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Australian public policies regarding Aboriginal affairs (1883-1972) : a bilateral perspective

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Master in International Studies

Supervisor : : PhD. Manuel João Ramos, Associate Professor with aggregation,
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History Department

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Abstract

PT

A partir da Lei do Conselho para a Reconciliação Aborígine de 1991, a importância do reconhecimento do sofrimento passado em relação aos nativos tornou-se uma aposta maciça. No entanto contestado pelas Guerras Históricas, o Governo de NSW começou a interferir nos assuntos indígenas a partir de 1883 e a criação do Conselho de Proteção. A partir daí, observamos uma uniformização política implementada por um sistema burocrático eurocêntrico, dando aos australianos brancos um controle total sobre a vida aborígine. Apesar do ativismo, o sistema colonial não tinha a intenção de proporcionar direitos justos e iguais para todos. Independentemente do caso Calvin, todos os súbditos ingleses não podiam pretender a autodeterminação. Na Constituição de 1901, a seção 51 (também conhecida como o poder das raças) menciona : "o povo de qualquer raça, que não seja a raça aborígine em qualquer estado, para quem é considerado necessário fazer leis especiais". A criação do Departamento de Assuntos Aborígenes pelo governo Whitlam em 1972, na sequência do protesto da Embaixada das Tendias, marcou o início de uma nova era. Esta dissertação visa compreender como o unilateralismo se explica pela falta de consciência das diferenças culturais e pelo desejo de posse política por parte do Império Britânico. Por outro lado, várias organizações pretendiam obter o reconhecimento através de diferentes greves, mas também chamar a atenção internacional a partir dos anos 50, influenciadas pelo ativismo afro-americano. Compreendendo o passado e como as Primeiras Nações se tornaram extraterrestres nas suas próprias terras, desejo fornecer uma abordagem bilateral abrangente.

palavras-chave : unilateralismo ; uniformização política ; apartheid ; genocídio ;
problematização ; institucionalização

EN

From the Council for Aboriginal Reconciliation Act 1991, the importance of past acknowledgement regarding sufferings towards natives became a massive stakes. However contested by the History Wars, which is an ongoing debate opposing conservative and progressive historians about the treatment inflicted to First Nations, NSW Government started to interfere in indigenous affairs from 1883 and the creation of the Protection Board. From then on, we observe a political uniformization implemented by a Eurocentric bureaucratic system, giving white Australians a total control over aboriginal life. Despite activism, the colonial system did not intend to provide fair and equal rights for everyone. Indeed and regardless the Calvin's Case, all English subjects could not pretend to self-determination. In the 1901 Constitution, section 51 (also known as the races power) mentions : "the people of any race, other than aboriginal race in any state, for whom it is deemed necessary to make special laws". The creation of the Department of Aboriginal Affairs by the Whitlam government in 1972, following the Tent Embassy protest, marked the beginning of a new era. This dissertation aims to understand how unilateralism is explained by a lack of awareness towards cultural differences and the desire for political possession from the British Empire. On the other hand, several organizations intended to get recognition throughout different strikes, but also bringing international attention from the 50's, influenced by Afro-American activism. Understanding the past and how First Nations became aliens in their own land, I wish to supply a comprehensive bilateral approach.

keywords : unilateralism ; political uniformization ; apartheid ; genocide ; problematization ; institutionalization

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Glossary

Glossary of acronyms

NSW : New South Wales. One of the six states of the Commonwealth of Australia.

APB : Aboriginal Protection Board (1883-1940). This organization was managed by the NSW Government in order to control Aboriginals life.

AAPA : Australian Aboriginal Progressive Association. Founded in Sydney, it is an early aboriginal activist group that was active from 1924 until 1927.

APA : Aborigines Progressive Association (1937-1944). Known for organizing the Day of Mourning protest on 26th of January 1938.

AAF : Australian Aboriginal Fellowship. This Sydney-based organization was a partnership between aboriginal and non-aboriginal from 1956 until it was dismantled in 1969.

FCAA : Federal Council for the Advancement of Aborigines. It was the first national body representing aboriginal interests from 1958 until 1978. It later included Torres Strait Islander people.

Glossary of terms

Genocide : As defined in 1948 in the Convention on the Prevention and Punishment of the Crime of Genocide (article II) by the United Nations, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group :

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.

It was coined in 1944 by the Polish jurist Raphael Lemkin in his work “Axis Rule in Occupied Europe” to define the mass killings of Jews by the Nazi. It comes from the Greek *genos*, which means “race” and the Latin *cide*, which means “a killing”. Literally, it signifies “killing a tribe”.

Segregation : From the Latin *segregatus*, which means “set apart from the flock”. In the English specific sense, used from the end of the 19th century, it signifies “enforced separation of races”.

Apartheid : from the Dutch *apart*, which means “separate” and the suffix *-heid*, (-ness). Literally, separateness. The appropriate translation would be “disenfranchisement”. It is a separate development. The term was introduced in 1948 in South Africa to define racial segregation.

Color bar : According to the Cambridge dictionary, it is “a social and legal system in which people of different races are separated and not given the same rights and opportunities.” The world color refers to the skin and the race, while the bar refers to an imaginary bar (or line) to separate the whites from the blacks in terms of facilities or rights. In this case, it is relevant when discussing the Freedom Rides.

Detention center : According to the Cambridge dictionary, “a type of prison where young people can be kept for short periods of time”. From the Latin *detinere* which signify "hold off, keep back". In this dissertation, it is used to describe the centers implemented by the NSW Aboriginal Protection Board to “educate” young aboriginals.

Essentialism : According to the Cambridge dictionary, it is “the idea that things have basic characteristics that make them what they are”. It comes from the Latin *essentialis* which means “that is such by its essence”. Regarding First Nations, it refers to their relation to the environment and “the natural species with which they identify” (Glowczewski, 2019). From settlers arrival, it was ignored by dispossessing the lands.

Supersessionism : Also called the theory of replacement, it is initially a Christian theology that assume Christianity will replace Judaism. It has recently been used by the right extremist Renaud Camus, explaining that France and Europe population will be replaced by non-European inhabitants. In her work, Penelope Edmonds (2012) used this term to describe the replacement of First Nations of Australia by settlers.

Extraterritorialisation : extension of a civilization. In international law, it is also the application of a country legislation outside of its borders. In this case, Australia was an extraterritorialisation of the British Empire.

Indigenous : from the Latin *indigena*, which means “native” or “born in”. It became Indigenous from the 17th century and is also used to define plants and animals. It describes human being present in the land before colonization.

Autochthonous : primitive inhabitants. From the Latin Greek *autokhthon*, which means “sprung from the land itself”. A synonym would be : aboriginal, native, indigenous.

Aborigine : According the Cambridge dictionary, it is “a word for a member of one of the groups of people who were the first people to live in Australia, which was used officially in the past, but is now offensive”. However, it is not limited to Australia. From the latin *Ab origine* which means from the beginning, it became from the 16th century the meaning for original inhabitants to refer to those of Italy and Greece. From mid-17th century, it started to be used to name the inhabitants of lands colonized by Europeans and from the 1820’s, it became specific to Australia.

Aboriginal : first inhabitants of a country before settlers arrival. It comes from the latin *Ab origine* and started to be specific to Australia from 1820’s. However, it is a non-appropriate term that socially uniformizes the First Nations of Australia and denies the different ethnic groups already existing. Decided by British settlers, it is the first representation of racism and ignorance regarding natives. Across the ages, the debate last to decide what is the most appropriate term. In a utopian world, every ethnic group should be named. For example, the Gadigal in Sydney or the Wurundjeri in Melbourne. Used with a capital A, it differentiates the Aboriginal people of Australia from the rest of the world.

Torres Strait Islander : Inhabitants of the Torres Strait Islands. Distinct from Aboriginal people, they are often grouped as indigenous people. From Melanesian descent, they share more cultural traits with Papua New Guinea than Aboriginal people of Australia. The name of the island itself is a consequence of colonialism as it was titled after the Spanish captain Torres who sailed the island in 1606.

Koori : Aboriginal person from Victoria and southern New South Wales. It is a respectful name that gather several communities within this area, which is the largest proportion of indigenous in Australia. It comes from the word *gurri* which means “man” in Awabakal (aboriginal language).

IMPORTANT NOTICE: Most of these definitions are based on etymology. Some words meaning might have changed and this glossary provide definitions from a contemporary perspective.

INTRODUCTION

“White Australia has a black history”

You can read this sentence on many people tee-shirt when walking down the street. Although most people around the world don't know much about Australia's history, Aboriginal and Torres Strait Islander is the oldest living ethnic group in the world. For 65 000 years before settlers arrival, they indeed inhabited this land. In the process of reconciliation from 1991, it is crucial to have an understanding of the political background between the two parties from 1883 until 1972. This period has had a major importance while it is often considered that the creation of the Department of Aboriginal affairs in 1972 by the Whitlam government represents a starting point for First Nations in Australia. Indeed, the bureaucratic system was not allowing aboriginal people to participate in the decision making, however they created their own organizations in order to fight for their rights. Otherwise they had no official recognition by the state, they had a huge impact on policies and changed the future of aboriginal people forever.

To acknowledge the government public policies, the difference in terms of cultural background has been ignored from the beginning. It is represented by the social heterogenization, considering Aboriginals as a unique ethnic group. The diversity within the aboriginal community was denied in order to erase their culture. “This social heterogenization were part and parcel of political uniformization.” (Glowczewski, 2019) “From the time NSW Government started to interfere in Aboriginal affairs, many Aboriginals proved to be reticent about the idea, arguing primarily that no one body was qualified to sign on behalf of all groups concerned.” (Glowczewski, 2019)

This dissertation aims to understand how the different policies decided by the New South Wales Government from 1883 until 1972, despite Aboriginal activism, are the representation of a political monologue. After a quick historical context, I aim to analyze the main decisions taken by the NSW Government regarding Aboriginal affairs from 1883 until 1972. In the second part, they will be balanced with First Nations activism and their response to these policies. Underpinning the major aspects of this one-way monologue, a conclusion will resume the failure of political uniformization. These research have been made using mainly ancient primary sources (reports, Acts), contrasting with secondary sources written by scientists.

History based on a legal fiction

Despite what most people think, the British Empire was not the first to settle in Australia. The linguist Von Brandenstein suggested that in the sixteenth century, the Portuguese established a secret colony slightly further north. “In contrast to the violence that followed the arrival of the English settlers, relations between the Aboriginals and the Portuguese were quite peaceful.” (Glowczewski, 2019) In 1770, Captain James Cook landed on the so-called *Terra Australis Incognita*. We owe this name to *Macrobius* who wrote a theory in the 5th century “considering the idea that continental land in the Northern Hemisphere should be balanced by land in the Southern Hemisphere” (*Wilford, 1982*). Instructions Cook received from the Crown were : “you are also, with the consent of the natives, to take possession of convenient situations in the country in the name of the King of Great Britain” (Davis & Williams, 2021), or even “if any people were encountered, they were in the strictest sense of the word, the legal possessors of the several regions they inhabit” (Davis & Williams, 2021). However, and regardless of what Cook considered as *Terra Nullius*, this land was already inhabited. The anthropologist John Locke wrote a theory regarding native title according to which you obtain the right to claim the land as your property if you “tills, plants, improves, cultivates, and can use the product of” (Locke, as cited in Bennett, 1989). According to this definition, the British Empire extraterritorialized its territory, claiming themselves discoverers of empty lands. This Eurocentric approach is untrue for two reasons. First of all, they were not the first discoverers in Australia, as explained by Von Bradenstein. Different civilizations landed on *Terra Australis Incognita* well before James Cook. On the other hand, this definition is based on the western vision of civilization. Indeed, Cook and Sir Joseph Banks soon established that an aboriginal people lived in the great southland, but careful observation appeared to show no towns, no cultivation, no religion, in short, no civilization: the country was therefore, “in the pure state of nature, the industry of man, had nothing to do with any part of it” (Frost, 1981, as cited in Bennett, 1989). This lack of judgement is based on a misunderstanding regarding aboriginal culture. The dispossession of their lands was biased “by the blindness of European ethnocentrism, and confirmed by the legal fiction of the *Terra Nullius*” (Bennett, 1989). Besides, Aboriginal people have a spiritual association with places and their responsibilities as custodians. This idea of racial hierarchy and the term of race “was the deliberate creation of an exploiting class which was seeking to maintain and defend its privileges against was profitably regarded as an inferior class” (Montagu, 1965, as cited in Bennett, 1989).

From 1788 and based on a legal fiction, colonists turned Australia into a homeland for prisoners because of all their jails back in Britain being full. “The basis of settlement in Australia is and always has been the exertion of force by and on behalf of the British crown.” (Davies and Williams, 2021) No one asked for permission to settle. The period of conciliation did not last long and the inability to communicate also worsened the cultural gap. The first fighting started recently after the landing and clashes kept occurring until 1928, which marks the end of the Killing Times (also known as the Frontier wars). Over centuries, relations between indigenous and non-indigenous have been inexorably and seriously damaged, leading to a massive extinction.

This genocide can be explained by various factors, from the wish to extend the British Empire territory to the fear of the unknown. In reality, there are many ethnological disparities. For instance, at the time of the first European contacts, many Aboriginal people regarded white skin as the sign of a ghost. Another group would consider that their skin color was the result of a contamination by substances. To give an example, it was common to hear that “the mother must have eaten too much flour” (Strakosch, 2019). They were therefore often thought to be spirits of dead persons. Aboriginal people did not view either conception as a matter of biological transmission, but instead always as a relationship with the environment. “In Australia — as in many other Oceanic societies — essentialism has proved to be inseparable from a certain relationship with the environment, which differentiates people according to the natural species with which they identify.” (Glowczewski, 2019) These examples vary according to the group. In fact, “Aboriginals have not only different languages and cultural backgrounds but also contrasting histories as well.” (Glowczewski, 2019)

A contested history

The term History Wars is often used to describe the ongoing public debate that occurred from Howard Government regarding colonization in Australia from settlers arrival until Federation. With a particular focus on Tasmania (before called Van Diemen’s Land), Keith Windschuttle contested history. Characterizing fights between Aboriginals and Europeans as a minor conflict, he also disputes some testimonies of the Stolen generations and denies the existence of a genocide in Australia. By checking the footnotes of the sources he previously used, he discovered some mistakes. “In the three years since then, I have been checking the footnotes of the other historians in the field and have found a similar degree of misrepresentation, deceit and outright fabrication.” (Windschuttle, 2003) Instead of mass killings, K.Windschuttle attributes

the disappearance of Aboriginals in Tasmania to “10,000 years of isolation that had left them vulnerable to introduced diseases, especially influenza, pneumonia and tuberculosis” (Windschuttle, 2003). To conclude, he made a relation with the ascendance of the left-wing in Australian historiography. As a student, I do not feel experienced enough to discuss his work. However, a relation can be made with the culture wars in the United States, which is an opposition of the conservative versus the progressive.

On the other hand, anthropologist W.E.H Stanner used the term “The great Australian silence” in his 1968 Boyer lecture to argue that Australian history was incomplete and voluntarily ignored by white Australians. He underpins how the history of Australia is often beautified and how negative experiences are neglected, which is a complete antinomy with Windschuttle’s work. He contended that “inattention on such a scale cannot possibly be explained by absent-mindedness” (Foley, 2001). The Great Australian Silence period ended with the 1991 Reconciliation process implemented by the government. However, History had (and still have) a huge impact on public policies.

Scott Bennett (1989), as for him, declares : “For much of their history, Australia’s major parties did not perceive a need to have Aboriginal Affairs policies, but this altered in the 1960’s and 1970’s as the Aboriginal interest came to occupy the more prominent position in the polity.” Indeed, it is a denial of the sufferings inflicted by the Protection Board from 1883. Before Federation, Aboriginal affairs were already a concern and mediatization only brought public attention. To conclude and underpinned by the ongoing debate regarding Australian history, it is important to understand that it has been written from a colonial perspective. The categories implemented has been forced by violence and are no longer relevant. In order to acknowledge the past, history might be reviewed from an indigenous perspective. In his work “A Short History of the Australian Indigenous Resistance 1950 – 1990”, Gary Foley, a former member of the Black Power movement in Australia, offers a different approach towards Australian history. This progressive approach is an important asset to be considered when understanding the history of colonized lands.

Literature review

This dissertation aims to compare perspectives between the government and aboriginal activism, explaining how it remained a political monologue. The period studied (1883-1972) has been partly explored before by the Newcastle University, under the supervision of Professor Maynard. Named “A History of NSW Aborigines Protection/Welfare Board 1883-1969

University of Newcastle”, the research has only covered one perspective. This project acknowledges the past, which is an important stake since the reconciliation process was implemented by the government. For this reason, the secondary sources studied in this dissertation were written after 1972. This is not an anachronism, however it is important to understand perceptions might have changed and are different from a period to another. For example, the term used to define Aboriginals vary according to the author, the date and the perspective. While Strakosch (2018) will use Aboriginal and Torres Strait Islander peoples, Castejon (2002) will prefer Aboriginal and Bennett (1989) will use Aborigines. On the other hand, the primary sources mention natives as Aborigines, which would be considered racist nowadays. I provided some etymology in order to have a better understanding of the terms, however there is no scientific paper studying the evolution of the term across the years. In this paper, I mainly use the term First Nations, as it does not uniformize the different ethnic groups and is considered respectful to the traditional custodians of the land. I chose not to mention Torres Strait Islander peoples as the territory is part of Queensland, while I focus on New South Wales. Also, regarding the period studied, Torres Strait Islander were not yet mentioned in the legislation. This comparative study oppose sources from different perspectives. Flyers distributed by activist are a response to government Acts. Student thesis are used as valuable sources as it offers a different opinion.

Although conservative, I appreciated the critical approach proposed by Scott Bennett (1989) and his explanation of the legal fiction regarding *Terra Nullius*. Aboriginal scientist such as Patrick Odson and Megan Davies contributed to bring different perspectives on this topic. The thesis from Gary Foley called “A Short History of the Australian Indigenous Resistance 1950 – 1990” provides an indigenous version of the Australian history. Often contested, this ongoing debate called “History Wars” has a huge impact on public policies. One of the major topic relates to the intentions of British settlers at their arrival. “While settler colonial studies often focus on the colonial desire for physical possession of Indigenous land, Indigenous critical scholarship shows contemporary colonial dynamics are also deeply concerned with political possession.” (Strakosch, 2019)

Historian K.Windschutle even contests the genocide going through the mistakes of the sources provided by this period. In a paper, Gary Foley proposes in “Black Power in Redfern 1968-1972” an interesting carnivalesque approach. As explained by M.Bakhtin, it reverses the hierarchies and offers a very eccentric behavior, which is not socially accepted, notably by Scott Bennett statements relating this movement to violence and stridency. This opposition between conservative and progressive could be related to the Culture wars in the United States. Indeed,

the comparison is often made by scientists. Noticeably, Martin Papillon compares the legislation regarding indigenous affairs in Canada, Australia and United States. Unfortunately, it is only briefly contrasted to the situation in South Africa. G.Foley briefly mentions it, while P.Edmonds establishes a comparison between the settlers towns such as Walgett with Cape Town's district six. Alyssa L. Trometter, as for her, provides a connection to Malcom X and the American black power movement. Gary Foley explains his sympathy for Malcom X ideas, which he considers as an inspiration. Indeed, American activists' movements from the 1960's had a huge influence in the aboriginal community. These protests are "an Australian response to the internationalization of the new racial paradigm that marked the 1960s" (Edmonds, 2012). The media participated to this expansion, as underpinned by Lisa Waller and Kerry McCallum in the paper "How television moved a nation: media, change and Indigenous rights". Bringing international attention towards this political apartheid, it led to the 1967 Referendum. As covered by Russel McGregor in *An Absent Negative* (published in 2008), the government intentionally chose not to provide an opposition. This way, Aboriginal activism did not have to build a solid argumentation blaming the bureaucratic system. However, this referendum brought some self-determination for Aboriginals in Australia. As discussed in many papers, decisions concerning indigenous affairs were taken by non-indigenous people at this period. From the creation of the Protection Board, it remained "a political monologue", as named by Vanessa Castejon. As mentioned in the *Securing the Truth* report, the board was composed by gentlemen "who have taken an interest in the blacks, have made themselves acquainted with their habits, and are animated by a desire to assist raising them from their present degraded condition." This forced sovereignty shows a lack of understanding regarding the cultural differences and uniformizing the ethnic groups. Only Glowczeski demonstrates a comprehensive approach of their customs. Another mistake made by scientist is the heterogenization of the fight. Studying Aboriginal as a global topic in a Federation such as Australia ignores the differences among the community. In this dissertation, I chose to focus on a specific period, and more importantly, on a specific area. This methodology aims to comprehensively approach an evolutive context. Intertextuality is very present in this dissertation as well as I used perspectives from aboriginal and non-aboriginal scientists. In a multicultural Australia, public policies shall proceed as so. Intertextuality also provided an inter-disciplinary approach, including anthropology, geography, politics, sociology and history.

CHAPTER ONE : Public policies regarding Aboriginal Affairs in New South Wales (1883-1972)

The British Empire wide power

During the 19th century, the British Empire was the largest power in the world with 500 millions inhabitants and 33 millions km². Their control were extraterritorialized on every continent, from America until Asia and Antarctica. Colonists continually requested new lands. Trade between British colonies and the Empire was very important, leading to the creation of different business companies such as the British East Indian Company. Traditional British imperial history always hinged upon a spatial dichotomy between the imperial “core” and its “periphery” (Lester et al., 2006). In order to ensure possession and control of the interconnected geographies of the British Empire, the Colonial Office had a significant role. The failure came from the inside due to decolonization and the British Empire collapsed in 1931, before World War II. Nowadays, British colonies share a parallel policy history of violence, assimilation and self-management. As Moreton-Robinson (2015, as cited in Strakosch, 2019) argues :

It takes a great deal of work to maintain Canada, the United States, Hawai'i, New Zealand, and Australia as white possessions. The regulatory mechanisms of these nation-states are extremely busy reaffirming and reproducing this possessiveness through a process of perpetual Indigenous dispossession, ranging from the refusal of Indigenous sovereignty to overregulated piecemeal concessions.

It is important to wonder what the aim of settlers was. According to settler colonial studies, the desire was the physical possession of indigenous land. On the other side, indigenous critical scholarship shows that the dynamics were the political possession. The Empire targeted the Indigenous difference by denying, destroying and absorbing. It is a complete dispossession often based on the legal fiction of *Terra Nullius* and the Eurocentric vision of a civilization. From the British Empire outlook, these practices of violence, assimilation and incarceration are “acts of care undertaken for the wellbeing of Aboriginal and Torres Strait Islander individuals” (Strakosch, 2019). This way, the state can legitimize the total control over indigenous life. Different theories of racial hierarchy became popular while settlers liked to think that indigenous people were inferior.

The doomed race theory

In the late nineteenth and early twentieth century, the doomed race theory became popular. According to scientists, aboriginals are a dying race that is not fit to survive with the Europeans. Considered as inferior, this theory implicitly created a racial hierarchy between First Nations and settlers. R.McGregor (1993) underpins : “To the evolutionary scientist of the late nineteenth century, Australia was a huge museum of antiquated forms of life.” As settlers arrived only in the late eighteenth century, Australia was then the most primitive land on earth. Aborigines were even compared to gorillas, kangaroos and ape-like. Biologist T.H.Huxley (1959, as cited in McGregor, 1993) even draws attention to the similarities between Aboriginal skulls with Neanderthal. It was used to indicate a lack of development and intellect. “Evidence from both physical and social anthropology was adduced to demonstrate the inferiority and primitivity of Aboriginal mentality.” (McGregor, 1993) Indeed, statements made by scientists and anthropologists gave a meaning to these theories based on human nature. For W.L. Cleland (1897-98, as cited in McGregor, 1993), Aborigines are an anachronism and must shortly disappear from the face of the earth. “In the context of late nineteenth century science, the argument was coherent and convincing.” (McGregor, 1993)

On the other hand, while Asians were accused to bring diseases causing the death of indigenous, Darwin’s theory of evolution became very popular regarding First Nations. He predicted that the gap would become wider. “At some future period, not very distant as measured by centuries, the civilized races of man will almost certainly exterminate and replace throughout the world the savage races.” (McGregor, 1993) In other words, public opinion was shaped by the intervention of these so-called specialists and brought discredit upon First Nations.

If they were to die out, it was said, then it should be with dignity; if they survived, then it was the duty of the whites to lift the clouds of ignorance by teaching them the benefits of white civilization: “if properly treated, the blacks can be influenced and settled in a very short time.” (Bishop and Carpentaria, 1903, as cited in McGregor, 1993)

In this way, the protection policy made total sense in order to preserve this so-called dying race from an early extinction.

The role of First Nations in the 1901 Constitution

The 1901 Constitution is seen as the foundation of Australia, before constituted by six separated self-governing colonies. However, it still remains under the protection of the Crown. As a comparison with another British colony, Canada established full control over indigenous

communities and their lands in 1867. By not having any delegates to represent their interest in the drafting, the role of natives was nonexistent. It represents very well the perception settlers had on indigenous communities. “Framers were driven by a desire to maintain race-based distinctions.” (Davies and Williams, 2021) Any acknowledgment is made regarding the history of Aboriginals on the continent. Despite it was more focused on financial issues than Aboriginal rights, certain sections mention their role in the society. There are no recognition of their human rights “because of fears that this might protect, as citizens Chinamen, Japanese, Hindoos, and other barbarians in areas such as employment” (Davies and Williams, 2021). The term barbarian comes from the latin *barbarinus* which signify savages, rude, uncivilized or primitive. During the Roman Empire period, it also meant someone that does not belong to one of the great civilization. It is a depreciating term used to implement a colonial structure within the society.

On the other hand, section 127 of the Constitution (Cth, 1900) was titled “Aborigines not to be counted in reckoning population”, section 25 would “continue to prevent people of certain races from voting at their elections”. To resume, indigenous are aliens and not part of the society. However, they are protected “under the name of care”. This paternalization is underpinned by section 51 (known as the races power): “the people of any race, other than aboriginal race in any state, for whom it is deemed necessary to make special laws”, or even decrees to “regulate the affair of the people of colored or inferior races who are in the commonwealth”. This particular section is a denial to the rule of law. Clause 5 of the Australian Constitution states that : “This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth.”

In other words, this law applies to everyone, regardless of the status or ethnic group. A definition of the rule of law would be : all citizens should know the law are and respect it. It is supposed to restrain the government arbitrary power. Regarding the treatment of Aboriginals in Australia in a post-Federation period, it seems this rule of law was ignored. Made by representatives of the people, it should strengthen democracy, treating everyone equally. However, the population of Aboriginals reached its lowest in 1900 with approximately 117 000 people. It represented about 3% of the population. Being a splinter group, First Nations had no seats in the Parliament until 1971 and Neville Bonner which demonstrates that there was no self-determination until then, as Aboriginal affairs were managed by non-indigenous white Australians. The principle of democracy is only partly respected as it does not consider the minor number of natives in the country.

One year after the Constitution, the Commonwealth Franchise Act 1902 proposed the suffrage for Aboriginal people. As a result, it was curtly refused : “They have not the intelligence, interest or capacity to vote.” (Davies, 2021) One more time, racial hierarchy prevailed. Until 1962, they could not vote in federal elections and from 1967, they were counted. To conclude, the country was built on Aboriginal lands, but excluded them from the society using the legal system.

White Australia policy

One of Australia’s first Act after the federation was “The White Australia” policy (officially called the Immigration Restriction Act 1901). “It is a term to discuss a series of historical policies that aimed to forbid people of non-European ethnic origin, especially Asians and Pacific Islanders from immigrating to Australia, starting in 1901.” (Davies, 2021). Despite the fact that it was not based on aboriginal people, it contributed to the development of a racially protected white society. It is an Act to “place certain restrictions on Immigration and to provide for the removal from the Commonwealth of prohibited Immigrants.” (Cth, 1901) The term prohibited immigrants is a person described as :

- (a) unable to write out at dictation and sign in the presence of the office a passage of fifty words in length in an European language directed by the office
- (c) any idiot or insane person
- (f) any prostitute or person living on the prostitution of others

It is clear that officers had complete authority to decide who is able to enter the country. Any person not able to master a European language were considered a prohibited immigrant. “Any idiot or insane person” is also a wide term to give officers the choice to exclude anyone on their own judgement. The Act highlights that :

Any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (a) of section three, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act. (Cth, 1901)

Australia’s inhabitants opinion is obviously shaped by these policies. Edmund Barton (1901), first Prime Minister of Australia said : “I do not think that the doctrine of the equality of man was really intended to include racial equality. There is no racial equality”. In that circumstances, the context of Australia’s creation is defined. Racism remained in the 20th century. As an example, settlers classified aboriginal people into castes from 1910 until the 1940’s. They defined :

- Full-blood as a person without white blood

-A half-caste as someone with one white parent

-A quadroon or quarter-caste as someone with an Aboriginal grandfather or grandmother

In an investigative documentary called “Four corners”, a journalist interviewed inhabitants in the street in 1962 regarding the white Australia policy. Among the different testimonies, some are particularly representative of the public opinion that prevailed at this period. Elders have a very pronounced point of view : “Well I think it’s good and they should really have it and keep out the colored races” or even “I don’t think at all that they should allow colored races into Australia.” On the other hand, the development of media can be felt on younger generations opinion : “Well I suppose everybody should have the same rights in this world” or “Well I think you have to live in a country with colors before you can decide upon it. People here don’t live with Aboriginals but in New York they live side by side with cubs. I come from New York and I would not care to have them living in the same house as me.” On these testimonies, comparisons are made with overseas. It clearly shows that opinions are changing notably thanks to globalization, giving people examples of what is happening abroad. However and until 1966, full-blood were counted separately. The population census included only half-blood or less. After World War II and due to the White Australia policy, many Asians were also sent back to their native country. In 1973 and under the Whitlam Labor government, the contested White Australia policy was dismantled. Instead, he implemented a multiculturalism policy to embrace different cultures within one nation.

Citizenship and contradictions

As often described, aboriginals are considered aliens in their own land. According to the rule in Calvin’s Case (1608), “no person born as a ‘subject’ in any part of the King’s dominions could be an alien” (Peter Herman Prince, 2015). In other words, they are strangers. Settlers from Hong Kong and India, however born under the British crown, were considered aliens as well and not entitled to citizenship. This case was mentioned in the nineteenth century in United States regarding legal rights for natives American. The Nationality Act 1920 added a brief definition of alien : alien means a person who is not a British subject. However being the native inhabitants, colonial hegemony made aboriginals wards of the state. This structure did not allow them citizenship in the Federation. Yet, it is a complete contradiction to some legal decisions previously established within the British Empire. The Calvin’s Case (1608) mentions that a child born in Scotland was considered to be an English subject. Nonetheless, it does not define

the term “English subject”. At the Supreme Court in 1829, R.v.Ballard (as cited in Prince, 2015) declared : “Although Australians used the term ‘citizen’, the only legal category of membership under imperial law at this time was ‘British subject’.” Following this legislation, the birthright should provide the nationality to anyone born within a British territory. In that sense, it does not mention any exclusion regarding the race, as it was voted before colonization. In this case, and as affirmed in 1992 by the High Court of Australia :

”...once the establishment of the Colony was complete on 7 February 1788, the English common law, adapted to meet the circumstances of the new Colony, automatically applied throughout the whole of the Colony as the domestic law...within the Colony, both the Crown and its subjects, old and new, were bound by that common law.”(Peter Herman Prince, 2015)

At the beginning of the twentieth century, the Naturalisation Act 1903 defined the conditions for an “alien” to be granted naturalization by the Commonwealth of Australia. In this Act, it is mentioned "British subject" means a natural-born British subject or a naturalized person. Indeed and despite the Calvin’s Case, the confusing white bureaucratic system used to consider every person without European ethnic origin as alien. To summarize, Aboriginals are actually “British subjects” under the law, but treated as aliens. The Nationality Act 1920 introduces the concept of nationality and makes a selection of the migrants allowed to enter the territory, which is the continuation of the White Australia Policy. Indeed, from the Commonwealth of Australia Constitution Act 1900 and as noted by Aitken and Robert Orr, “

The Constitution does not contain any reference to Australian citizenship. Indeed, at the advent of federation in 1901, and for a long time after that, there was no such concept. All persons in Australia were either British subjects or aliens.

From the 1948 Nationality and Citizenship Act, the concept of Australian citizenship was introduced. The disintegration of the British Empire after World War II led the Australian government to create their own citizenship, so Canada did two years earlier. Before that, any Australian travelling abroad would receive a British passport. This new citizenship did not attribute many privileges but the right to vote in elections. It was given to aboriginals as well, however they obtained the right to vote only in 1962 under Menzies government. Once more, however born as citizens, First Nations did not get the same rights, making them feel aliens in their own land. Colonialism implicitly force their sovereignty. It was given more explanations about the rights of an Australian citizen, with no special mention for natives.

Wards of the state era (1883-1969)

From late 19th century, the protection era started making indigenous people wards of the state and denying every single human right they had. This was a period of segregation based on race. Every aspect of their life was controlled, from marriage, employment, freedom of movement to even their work. The children removal, known as “The Stolen Generation” started from mid-1800 with the Maloga Aboriginal Mission in 1878. Until then, it was ran by the Aboriginal Protection Association. It became legally recognized in NSW in 1909 under the supervision of the Police Council. However and despite the fact that most consider the Aborigines Protection Act 1909 as the beginning of the Protection policy, the Protection Board creation in 1883 sounds to be the dawn. In fact, it is from then that the NSW Government started to interfere in aboriginal affairs. They had a total control over the life of Aboriginal Children. “Put simply, the forcible separation policies were designed to put an end to Aboriginality.” (Menzies, 2019)

Before the 1901 Constitution and the creation of a Federal government, control/protection was already present. Back then, every state had its own Protection Act, starting with Victoria in 1869. However, Tasmania was the only state without Aborigines Act because they all have been murdered. By 1911, every state had introduced a protection policy with their own particularities. As underlined by Bennett (1989) : “In a federal system, there is the added dimension that different state branches of the same party may well develop quite different policies.” With a focus on New South Wales, it is necessary to acknowledge the context. Despite the fact that every state was independent and proclaimed its own Aborigines act, there is one main similarity, which is the fact that the government aims to control and protect aboriginal people in the name of care under all aspects. They mentioned these regulations are made for the “care, custody and education of the children of aboriginals”, including children removal. In other words, the life of aboriginals was controlled by the states under the Protection Board and for their own good. Racial hierarchy was common thinking and represents ignorance from the citizens.

NSW Aborigines Protection/Welfare Board (1883-1969)

In 1880, the Association for the Protection of Aborigines was established by the Christian missionary. It was a private body conducted by Daniel Matthews and Reverend J.B. Gribble aiming to both control and protect Aboriginal people from the white society from “the present deplorable condition of the remnants of the Aboriginal tribes”(Securing the Truth, 1998). It remained in force until 1897 when it collapsed due to financial support. As a direct result, the

NSW Government created the Aboriginal Protection Board in 1883. It was a state-run institution composed by officials and gentlemen “who have taken an interest in the blacks, have made themselves acquainted with their habits, and are animated by a desire to assist raising them from their present degraded condition.” (Colonial Secretary, 1883, as cited in NSW Government, 1998) This is an institutionalization of the “Aboriginal problem”. The former Inspector-General of Police was elected as Chairman and it is a no-brainer to say that any Aboriginal was part of the board. The objective was to “to train and teach the young, to fit them to take their places amongst the rest of the community.”, according to the Annual Report 1885 by the Aborigines Protection Board. Through Protector of Aborigines, they had total control over the lives of indigenous. Without the existence of an official Act :

From 1883 to 1909 it relied on existing regulations in the Supply of Liquors to Aborigines Protection Act 1867, the Vagrant Act and the Neglected Children’s Act 1902, to sanction its activities. It utilized force to get Aboriginal people onto reserves.” (NSW Government, 1998)

The Aborigines Protection Act 1909 gave legal authority to the Board for children removal. As they understood, education is the commencement in order to shape the next generation of white aboriginal and annihilate their race. In 1940, the Board was renamed and refers to as the Aborigines Welfare Board by the Aborigines Protection (Amendment) Act 1940. The Inspector General of Police was no longer the chairman. It was supposed to modernize the previous Board but pursued with the policies regarding children removal, to be finally abolished in 1969.

The Protection Policy (1909-1969)

The Aborigines Protection Act 1909 & The Stolen Generations

Aboriginal kids detained at the Kinchela Boys Home - Kempsey, NSW

Table 1.1



The Aborigines Protection Act 1909 applied for New South Wales and gave an official framework for the removal of Aboriginal children from their families. It gives a statement of their rights. It is “An Act to provide for the protection and care of aborigines”. Section 7(c) gives allowance “to provide for the custody, maintenance, and education of the children of aborigines”, while section 8(2) says that : “The board may remove from a reserve any aborigine who is guilty of any misconduct, or who, in the opinion of the board, should be earning a living away from such reserve.” The rights for Aboriginal is limited, if not imaginary. This Eurocentric approach aims to annihilate their race.

Several amendments altered the original Act. The 1911 Amendment established the Cootamundra Domestic Training Home for Aboriginal Girls (1911-1969). These detention centers aimed to train them in “useful” occupations like housework, horticulture, livestock management and some skilled trades (NSW Government, 1998). There were not taught about their rights, avoiding the risk to cause uprisings.

A documentary called “We were just little boys” has been produced by The Kinchela Boys Home Aboriginal Corporation (KBHAC) with the aim of education. It provides a better understanding of the living conditions in these detention centers. In the interviews made by survivors, we can hear : “he told me my parents were dead, that we were not black”, or even “they stripped us from our culture and tried to reprogram us white”. Another survivor speaks out saying : “they made us hate each other, they made us hate ourselves”. Aboriginal children were segregated according to skin color believing that Aboriginal children with lighter skin were superior to Aboriginal children with darker skin (Australian Human Rights Commission, 1997). These statements were based on the doomed race theory and aimed to assimilate them into the white society. “Missions and reserves were often overcrowded and poorly run, which highlights that disease in some missions wiped out entire families. Medical services were often restricted to poorly trained missionaries.” (NSW Government, 1998)

The 1915 Amendment gave the Board the authority to remove children without having to establish in court that they were neglected. Section 13A of the 1915 Act provided that :

the Board may assume full control and custody of the child of any aborigine, if after due inquiry it is satisfied that such a course is in the interest of the moral and physical welfare of such child. The Board may thereupon remove such child.

The 1940 Amendment created the Aborigines Welfare Board, in order to modernize the Aboriginal Protection Board. Unfortunately, many of the policies towards Aboriginal children remained into force. It lasted until 1969 and the Aborigines Act that abolished the Protection policy. “By 1939, some 180 reserves had been created and subsidized by the Government of New South Wales.” (NSW Government, 1998). Notwithstanding the official record states that these institutions were bastions of care and education, oral histories speak of harsh punishment and abuse being commonplace. This is the Stolen generation.

Aborigines Act 1969 – End of Protection Policy

During the 1960s, the Freedom Rides introduced a new kind of political activity, inspired by the model of the American Civil Rights movements. It took place in the north of New South Wales. After these events, a Joint Select Committee on Aborigines Welfare wrote a report, leading to the abolishment of the Aborigines Welfare Board by the Aborigines Act 1969. It also represents the abolishment of children removal and then, the end of the protection policy. The Human Rights and Equal Opportunity Commission 1997 highlights that Aboriginal children were categorized under a non-Aboriginal model of childrearing, and poverty was seen as neglect. Parenting was seen through a Eurocentric framework of what constituted adequate care

and dictated the qualities of a suitable carer. There was never an understanding approach of their different culture. Due to continued surveillance, any deviation from the non-Aboriginal norm in behavior meant that children were taken away. “In the name of care”, obviously.

It led to the creation of two boards : the Directorate of Aboriginal Welfare (administrative) and the Aborigines Advisory Council (advisory). The first one was a government agency responsible for the policies and allocating funds for the Aboriginal welfare. The second one, as explained in the report of the Minister for Social Welfare on the working of the Aborigines Act, 1969 for the year ended 30 June 1970, is to advise the Minister on matters of importance to the Aboriginal people of the State. It is constituted by ten members, “all of whom are Aboriginal and six of which are to be elected by the Aboriginal residents of the State” (Minister for Social Welfare, 1969). As a presage for self-determination, the report says : “It is essential that Aborigines be consulted in matters affecting their future, and it is hoped, that the Council will become the principle vehicle for the expression of Aboriginal opinion in this State.” Unfortunately and even though this Act aimed to end children removal, some detention centers remained until the 1980s. The Bomaderry Aboriginal Children's Home ran until 1980 and is the last Aboriginal mission in New South Wales. The weakness of this Act prove the law is just a mask to hide the reality of living conditions for First Nations. The structure regarding Aboriginal Affairs introduced in 1969 only lasted until 1975, demonstrating an inefficient organization. However, it also questions aboriginal sovereignty. Using the Australian legal system to value their rights, Aborigines are playing with their opponent weapon.

The Assimilation Policy (1937-1973)

“By 1937, Australia officially adopted the policy of assimilation, which underpinned the policies, practices and laws governing Aboriginal people.” (Menzies, 2019) It was decided at the 1937 national conference on Aboriginal Affairs organized by the Commonwealth Government. It is a evident to emphasize that any First Nations was invited to participate. The policy established that every aboriginal which is not “full-blood” had to be absorbed into the wider population. “The policy of the Commonwealth is to do everything possible to convert the half-caste into a white citizen.” (Commonwealth of Australia, 1937) As defined at the 1961 Native Welfare Conference of Federal and State Ministers, the policy of assimilation : means that all Aborigines and part-Aborigines are expected to attain the same manner of living as other Australians and to live as members of a single Australian community, enjoying the same rights and privileges, accepting the same customs and influenced by the same beliefs as other Australians.

It follows and took action in the same period then the protection policy. The ALRC Report 31 (1986) defines assimilation as an “aspect of the policy of protection concerned with the ‘future’ of Aborigines (mostly of ‘mixed blood’) in settled areas.” In fact, dates and objectives remain unclear to understand the difference between the assimilation and the protection policy, but it seems like it is a more honest version of the previous one. “In the name of care” is not used in this version. It emphasizes the importance of past recognition in order to build the future. This policy is also used to justify the children removal from their parents.

This policy was decided in line with the Immigration Restriction Act 1901, commonly known as the White Australia policy. Menzies (2019) underpins that “the belief that if the Aboriginal color was extinguished, the Aboriginal culture would be extinguished, was naïve. Changing the skin color of Aboriginal people could never erase their ancestral origins, community structures, spirituality, traditions and connections to the land”. Menzies also emphasizes the strength of this ethnic group, supporting the idea that their cultural attachment would not be erased by a government policy.

The assimilation policy was abolished in 1973 under the Whitlam government. However short, his period as a prime minister was a new hope for Aboriginals regarding their rights. Menzies (2019) explains that the policy was “eventually dismantled in 1969”, highlighting the vagueness of that period. The Securing the Truth report aims to lighten grey area on the way for reconciliation, which is the stake from 1991. (Un)fortunately, this policy was a failure regardless the efforts made by indigenous people to be accepted as equals. The racial hierarchy and the deficiency regarding their rights and opportunities led to a new beginning : the policy of self-determination.

To summarize, this period had a devastating impact on families and continues to affect First Nations communities nowadays. In her article “Forcible separation and assimilation as trauma”, Menzies (2019) explains the three different types of trauma provoked by these policies. The historical trauma has since been recognized in a range of other racial or ethnic groups who have experienced extreme violence, segregation, economic deprivation and cultural dispossession, such as Cambodians, Palestinians, and colonized Indigenous peoples. It shows the impact on the life of the Stolen Generations today. Collective trauma has devastating social consequences resulting in ‘a loss of communality’ for the affected people in a community, as highlighted by the sociologist Kai Erikson (1995, as cited in Menzies, 2019). As a reminder, in the documentary “We were just little boys”, a survivor says “they made us hate each other” (Kinchela Boys Home Aboriginal Corporation, 2022). This trauma led to deep mistrust of self, others, even family, fear and anticipation of betrayal, cultural genocide, desecrating land and

institutions, losing traditional values, and a conspiracy of silence (Halloran, 2004; Krieg, 2009, as cited in Menzies, 2019). Last but not least, the intergenerational trauma is distinct from collective and historical trauma as it refers to “the specific experience of trauma across familial generations, but does not necessarily imply a shared group trauma”. It is transferred among their community and impact the new generation for their future. “Typical symptoms are : despair, alcohol and drug misuse, suicidal ideation, anti-social behavior, dysfunctional families, fractured relationships, anger and depression.” (Atkinson, 2002, as cited in Menzies, 2019)

The 1967 Referendum

At the end of the assimilation policy, public opinion regarding aboriginal people started to change. As Glowczewski (2019) summarizes it : “The 1967 referendum giving all Aboriginal people the same rights as other Australian citizens marked the start of the policy of ‘integration’, bitterly summed up by many Aboriginals as the right to get drunk.” The referendum allowed aboriginal people to be counted, but it did not get them the right to vote, which they obtained in 1962 with the The Commonwealth Electoral Act 1962. It strengthened the need for constitutional reform. However, it is only after the referendum that aboriginal people felt the willing to vote at the elections. This myth remains as a proof of the ignorance regarding First Nations. “Because many Australians know little about their constitution, most people still believe today the referendum dealt with fundamental questions of justice and aboriginal rights, such as their status as citizens and ability to vote.” (Davies and Williams, 2021) This is incorrect knowing they obtained citizenship with the Nationality and Citizenship Act 1948. However, the referendum modified the constitution regarding aboriginal people.

First, it removed an exclusion from the races power in section 51 that had prevented the federal parliament from enacting laws for aboriginal people. Second, it repealed section 127, which had prevented aboriginal people from being included in reckoning the numbers of the people of the commonwealth. (Davis & Williams, 2021)

Section 25 is very interesting because it “lowers the population count of a state if that state disqualifies people of a particular race from voting, and thus penalizes it by restricting its parliamentary representation” (Davies and Williams, 2021). However, and despite what history remembers aboriginal rights were not the main focus this day, but the nexus question between the size of the senate and House of Representatives.

Nowadays and regardless of the weaknesses of the referendum, it remained an example as the highest national Yes vote for any referendum proposal put to the people. “Nationally, more than nine in ten formal votes were Yes votes.” (Davies and Williams, 2021) From 1993, the

Reconciliation week started to celebrate the 1967 Referendum as well as the Mabo case, two of the most important events in aboriginal rights history.

Conclusion

To conclude, from settlers arrivals and despite the History wars, violence towards aboriginals started from the beginning. This Eurocentric approach had an impact on public policies, on which an indigenous perspective would have been much appreciated. Yet, white supremacy over natives became legally structured only from 1883 when the NSW Government interfered in Aboriginal affairs through the Aborigines Protection Board without any seats for Aboriginals. Using a bureaucratic system, First Nations were not allowed to make interventions as they did not have rights. “For many decades, the political influence of natives was non-existent, primarily because they were usually denied the basic concession of equality with whites.” (Bennett, 1989) This statement is partly untrue because aboriginal activism, however not legally recognized, had a huge impact on public policies. From then on and according to the government, both the protection and later the assimilation policies have been made “in the name of care” and for their own good in order to create a single white society. The anthropological knowledge and the doomed race theory participated to this political monologue. The idea of a racial hierarchy remained until mid-20th century, when indigenous Australians started to obtain equal rights. However, the process of assimilation was a complete failure due to a lack of self-determination. The 1969 Aborigines Act highlighted an advancement in the public opinion, as well as the Yes vote for the 1967 referendum. The development of media also changed white Australians point of view, educating themselves with overseas public policies regarding indigenous communities, such as Canada and New Zealand.

Nonetheless, the trauma indigenous bear with during more than two centuries still has an impact today. Indeed, the stolen generations underpins a deep stake for the future generations : education. Removing children at a young age makes things easier for NSW Government to manipulate and shape them. If they are not educated and taught about their rights, they will not be able to dispute it when becoming adults. Education is always seen as the birth of a nation. A parallel can be done with Africa as in Namibia where paramilitary regimes used to remove kids to turn them into child soldiers. Doing so, they avoid rebellions from the future generation as they remain ignorant about their rights. In Australia, education of young indigenous is used to control both the present and the future of the country. To teach the new generation and in order

to acknowledge the past, the NSW Government created a report called Securing the Truth in 1998 in the process of a political dialogue between both parts.

In the second part, Aboriginal activism and fights for truth telling will be observed intending to understand how their role in the society was shaped by this social hierarchy. Even though Aboriginals represent only three percent of the population, the struggle for self-determination remain an essential aspect to eradicate white supremacy.

CHAPTER TWO : Is the dialogue a monologue ?

Social heterogenization and political uniformization

From the Killing Times (1788-1928), relations between settlers and aboriginals were laborious. In fact, settlers ambitions were not to live peacefully with natives, but rather to “arrive intending to comprehensively replace Indigenous people on their land rather than exploit their resources” (Strakosch, 2019). On this so-called *Terra Nullius*, the invasion marked the beginning of dispossession of land and the erosion of culture and identity for Aboriginal people whose well-established social laws, rituals, customs and spiritual beliefs were intrinsically linked to the land (Attwood, 2005; Miller, 1985; Pettman, 1992, as cited in Menzies, 2019).

A society was already established, but Commonwealth forced its legitimacy. From 1883, NSW Government started to interfere in Aboriginal affairs in order to control and protect First Nations. Strakosch (2019) differs on this common thinking, highlighting “I suggest that it also seeks to ‘domesticate’ Aboriginal and Torres Strait Islander peoples, perform their dysfunction and demonstrate state legitimacy.” This presumed disfunction gives legitimate authority for state intervention and improvement. “Bureaucracy has been the frontline of colonization and Aboriginal and Torres Strait Islander peoples have always been dealt with as a domestic population who are legitimate subjects of state intervention and improvement.” (Strakosch, 2019) From 1909 and the protection policies, dehumanizing practices “cascaded through the generations of Australian Indigenous communities eventuated in a loss of cultural and social links with their past” (Menzies, 2019). Destroying the community from the inside, settlers shaped the future of this country. Problematization of imaginary flawed within aboriginal communities did not create political coexistence but rather unilateralism. Indigenous scholar Will Sanders (2017, as cited in Strakosch, 2019) suggests that “Indigenous affairs is the moral cause of Australian nationhood, in which striving to do better leads to a continual disowning of the past”. While aboriginal communities were looking for dialogue, they were also participating to the system put into force by the Commonwealth. Using English as communication language and going through the bureaucratic system is a contradiction to their essential values.

Another issue raised by this disparity is the political uniformization among aboriginal communities. From 1820's, British settlers started to name First Nations of Australia under the term Aboriginal, which comes from the Latin word “*Aborigines*” and “*ab original*” meaning original inhabitants, from the beginning. On the other hand, Glowczewski (2019) explains : “Aboriginal people affirm themselves as different from their other Aboriginal neighbors.” Their

anger for political possessiveness did not go through an anthropological understanding of the well-established First Nations communities. Social heterogenization in a multicultural Australia, “placed Aboriginal peoples in the context of the specificity of their own culture, as a minority sharing a common identity” (Glowczewski, 2019). As she explains it : “Aboriginal groups have not only different languages and cultural backgrounds, but different histories as well.” While the dialogue with the government was already difficult, the dialogue among First Nations was even harder. They suffered from social heterogenization and struggle to speak as one. As Glowczewski (2019) highlights : “but many Aboriginals proved to be reticent about the idea, arguing primarily that no one body was qualified to sign on behalf of all groups concerned”. Involuntarily and over centuries, they became dependent on the bureaucratic system. Indeed, aboriginal never initially intended to participate in this society, they were forced to do so. As Strakosch (2019) underpins : “we may be able to use policy to establish more respectful coexistent relationships”. Going through the major organizations and forms of activism from 1881, this dissertation aims to understand and show how anthropology can explain the communication failure. As a result and until mid-1900’s, there was no political coexistence but rather unilateralism and political possession.

Problematization and institutionalization of Aboriginal Affairs

In order to interfere in Aboriginal Affairs, NSW Government used to problematize indigenous communities considering them unable to face their problems without the help of the state. As Lea (2008, as cited in Strakosch, 2019) highlights : “the government problematize Indigenous communities by highlighting the failure or absence of Indigenous self-ordering both justifies the necessity of settler sovereign government and presents that government as a site of order, capacity and reason.” In this process, it was not asked permission to First Nations, it was established. As Dean (1999, as cited in Strakosch, 2019) defines it : “Problematization is an activity in which an issue is defined in ways that make political action on it possible and necessary.” Fogarty (2018, as cited in Strakosch, 2019) organizes this dialogue in two categories : the capable authority and the dysfunctional subjects. As decided by the problematization, the dysfunctional subjects needed help.

The institutionalization of Aboriginal affairs was regulated by the Aborigines Protection Board, which did not include any Aboriginal people. Acts established by the government regarding natives affairs were neither voted in consultation with First Nations. “There are also no structural mechanisms at this point to bring Indigenous interests into the policy conversation.”

(Strakosch, 2019) During the elections, political parties tried to obtain votes in order to have seats at the Parliament. However and as Aboriginal people represent about 3% of the population, their chances to be elected and/or be part of the decision-making process is strictly limited. As Papillon (2005) underpins : “there is no institutionalization of the indigenous difference in Australia”, compared to Canada. To conclude, the role of Aboriginal people in their affairs is strictly limited by the bureaucratic system imposed by the state, however it started to improve from 1962 and the right to vote. “The fundamental political relationship of policy allows government to impose decisions without negotiation or explanation.” (Strakosch, 2019) There was never such space for dialogue, monologue has always been the only way to take decisions for the NSW Government.

Aliens in their own land

Aboriginals have a particular attachment to the land. As traditional owners, it is a part of their culture. From the settlers arrival and the land dispossession due to the fictional *Terra Nullius*, this relation has been ignored. In fact and by definition, colonialism is the control by a person or a group over an area or a group of people. In that sense and in order to erase the aboriginal race, white colonizers made First Nations “aliens in their own land”. The etymology of the word comes from the Latin “*alienus*”, which means belonging to another person/place. In other words, they became strangers in a land they inhabited for about 60 000 years. As Glowczewski (2019) explains it : “Justification of Aboriginal peoples’ claims as the original occupants of the land are based on peoples’ spiritual association with places and their responsibilities as custodians.” This spirituality strengthens how important is the land for their role in the society. This way and as discussed by Strakosch (2019) : “While settler colonial studies often focuses on the colonial desire for physical possession of Indigenous land, Indigenous critical scholarship shows contemporary colonial dynamics are also deeply concerned with political possession.” As custodians, control Aboriginals lands means a political possession by the white settlers. It is the representation of the supersessionism (also known as the theory of replacement) and participated to the erosion of Aboriginal culture. Although not extinguished, their identity was deeply weakened by the British extra territorialism. This land dispossession created a cultural and intergenerational trauma within the community. Lowitja O’Donoghue (1993, as cited in Menzies, 2019), who was the inaugural Chairperson of the Aboriginal and Torres Strait Islander Commission (ATSIC), declared Indigenous Australian’s experiences as:

A history of brutality and bloodshed. The assault on Aboriginal people includes massacres, diseases, dispossession and dispersal from land. Aboriginal people were not only dispossessed of the land

but also much of the traditional culture and language was taken from them... I cannot overstate the traumatic consequences of policy and the destruction of Aboriginal and community life that resulted.

Across the decades, the Australian primitive land has evolved into a multicultural land. The different policies implemented by the NSW Government, notably the 1967 Referendum, made some Aboriginal landless, leading to a massive exodus to the Redfern neighbor in Sydney. This is the representation of a loss of culture and the result of the apartheid system from the NSW Aborigines Protection Board. However the official policies regarding land rights for Aboriginal in NSW occurred later in the century, fights and protest started from the 50's, notably by the FCAA.

Different organizations fighting for their rights

As the government did not include seats for Aboriginal people to speak for themselves in the Parliament, natives started to protest for their rights through different organizations. There are several, but all had the same intention for self-determination. However not officially recognized by the state, they had a huge impact on policies and changed the future of Aboriginal people forever.

Association for the Protection of Aborigines (1880-1897)

From the beginning, the Aborigines Protection Board was created following agitations by the Association for the Protection of Aborigines (1880-1897). It was set up in 1880 as a private body "for the purpose of ameliorating the present deplorable condition of the remnants of the Aborigine tribes of this colony" (New South Wales Aborigines Protection Association, 1882). This association also aimed to protect First Nations from the effects of the white society. It was conducted by Christian missionaries, not by the state. Daniel Matthews was one of the Christian in charge of the Maloga mission in Tasmania (before related to NSW). Steve Atkinson (which is an activist) has been interviewed by CPX (not-for-profit media providing a Christian perspective on contemporary life). Regarding Daniel Matthews, he explains : "It was not anything to do with the government, with no one's help." Or even "He was doing such a great job. He was educating them to a standard, better then was the state schools were doing in the towns." However it was dismantled in 1897 due to the lack of financial support, this private body was in charge of the missions for the education of Aboriginal children. Steve Atkinson, which is an activist, said during an interview : "So he was doing too good a job, they needed to try and stop that I think." (CPX, 2020) The story of Daniel Matthews is really relevant because

it balances the opinion considering the white people as the enemy. At this period, most white were biased by the state while Daniel Matthews was truly trying to help aboriginal people to get a better future.

Australian Aboriginal Progressive Association (1924-1927)

Aboriginal Progressive Association logo

Table 2.1



Another major organization for the rights of Aboriginal people in the 20th century was the Australian Aboriginal Progressive Association (1924-1927), commonly known as AAPA. It was created in 1924 and known as the “first politically organized and united Aboriginal activist group” (Maynard, 1997). This “awakening of Aboriginal political consciousness”, as Maynard describes it, “pioneered the call for indigenous themselves to control administration and direction of Aboriginal affairs.”

The logo above shows a man with a boomerang and a pike, surrounded by a kangaroo and a duck. We can see the mention “Australia for Australians”. Naming themselves Australian is in opposition to their values as well as a recognition of their sovereignty, which is confusing. This association was led by Charles Fredrick Maynard, which is the grandfather of Fred Maynard, who wrote a very inspiring paper called Fred Maynard and the Australian Aboriginal Progressive Association (AAPA): One God, One Aim, One destiny. It helped families to protect their children against the Protection Board. AAPA even received support for some white people, which was not common at a period when the “doomed race” theory was very popular. According to the scientist in the late nineteenth century, the aboriginal people will be extinct

soon as they are not fit to survive contact with Europeans. During one of its most famous speech, Maynard (1927, as cited in Maynard, 1997) suggested : “That's what our Association stands for: liberty, freedom, the right to function and act in our own interest, as right thinking citizens, not as non-intelligent devoid of all reason.” In 1927 and without much explanations, the AAPA was dismantled, certainly due to the Protection Board which did not approve the protest motivated by this association.

Aborigines Progressive Association (1937-1944)

Another organization called the Aborigines Progressive Association was created in 1937 in Dubbo, NSW with three objectives : full citizenship rights, representation in parliament and abolition of the Protection Board. It is known to have organized the first Day of Mourning on the 26th of January, also celebrated as “Australia Day”. This day is an important step in the protest that led to political consciousness from the population. The Aborigines Progressive Association also published the newspapers “The Australian Abo Call” from 1938. Its tagline was "The Voice of the Aborigines" and clearly aims to express the views of the Australian Aboriginals, as declared by the founder Jack Patten. “The Australian Abo Call' will show that we do not want to go back to the Stone Age. Representing 60,000 full-bloods and 20,000 half-castes in Australia, we raise our voice to ask for education, equal opportunity and full citizen rights." This statement is confusing as Mr. Patten uses the racist terms of full-bloods and half-castes, as well as he request for assimilation, accepting full sovereignty. The organization was abolished in 1944 but revived from 1963 to 1966.

However it remains unclear, we could consider that the APA was the first official association acting for the protection of Aboriginal people that was officially framed. During the 20th century, various important protest changed history and led to the obtention of rights for natives. The Day of Mourning (1938) and the Black Power Movement are some of the most notable, leading to the Tent Embassy in 1972.

Aboriginal-Australian Fellowship and the FCAA

Founded in 1956 and based in Sydney, the Aboriginal-Australian Fellowship “worked hard in that state to stir white consciences” (Bennett, 1989) and aimed to change the NSW Aborigines Protection Board, get equal pay and full citizenship. This organization called for the deletion of section 9 of the Aborigines Protection Act 1909 during a conference in 1961. The campaign was successful as it was repealed in 1962, allowing the consumption of alcohol by Aboriginal

people, also known as “the right to get drunk”. One of the most significant developments from the work of the AAF was the formulation and distribution of a petition for amendments to the Federal Constitution regarding Aboriginal people. “This petition had been developed by famous non-Aboriginal feminist Jessie Street in conjunction with Faith Bandler and Pearl Gibbs and this campaign would evolve into the successful 1967 Referendum.” (Foley, 2010) Co-founded by activist Pearl Gibbs (former secretary of the Aborigines Progressive Association), the AAP is a partnership between aboriginal and non-aboriginal, which was created in order to influence and educate the wider community about Aboriginal affairs. It is also a representation of the changing public opinion towards the cross-cultural debate..

The FCAA was founded in Adelaide in 1958 as the first national political organization representing aboriginal. The Federal Council of Aboriginal Affairs (FCAA) was created as a national voice for indigenous people, yet paradoxically at the inaugural meeting of the twenty-five people who were there, only four (Bert Groves, Doug Nicholls, Bill Onus and Jeff Barnes) were Aboriginal. (Foley, 2010)

Some delegates of the AAF joined the FCAA as well as sixty-seven voluntary associations. It was designed to unite existing lobby groups, with a goal to help "the Aboriginal people of Australia to become self-reliant, self-supporting members of the community" (Taffe, 2001). Known for its influence on the 1967 Referendum, the movement had split into two parts in 1970 after the annual conference which resulted “in a confrontation between those who believed in Black Power (aboriginal control of FCAA) and those who believed in maintaining the status quo (mostly whites and older Aboriginal delegates)” (Foley, 2010).

However the AAP was dissolved in 1969 and the FCAA in 1978, they remain two important organization for the rights of Aboriginals within the 20th century. They are examples of collaboration between Aboriginal and non-Aboriginal leading towards a multicultural Australia.

A constant re-structuration of the Aboriginal activism

From the first organization fighting for their rights, Aboriginals had been opposed to the Aborigines Protection Board, managed by the NSW government. Without full citizen rights, it was hard for them to get a legal recognition of their sufferings. In other words, they were playing someone else game, without the same weapons. In fact, most of Aboriginal organization were facing insufficient funds. As they were not recognized by the government, they were not eligible to financial support in order to continue their fight. As a minority, Aboriginals were neither the richest in the society and were facing extreme poverty. Even though they received

some help by non-aboriginal, self-financing was complicated. Another issue faced by these organizations is unity. As they are politically uniformized, they struggle to speak as one. The cultural differences within Aboriginals is an opposition to their status. Some leaders speak in their name, but it does not exist an official leader to speak for all the First Nations of Australia. Once again, their activism is led by the Australian bureaucratic system.

Cummeragunja Walk-off : Education as a key for activism

The Cummeragunja station has been established in 1888 along the Murray River in NSW, on aboriginal land. Many of the residents had relocated from the Maloga mission, once managed by Daniel Matthews. In 1915 the Protection Board obtained full control over the station and established more restrictive living conditions. Over the years, diseases like tuberculosis started to impact the residents. They tried to write a letter to the Protection Board to complain but unfortunately it was returned to the station manager and used as a threat. It shows the lack of juridical support, as the Board was managed by the Government, which was in charge of the reserve. As this attempt was a failure, residents called on Jack Patten (founder of APA) to help them. He was arrested on this day for inciting First Nations. On the 4th of February 1939, 200 Yorta Yorta residents decided to walk off to take a stand against the horrible living conditions and the control over their life. Residents crossed the Murray river to arrive in Victoria and established a strike camp, which lasted for nine months. As a result, the station manager was changed and some residents decided to come back. We understand that Aboriginal had no political power but to request the help of the Protection Board. The APA could help to get public awareness but could not legally intervene. This paternalization from the Protection Board remained until the Aborigines Act 1969.

This strike has been made possible by education. Thomas Shadrach James, also called GrandPa James, was an Indian teacher who was working at the Malonga (then Cummeragunja station). He was teaching young and adults Yorta Yorta how to read and write, but he also went "over and above what the law allowed". "He was teaching them to grow up to be leaders" using examples about India and the Raj and "how the pen was mightier than the sword." Activism comes from education, and GrandPa James and in its scholars Hut was giving them the skills to rise up. While the law only allowed Aboriginal people to get three years of education, he was providing them the knowledge to be able to write petitions and letters of complaint. This intentional limited education aims not to provide natives the tools to fight back and request fair rights and living conditions. Unfortunately, the 1909 Aborigines Act and the legal framework

for children removal left Thomas Shadrach James powerless to stop the Board. Otherwise, most of the leaders of the walk-off were former students of GrandPa James. “This action has been described as perhaps the first direct political action taken by Aboriginal people which lay outside the guideline offered by the established system.” (Foley, 2001)

Tribute or commemoration on the 26th of January ?

On the 26th of January 1938, while Australia was celebrating the 150th anniversary of the first fleet, the Aborigines Progressive Association organized a conference to protest for their sufferings. In the context of the Great Depression, it was intended to raise public awareness. With this aim in mind, Jack Patten (leader of the APA) called attention on an article from the newspaper *The Publicist* entitled “Aborigines Claim Citizen Rights!: A Statement of the Case for the Aborigines Progressive Association” (Aborigines Progressive Association, 1938). He emphasizes :

We, representing the Aborigines, now ask you, the reader of this appeal, to pause in the midst of your sesqui-centenary rejoicings and ask yourself honestly whether your “conscience” is clear in regard to the treatment of the Australian blacks by the Australian whites during the period of 150 years’ history which you celebrate ?

White Australians were asked to pay attention. On the other hand, leaders of the APA distributed a motion for the debate on which they wrote :

WE, representing THE ABORIGINES OF AUSTRALIA, assembled in Conference at the Australian Hall, Sydney, on the 26th day of January, 1938, this being the 150th Anniversary of the white men’s seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people by the white men during the past 150 years, AND WE APPEAL to the Australian Nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY.

Their intentions for a new national policy regarding Aboriginal people is made clear by motion. In a period between wars and at the end of the Great Depression, the country suffered from the worst economic crisis in the twentieth century. As Patrick Dodson (2000) highlighted in its Wentworth Lecturer 2000 : “They had their own ideas about what would be best for the Aboriginal peoples. The future for Aborigines would be in their hands and constructed towards their goals. It would not require our consent — so our consent was never sought.” Whether intentions were clear, Aborigines were asking citizenship in their own country, as underpinned in the *Sydney Morning Herald* on the 12th of February 1938 :

What has any white man or woman done in this country to help my people, the Aborigines? The Aborigines are now taking up the matter for themselves and asking for citizenship. It is not ridiculous or silly for them to ask for citizenship in a country that is their own.

In fact, at this time there was not legal framework for self-determination regarding Aboriginal people. Making this protest coincide with the sesquicentenary, this major event raised public awareness about Aboriginal treatment and rights in the society. After the celebrations, indigenous that participated in the Day of Mourning marched in silent from Town Hall to Australian Hall to protest. In order to pay tribute for their ancestors, they wore black clothes and flowers were thrown in the sea. On the other hand, white Australians were celebrating colonization. In the U.S, Columbus Day also celebrates the arrival of Christopher Columbus. It underpins the ignorance of the major part of the population regarding their history. In its essay "After the Dreaming", W.E.H Stanner (1968) termed "The Great Australian Silence" to explain the choice from white Australians to deny the atrocities of the past. Within the Australian society, there was a state of "knowing and not knowing" or "innocent denial" (Haebich, 2001, as cited in Menzies, 2019). This theory can be balanced emphasizing the lack of education regarding this topic, leading to ignorance and inertness. It raises several questions : how should we call this day ? Shall it be celebrated, or shall it be ignored ? Nevertheless, this day is the implicit representation of the divergence of opinions between both parts, and the demonstration of the powerless Aboriginal communities against the white bureaucratic system. Shortly after these events, former Prime Minister Lyons gave a hearing to twenty Aborigines. However and as no aboriginal "may be enrolled or vote, and that no federal government is likely to sponsor a referendum on the subject to amend the constitution", cabinet was unlikely to accept the principle of giving aborigines a guaranteed place in the parliament (Horner, 1974, as cited in Bennett, 1989). Whether their intentions are to obtain full citizens status, they were "devalued and rejected as primitive and barbaric and irrelevant to the modern settler nation" (Haebich, 2001, as cited in Menzies, 2019). Despite their efforts, there were limited by a system implemented by the settlers. Once more, it is a denial of the principle of human equality.

The Day of Mourning 1938 became an inspiration for Aboriginal activism among the twentieth century. It received some coverage in the national press, yet with hesitant acknowledgement. This day remains a turning point in the national struggle by Aboriginal people. From 1949 until 1955, the Day of Mourning was held annually on the Sunday before Australia Day and was known as Aborigines Day. From 1955, the date changed to July but mainly, it was decided that it should become a celebration of Aboriginal culture. In 1957, the National Aborigines Day Observance Committee (NADOC) was created to cooperate this

event. It is an answer to the Australian Day in order to honor aboriginal culture, beyond the sufferings.

~~Black~~ Brown Power movement in Australia

The Freedom Rides

Importantly inspired by the US Civil Rights Movements earlier in the decade, Charles Perkins and a group from a student organization called Student Action For Aborigines (SAFA) initiated the Freedom Rides in Australia. It highlights how important education is and how it could lead to activism. Going on a bus to some of the most racist towns in NSW, their intention was “to draw public attention to the poor state of Aboriginal health, education and housing” (Edmonds, 2012). Thanks to the development of broadcasting from the early 60’s : “The Freedom Rides exposed Australian racism to the world and as such was a significant embarrassment to the Australian Government and nation.” (Foley, 2010) This “internationalization of the new racial paradigm that marked the 1960s” (Edmonds, 2012) was made possible by the media coverage.

The Freedom Rides went to racist country towns, also called settler towns, in order to openly protest against these segregations. Scott Bennett (1989) explains that “country people seem to have had greater difficulty in throwing over the old, paternalistic view of Aborigines as “childlike” and unable to organize themselves”. On the other hand, Penelope Edmonds (2012) emphasizes :

the anxious development of settler towns and cities reflected the uneasiness of the (post)colonial polity itself, and who would and who would not be considered as full members of this ideally white polity was crucially reflected in exclusions in the streetscape.

In fact, the rights of Aboriginal people in the streetscape were strictly limited. As Charles Perkins once said : “Walgett seemed to me to be the personification of racism in this country.” Walgett was in fact one of the most racist towns and is the perfect example of these cities where segregation was conventional. As Penelope Edmonds (2012) says : “Here, knowing your place was an act of self-preservation.” Bars, hotels, churches and many other facilities excluded or separated First Nations from the rest of the population. This phenomenon is called colour bar. It’s a type of discrimination and social separation where the access to some facilities is denied or restricted based on race. On the other hand, “some whites called for special Aboriginal towns to be created, where they would not bother them” (Edmonds, 2012). In their strictly limited opinion, “settler-colonial towns and cities were often represented ... as the most potent symbol of progress, the highest stage of commerce and civilization, and as the consummation of

empire” (Edmonds, 2012). While Cape Town’s District Six in South Africa was for long considered as “key site for a post-apartheid heritage of segregation” (Edmonds, 2012), a nexus can be made with Walgett, Moree and other settler towns in Australia. In her essay, Penelope Edmonds explains it with the theory of supersessionism, also known as the theory of replacement. In this situation, it is reflected by the removal of indigenous people and their replacement by settlers.

Gary Foley (2010) underpins that some councils made restrictions official, such as Moree Municipal Council. In the minutes, it can be read :

Patronage of Baths and Memorial Hall. That no person, being a full-blooded or half-caste aboriginal of Australia, or being a person apparently having an admixture of aboriginal blood, shall use or occupy or be present in or upon, or be allowed or permitted or invited to use or occupy or be present in or upon, the premises of the Council known as the Memorial Hall or in or upon any of the buildings or places ancillary thereto, including the Supper Room, Kitchen, Servedy, Toilets and Passages AND THAT no such person as aforesaid shall use or occupy or be present in or upon, or be allowed or permitted to use or occupy or be present in or upon, the Premises of the Council known as the Bore Baths or in or upon any of the buildings or places therewith.

These regulations “resulted in a particular system of Australian apartheid” (Edmonds, 2012). Indeed, from the creation of the Aborigines Protection Board, there were an increasing level of governmentality and problematization of Aboriginal everyday life. Urbanists agreed to say that colonial towns and cities are instruments of cultural and racial dominance. In these cities, there is a pervasive fear of the police. They could charge Aboriginal people for any “abject spatial categories of vagrancy or drunkenness, or public nuisance, categories which produced Aboriginal people as illegitimate in public space” (Edmonds, 2012). Gangs of white men would also contribute to insecurity assaulting natives. Unfortunately and as Byrne (2003, as cited in Edmonds, 2012) highlights, “segregation is largely intangible therefore difficult to record”. However, the development of broadcasting and general media coverage made segregation more tangible throughout the 60s’.

As a result of this Freedom Rides, many young Aboriginal people arrived in Sydney and started to participate in the discussions through the Sydney’s Foundation for Aboriginal Affairs. They became the next generation of political activist. This event also brought public attention and headlines all around the world.

1967 Referendum from an Aboriginal perspective

As explained in the first part, the 1967 referendum has had a huge impact on Aboriginal affairs. Known as the Yes case, it became possible thanks to the lobbying campaign started in 1957 by the Federal Council for the Advancement of Aborigines (FCAA). Key activists such as Faith Bandler, Charles Perkins, Jimmy Little amongst others participated telling narratives and showing inequalities on television across the 60s'. "Changing public opinion notwithstanding, it took a decade of lobbying by activist groups to persuade the Commonwealth government to hold a referendum on the amendment of both Section 51(xxvi) and Section 127 of the constitution." (McGregor, 2008) In May 1967, the Federal Government responded to the pressure for civil rights for Indigenous people through a referendum (Waller & McCallum, 2018). Contextually, the development of broadcasting and television made activism stronger. Television was launched in 1956, and by 1964, 80% of households owned a TV set (Flew and Gilmour, 2004, as cited in Waller & McCallum, 2018). A public awareness campaign on the referendum took place from March to May 1967, including radio, television and newspaper interviews with key Indigenous activists (Raines, 1990, as cited in Waller & McCallum, 2018). Inspired by the US civil rights movements, activists used new medias "to provide evidence of racial discrimination and press the need for constitutional change"(Waller & McCallum, 2018). It shaped public understanding and put pressure on governments. "The eyes of the world are upon us" was a constant theme in the Assimilationist era (Gitlin, 1980, as cited in Waller & McCallum, 2018), and was used in the media by activists, commentators and politicians to highlight Australia's shameful record on Indigenous rights. A record was sent to every commercial radio and television :

vote yes for aborigines, they want to be Australians too
vote yes to give them rights and freedoms just like me and you
vote yes for aborigines, all parties say they think you should
vote yes and show the world the true Australian brotherhood

Unlike print media, television was showing white people an unbiased image of aboriginal communities. Television made a significant contribution to changing the landscape of Indigenous-non-Indigenous relations, inaugurating a more direct, more intimate and more integrated form of communication (Waller & McCallum, 2018). It created a strong national Indigenous political movement and raised public awareness in white people's mind. Another concern raised by television was the White Australia Policy (see first part). As McGregor (2008) explains :

by the 1960s, there was mounting public concern over the damage done to Australia's international reputation by its race relations record. This was not confined to Aboriginal affairs; the immigration program commonly known as the White Australia Policy was attracting condemnation, particularly from the newly-independent states of Asia.

It was not possible anymore to hide racist policies from the international community. An additional major aspect of the successful 1967 referendum is due to an absence of no campaign. McGregor (2008) explains that : "Not having to face an organized opposition, the campaign for a 'yes' vote remained superficial, and its proponents failed to publicly explain either how constitutional amendment could secure Aboriginal citizenship or what that citizenship might entail." In other words, with the absence of opposition, Aboriginal activists focused more on spreading narratives than explaining their claim regarding the constitution. As underpinned by Attwood and Markus (2007, as cited in McGregor, 2008) : the significance of the 1967 referendum lies less in changing a few words in the constitution and 'more in the stories or narratives that were told about these' changes. Indeed, an opposition force both parties "to elaborate, however imperfectly, their aims and aspirations. "Without contestation, any lobby group could be expected to stay within the safety-zone of slogans and platitudes." (McGregor, 2008) This propaganda has been made without contestation as the government knew these amendments of the constitution would allow them some other forms of discrimination. The anthropologist R.Hausfeld (1967, as cited in McGregor, 2008), said "by giving them charity and largesse, white people can salve their consciences without any real risk or sacrifice". Indeed and according to Menzies (2019), section 51(xxvi) offered Aborigines protection against discrimination by the Commonwealth Parliament and its amendment would enable the Parliament to set up a separate body of industrial, social, criminal and other laws discriminating against Aborigines. Sawyer (1967, as cited in McGregor, 2008) even insisted on the fact that "the substantive importance (of the constitutional amendments) has been much exaggerated by the 'yes' campaigners, and that improvement in the legal and social status of Aborigines was possible without any change to the constitution". As the absence of opposition highlighted, there is a weakness in Aboriginal activism in the lack of structure of their claim.

As a conclusion, media coverage largely contributed to this propaganda. Inherently, the government perfectly orchestrated the campaign not organizing a contestation. However, the importance of the 1967 Referendum last in the importance of the international public understanding of Aboriginal sufferings. On the future and with the continuing development of new medias, new generations became well aware of inequalities, furthermore with the

internationalization of the racism paradigm. It created a new era of activists leading to the Black Power movement in Australia.

The Black Power Movement in Australia

Emerged from the U.S Civil Rights movement, the Black Power in Australia has been introduced in the mid-1960s by a “frustrated and impatient new indigenous political generation” (Foley, 2001). Indeed, the 1967 referendum “resulted in the closure of Aboriginal reserves and the mass displacement of Aboriginal workers” (Trometter, 2015). The unemployment in Redfern rate was three times higher than that of white workers. The harsh living conditions in the “Aboriginal ghetto” gathered a young generation of black activists. Influenced by the Black Panther Party and Malcom X, the objective of the party was to seek self-determination after a constrained period in a post-war Menzies regime. As Paul Coe (1970, as cited in Foley, 2001) criticized “...too many white liberals running black affairs. Nothing will get done until young blacks take the initiative.” Gary Foley (2001) mentions how Malcom X was meaningful for him :

As a young black Koori kid in a tough ghetto like Redfern at the time, the words of Malcolm X made a lot of sense to me. In fact, I was able to relate to almost everything he was saying.

“Foley further explained that Aboriginal Black Power leaders also utilized the teachings of Malcolm X in raising the consciousness of new recruits.” (Trometter, 2015) Generally, “It seems that internationalization truly helped the young generation in their radicalization and in their opposition to the white bureaucratic system.” (Bennett, 1989)

The Black Power movement in Australia in an undergoing effect of the 1967 referendum. As Gary Foley (2001) explains it : “It seemed to the young radicals that the old style organizations that had fought the referendum campaign were ineffective, especially after the referendum had delivered so little in terms of real reforms.” On the other hand, Bennett (1989) implicitly discusses his hostility to the Black Power, insisting on “its stridency and connotations of violence”. White Australia did not have a real understanding of this activist movement. As an example, when

Yvonne Goolagong arrived back home after winning Wimbledon and was given a motorcade through the streets of Sydney. Beside the front page SMH report of her triumphant return was a report from America on the death of US black activist George Jackson in a prison shoot-out at San Quentin. It was a bizarre juxtaposition reflecting the schizophrenic nature of Australian race relations at that moment in history.”(Foley, 2001)

However Gary Foley’s perception can be biased as he was one of the main activist during the Aboriginal Embassy, Linda Tuhiwai Smith (1999, as cited in Foley, 2001) and her book “Decolonizing methodologies” asserts that “indigenous groups have argued that history is important for understanding the present and that reclaiming history is a critical and essential aspect of decolonization.” As well, W.E.H Stanner (1968, as cited in Foley, 2001) in his book *After the Dreaming* , described “the absence of indigenous histories and indigenous people in Australian history as the Great Silence”. He contended that “inattention on such a scale cannot possibly be explained by absent-mindedness”.

The Aboriginal Tent Embassy

Aboriginal Tent Embassy in front of the Parliament_1972 – Canberra, ACT

Table 2.2



In order to confront the Federal Government on its own ground, The Aboriginal Embassy was set up in 1972 in Canberra (ACT), “so they dispatched four young men in Canberra” (Foley, 2001). The photo above, taken by the communist photographer Noel Hazard, displays the pacifist protest against the white bureaucratic system. At their arrival on the 27th of January,

they installed a beach umbrella on the lawns of the Parliament and declared the site as the Aboriginal Embassy. This was the idea of Tony Coorey, a poet, who said, “The PM’s statement has effectively declared us aliens in our own land. If so, we should have an embassy like all the other aliens.” (Foley, 2010) Attwood and Markus (1999, as cited in Foley, 2001) underlines this idea as it “brilliantly symbolized Aborigines sense of being foreigners in their own land”.

A catch in ACT ordinances has been discovered. In fact, “It seemed that there was in fact no ordinance that prevented camping on the lawns of Parliament House as long as there were less than twelve tents.” (Foley, 2001) This peaceful protest for land rights, amongst others, attracted media attention and was an eyesore for the white community, as it was broadcasted all around the world. On July 20th whilst parliament was in recess, the Government gazette the amended Trespass on Commonwealth Lands Ordinance. “Immediately after its gazettal almost 100 ACT Police, without warning, forcibly removed the tent Embassy.” (Foley, 2001) Gary Foley describes it as “the most violent confrontation in the history of Canberra”.

After these events, the different Aboriginal organizations were unified. Faith Bandler (1972, as cited in Foley, 2001) of FCAA said that the Aboriginal Embassy had “brought everybody together and strengthened ties between the black people”. In fact, among the very wide opinions and protests for Aboriginal rights, some were violent, non-violent, some included white people, some not, whilst some were constituted by elders, other by the young generation etc. According to Gary Foley, with their Tent Embassy demonstration, Aboriginal people had brought Whitlam to power (Tuohy, 1995, as cited in Perheentupa, 2008). This “imaginative, ingenious and highly successful” (Margaret Forte, 1995, as cited in Foley, 2001) event also nationalize the fight as organizations from Brisbane, Melbourne and Sydney participated.

Department of Aboriginal affairs

This historical event changed the course of Australia history and “played a significant role in the final destabilization of the McMahon government”, according to Gough Whitlam (1984, as cited in Foley, 2001). International attention due to the Tent Embassy was the beginning of a new era for indigenous affairs. It is important to acknowledge that Whitlam was also supportive to the 1944 Referendum on Post-War Reconstruction and Democratic Rights under Curtin Labor government’s. However it would have been a first step towards self-determination for aboriginal people, “the referendum did not succeed, and it would be a further 23 years before the Commonwealth gained the power to make special laws with respect to Aboriginal Australians, at the 1967 referendum” (Hocking, 2018). Whitlam Labor government defeated

McMahon at the 1972 Federal election and created a Department of Aboriginal Affairs (DAA), which is a separated government department. Gough Whitlam chivvied the party into formulating the most detailed Aboriginal affairs policy yet adopted by a major party (Bennett, 1989). Another commitment made by Whitlam government was the funding for all legal costs involving aboriginal people as well as acquiring land rights. In his policy speech before his election, Whitlam affirmed aboriginal would receive land rights under his governance : “Not just because their case is beyond argument, but because all of us as Australians are diminished while the Aborigines are denied their rightful place in this nation.”

As the map below emphasizes, the Labor Party received 27 seats in New South Wales, which is more than the double of what the Liberals got. As an explanation, NSW has the highest aboriginal population. The capital city Canberra also attributed the only seats to the Labor government. Along with Sydney, which is the economic capital, Whitlam government received major support from the most disputed states. Only Victoria and its major city Melbourne remained hesitant. As a comparison, it's in Victoria that the Liberals won the most seats in the 1969 federal elections.

Since Whitlam visited the Aboriginal Tent Embassy and promised moves on land rights, civil rights and laws, he became popular within the community. As a result and during the break of the show *Basically Black* (first aboriginal play in theatre), the results of the elections were displayed. The Whitlam era then started. He also implemented self-determination towards aboriginal. It follows the United Nation International Covenant and Political Rights which mentions in 1966 the right of all people to “freely determine their political status and freely pursue their economic, social and cultural development” (United Nations, 1966). As well and as Humphrey McQueen (1997, as cited in Foley, 2011) acknowledged, “today Aboriginal organizations are now run by indigenous people themselves and not by white sympathizers, has had been the case before the Black Power struck in the mid-1960s.” Nevertheless, Whitlam could be perceived as a white sympathizer. Indeed and as Johanna Perheentupa (2018) underlines, aboriginal activists “challenged the meaning and administration of the newly introduced self-determination policy and the limits it placed on Aboriginal control of their organisations”. While the funding provided by the government meant to be really useful, notably for the Aboriginal Legal Services, the Department of Aboriginal Affairs was still run by sympathizers. Gordon Bryant, which was the first Minister of Aboriginal Affairs and even though he was the former president of the Aborigines Advancement League, remains a non-indigenous Australian. As this statement underlines, “Aboriginal activists perceived the role of the Whitlam government as merely a funding provider, while Aboriginal members of the

organization would retain a full decision making power about expenditure and how to run their organization.” (Perheentupa, 2018) On the other hand, the funds provided by the government allowed the Aboriginal Legal Services and the Medical Legal Services to expand later on. “Despite Aboriginal complaints, there is no doubt that the Whitlam government did much for the Aboriginal people.” (Bennett, 2019)

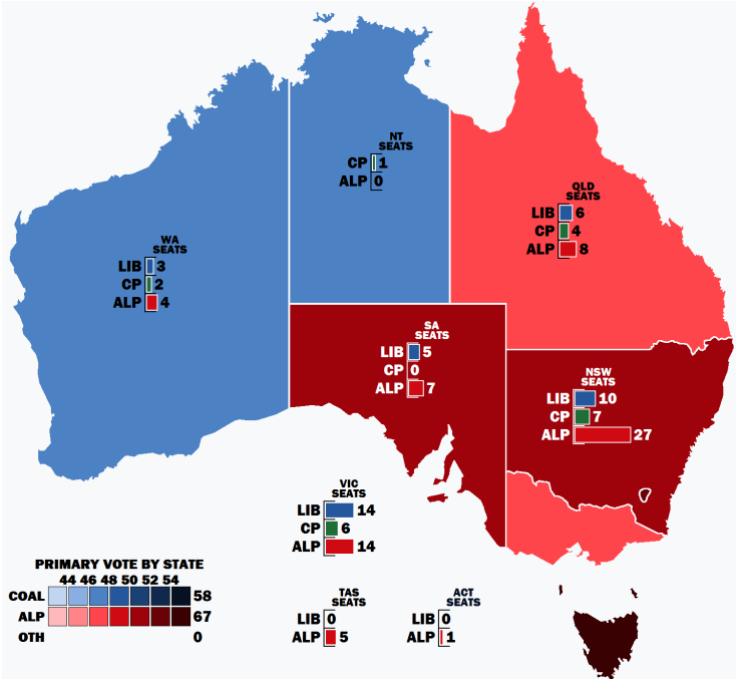
To conclude, the new public policies implemented by Whitlam as self-determination for natives mirrored an ongoing paternalization of their affairs. Bennett (1989) even underlines : “Despite Labor’s tendency to equate large spending increases with sympathy and understanding for the aboriginal cause, it is difficult to detect much real difference between the major parties on the question of aboriginal independence.” This statement matches with the suspicious feeling from aboriginal activist. Thiele (1982, as cited in Bennett, 1989) even emphasizes :

government policy since 1967 seems to have had three principal aims: to maintain full access to minerals in aboriginal areas, to minimize overseas criticism and to reduce the potential for conflict, and this has been the case whichever party was in power.

It is necessary to compare both progressive and conservative perspectives to fully understand what was made differently by the Labor government in comparison with other political parties.

Seats won per state_1972 Federal elections

Table 2.3



FINAL CONCLUSION

From the Killing Times and the arrival of the British settlers on the so-called “*Terra Australis Incognita*”, confrontations occurred between the natives Aboriginal and the white people. Violence started quickly and segregation followed. Political possession was the main objective colonizing this land on the basis of racial hierarchy. It is a demonstration of the wide power of the British Empire, based on a legal fiction. Other colonies share the same violent history, such as the United States, Canada and even South Africa. The Eurocentric approach voluntarily ignored the already well-established social organization of the Aboriginal community. From the beginning, there is a cross-cultural non-comprehension leading to centuries of political apartheid. From 1883 with the creation of the Aboriginal Protection Board, the Commonwealth institutionalized Aboriginal affairs in order to have a full-control over their life. For their own good and in the name of care, the government established reserves to educate the young indigenous. From then on, there were not only controlling current Aboriginal people, but also the next generation. In 1901, the Federal Government of Australia was created with the 1901 Constitution unifying the different states. It obviously did not include the “doomed race”, marginalizing them from the white society in order to eradicate the Aboriginal culture. Considered as a single community, they have been politically uniformized within the society. Charles Perkins once said, “whites can never understand black people”. In a few words, the supersessionism theory, also called the theory of replacement, was common thinking along the 20th century, notably because of the ignorance regarding Australian history, as Stanner name it the “Great Australian silence”.

Yet many researchers would consider aboriginal affairs really started from 1972 and the creation of the Department of Aboriginal Affairs, it actually commenced almost a century ago. Notwithstanding white control over the life of Aboriginal did not allow them a legal aid for their rights, activism changed the history of Australia. With the creation of the Australian Aboriginal Progressive Association (AAPA) which was the first political organization in 1924, it provided a legal frame for civil rights and self-determination. Quickly, leaders started to raise public awareness from the white population regarding the living conditions in the reserves. As a result, the 1938 Cummeragunja walk-off was a massive strike from the aboriginal community against the white control over their life. GrandPa James, teaching natives how to write a letter and read, deeply influenced with his examples about India and the Raj. The same year, the first Day of mourning protested against Australia Day and the invasion of their sacred land. Aboriginals would rather pay tribute for their ancestors and the sufferings they went through.

From the end of the 1950s and the development of media, we could observe an internationalization of the new racial paradigm. Soon, main leaders started to broadcast to the world their particular conditions. This eyesore on the government has been intensified by the Freedom Rides. Inspired by the US civil rights movements, students went to racist settler towns to confront segregation. Two years after, the 1967 referendum and the so-called yes case importantly ameliorated public awareness. However, the nonexistent opposition did not allow Aboriginals to give a legal frame to their request. Led by the elders, and yet it removed the racist sections 51 and 127 from the constitution, it was considered by the younger generation as insufficient. With the influence of the Malcom X ideas, the Black Power movement was soon created in Australia. However it created disparities among the community, this more violent organization intended to claim equal rights and self-determination. As criticized by Paul Coe (1970, as cited in Foley, 2001) “[...] too many white liberals running black affairs. Nothing will get done until young blacks take the initiative.” The climax of the Aboriginal fight in this period is the 1972 Aboriginal Tent Embassy whilst, organized by the Black Power movement, four young aboriginal activist set up a beach umbrella on the lawns of the Parliament. The media coverage of this massive protest was embarrassing for the white government as it brought attention to the ongoing apartheid that was happening in Australia from the settler’s arrival. Whitlam government and its Labor party was elected after these events. “He pointed to Australia's failure to meet its fundamental international obligations to end racial discrimination and to meet its domestic responsibilities according to the United Nations Universal Declaration of Human Rights.”(Hocking, 2018) Article 1 mentions :

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

It is a criticism to the notion of race and Darwinism theory of evolution, used by some scientist among the 20th century to justify a “dying race”... As the opposition between Gary Foley and Bennett underpins, the perceptions of this major protest (the tent embassy) are biased with “cross-cultural non-comprehension” (Foley, 2001). As a conclusion, the 1960s and the development of the media forced the Federal Government to provide self-determination to Aboriginal people regarding their own affairs. For centuries, the Eurocentric approach and the lack of a relevant anthropological understanding led to an ongoing political monologue towards Aboriginal communities. A more indigenous perspective shall be considered.

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