busy placating spirits and closing off trails.

When the bushfires come again, as they always do, bear in mind the cool-season preventive burns that weren't done because officials were too busy placating spirits and closing off trails.

The time is overdue for long-silent Australians to stand up for our common ideals. If we don't raise a fuss, we risk being locked out of so many wonderful things. Uluru has already been snatched, likewise Mount Warning and, in Victoria, some much-loved Grampians climbs are now off limits. I would argue that our unique landscape has helped forge the national character. Bureaucracy is now the threat to that heritage, meaning silence gives consent to the obscene idea that some groups of Australians are more Australian, more worthy of deference, than others.

The "temporary" closure of Mount Beerwah and Mount Tibrogargan could easily be declared permanent if not enough people protest. In South Australia the highest point in the Flinders Ranges, St Mary's Peak, remains under threat of a permanent ban. Access for rock climbers in the Grampians is a complete shambles, and we may see further areas there closed off to climbers and hikers.

The omens are grim, especially if the Voice gets up. To quote the Prime Minister, "it would be a brave government that ignored the [Voice's] advice", with clues in Western Australia as to how much further the indigenisation of landmarks, national treasures and even private property will go—for instance, the recent state legislation awarding Aboriginal consultants a determining say on the disturbance of any ground of more than 1100 square metres. Already they can "advise"—forcefully, insistently and with the full backing of the law—on the danger dams represent to the contentment and survival of "water spirits".

To those who can climb Tibrogargan this week, I urge you to do so. The best way to send the message that Australia belongs to *all* Australians is to let your feet do the talking.

SWEETNESS & LIGHT

Tim Blair

As they become more successful, enterprises of all types invariably expand. The ever-growing Australian Football League may be an emotionally exploitative, politically compromised, horribly woke monstrosity of a thing, but its monstrous dimensions are due to consistently high market achievement delivering huge financial power.

The AFL is a success, at least in economic terms, and thus it expands: beginning with twelve teams during the Victorian Football League era from 1925 to 1986, then growing in stages as a national competition until reaching the current eighteen teams. Next for the AFL is a team based in Tasmania, but this may be a rare financial misstep from Australia's wealthiest code. As the old joke goes, everyone at a Tasmanian sports event gets in on a single family ticket.

Naturally, being emotionally exploitative, politically compromised and horribly woke, the AFL in May joined the NRL, Football Australia, Netball Australia, Tennis Australia, Cricket Australia and Rugby Australia—plus various golf, boxing, basketball and baseball groups, and everything else with an "Australia" suffix in its title—to back the Yes vote.

"We, as a collective, support recognition through a voice," these sporty people announced, having in the overwhelming majority of cases previously ignored constitutional issues and instead devoted almost the entirety of their waking lives to football, rugby league, soccer, netball, tennis, cricket, rugby, golf, boxing, basketball and baseball.

(You should hear, by the way, how some athletes absolutely scorn non-specialist commentators who dare venture opinions on their various games. Why, it's almost as though Australian sports stars prefer the views of people who know what they're talking about.)

Credit where it's due, though. Many Australian sports stars—a not altogether dim bunch, by any means—have a fine grasp of both the theories and realities behind competition expansion. In a great many cases, especially in the AFL, they have lived expansion by joining newly-formed or admitted teams. Older players with families, especially, consider all manner of financial factors before signing on with an expansion outfit.

If they do sign, it will usually be because they recognise that the code overall is healthy enough to sustain an additional element. They recognise, then, that the code's previous structure has served so impressively well that it deserves an expansionist reward.

As all *Quadrant* readers will agree, Australia's political class deserves a lot of things. Reward in the form of an entire extra Canberra team is not one of them.

Consider the reverse accomplishments across recent decades of our federal political class. Above all, they have delivered one astonishing result. They have through sheer force of idiocy turned our nation from an energy powerhouse into an energy poverty pit.

It is not inconceivable that a government composed of randomly selected athletes would have done better on power availability and prices than have our elected representatives. Those representatives, of course, have at their disposal mountains of alleged expertise from all sectors, financial through to environmental. And they have brilliantly converted all of that wisdom into the notice I received as this column was being written: "Your electricity rates are changing from 1 August 2023. We estimate it'll cost you around $362.05 more a year."

That's for two people living in a not-gigantic house in Victoria's countryside. We're not exactly running an aluminium smelter in the backyard, yet we're copping bills that for people less well off could be punishing to the point of pain.

Someone without access to energy expertise—your average AFL footballer, perhaps—may consider Australia's ludicrous abundance of energy resources and wonder why we even have power bills at all, let alone why they're increasing.

That hypothetical footballer might wonder

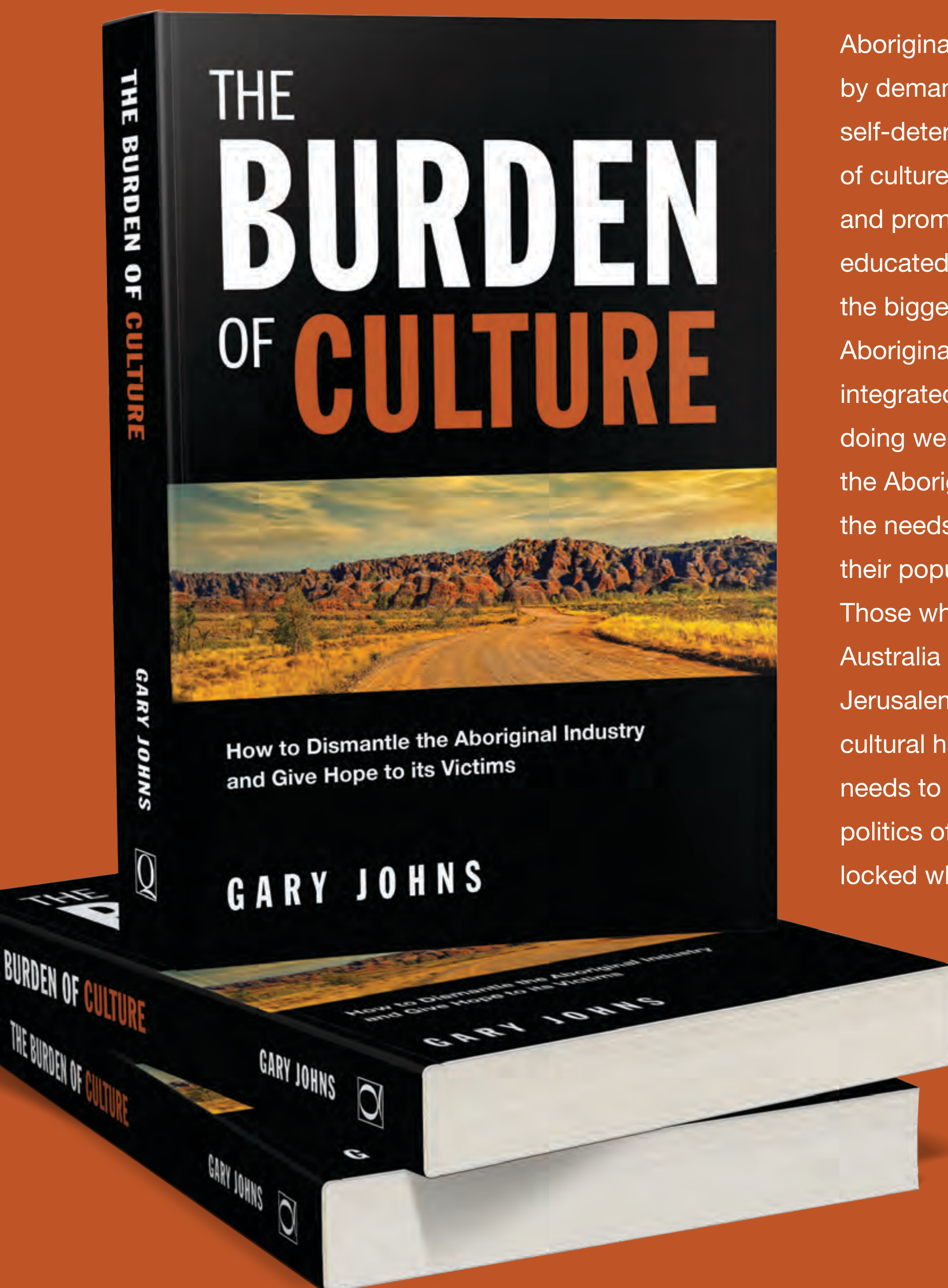
further about rewarding the economic and social madness known as a net zero emissions target by granting our political class another layer of power. He might wonder as well about following the directions of our Prime Minister to vote Yes when that same Prime Minister promised in the federal election campaign he would slash power bills.

Economically, successive governments have delivered generational debt. On energy alone, we've been hobbled for purely political reasons by huge prices despite our stocks of coal, gas, oil and uranium. Socially, governments paralysed us during the Covid pandemic.

And now that same wastrel class, those same destroyers of ambition and growth, want us to vote for and finance a new expansion team called the Canberra Voice.

No. No, we will not.

This book is a new vision of the most divisive political issue in Australia today



Aboriginal politics are now dominated by demands for reconciliation, self-determination, and acknowledgment of culture. But these concepts – defined and promoted by an urban elite of educated Aboriginal activists – hide the bigger truth that most people of Aboriginal descent today are already integrated into the wider society and are doing well, if belatedly. More importantly, the Aboriginal industry fails to address the needs of the 20 per cent minority of their population who still live in despair. Those who remain in remote and rural Australia are being asked to build a new Jerusalem on poor lands with ancient cultural habits. This captive minority needs to reach out, literally, but the politics of their leaders keeps them locked where they are.

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