

**From the Uluru Statement to the Voice Referendum:  
Aboriginal and Torres Strait Islander advocacy for  
constitutional change in Australia, 2017-2023**



**Marcus Dahl**  
*St Edmund Hall*  
*University of Oxford*

*A thesis submitted to the Faculty of Law for the degree of Doctor of Philosophy*

Supervised by Professor Fernanda Pirie and Professor Asmi Wood

Michaelmas Term 2025  
(Submitted 17 January 2026)

## ABSTRACT

In May 2017, a National Constitutional Convention of Aboriginal and Torres Strait Islander delegates endorsed the Uluru Statement from the Heart, a sweeping declaration of their vision for change. The near-consensus achieved at the Convention surprised many, as did its proposal for a constitutionally protected Indigenous Voice to Australian Parliament. In October 2023, after years of Indigenous lobbying and campaigning, Australia held its first referendum vote in a generation, on the Voice proposal. The period from 2017 to 2023 saw a critical phase of Indigenous advocacy. In this thesis, I explore how the Uluru Statement came to be, how and why Indigenous Australian people advocated for constitutional change, and what it means for Australia's legal future.

My method is qualitative, based on 73 interviews with Indigenous participants across Australia: 43 who had been present at the Convention, and 30 who had been involved in constitutional advocacy in other ways. As the first study of this kind, it reveals the striking solidarity at the heart of Australian Indigenous advocacy, and the deep concerns about culture and long-term justice which drive collaboration and shared goals despite a high degree of diversity and political difference among advocates. It demonstrates how, even when questions of politics, compromise, and trust threatened to pull them apart, participants rallied around shared identity, cultural norms, and visions for a just future, showing commitment to collective action alongside fundamental difference. These shared visions go beyond the Voice proposal, and sometimes even against it. They offer ideas not only for Australia's constitution, but for what constitutes Australia, and for how Indigenous and non-Indigenous peoples can walk together. They present lessons for Indigenous studies, for Australian politics, and for all people who seek balance in our diverse world.

## **PRELIMINARY MATTERS**

### **Acknowledgement of Country**

I acknowledge Aboriginal and Torres Strait Islander Traditional Owners and Custodians throughout Australia, and particularly the Gayamaygal, Gadigal, Ngunnawal, and Ngambri peoples, on whose Land I most often lived and worked during my time in Australia. I pay respect to their Elders past and present, and I honour their stories and knowledges, including those generously shared with me as part of this project.

### **Cultural Notice**

Aboriginal and Torres Strait Islander people should be aware that this thesis contains the names, and may contain images, of deceased persons.

### **Ethics Approval**

The Social Sciences and Humanities Interdivisional Research Ethics Committee granted ethics approval for this project on 31 August 2022, in accordance with Oxford University's procedures for ethical approval of all research involving human participants.

### **Artificial Intelligence and Software Use**

I did not use generative or other artificial intelligence in any part of this project. In terms of software, I used Microsoft Word, Microsoft Excel, VLC Media Player, EndNote, IrfanView, and Microsoft Paint in writing this thesis.

### **Length of Thesis**

The body of this thesis was originally longer. The Graduate Studies Committee of the Oxford Law Faculty refused an application to submit a thesis of 120,000 words. To meet the usual Faculty limit of 100,000 words with a 3% allowance, it had to be edited and condensed. The final length is 102,836 words. I have ensured that all of the key themes and sub-themes emerging from the interviews are still discussed, and that every interview participant is still quoted multiple times across the chapters.

## TABLE OF CONTENTS

Abstract.....	i
Preliminary Matters.....	ii
Table of Contents.....	iii
Acknowledgements.....	v
Table of Participants.....	vi
Table of Cases.....	viii
Table of Statutes.....	x
Table of Figures.....	xii
<b>CHAPTER ONE: INTRODUCTION.....</b>	<b>1-42</b>
I.    Introduction.....	2
II.   Background.....	8
III.  Overall Findings.....	12
IV.  Aboriginal Relationality.....	16
V.   Solidarity, Identity, and Collective Action.....	25
VI.  Conclusion.....	40
<b>CHAPTER TWO: METHODOLOGY.....</b>	<b>43-71</b>
I.    Introduction.....	44
II.   The Ontological Turn.....	45
III.  Decolonial Methodologies.....	50
IV.  My Method.....	52
V.   Participant Diversity and Representativeness.....	66
VI.  Conclusion.....	70
<b>CHAPTER THREE: HISTORICAL BACKGROUND.....</b>	<b>72-108</b>
I.    Before Colonisation.....	73
II.   British Colonisation.....	74
III.  Grave Consequences.....	81
IV.  The Constitution.....	86
V.   Indigenous Resistance and Advocacy.....	92
VI.  The Constitutional Recognition Movement.....	104
VII.  Conclusion.....	107
<b>CHAPTER FOUR: ULURU PART ONE – FROM THE COUNCIL TO THE STATEMENT.....</b>	<b>109-146</b>
I.    Introduction.....	110
II.   The Referendum Council.....	111
III.  The Regional Dialogues.....	117
IV.  The National Constitutional Convention.....	126
V.   The Statement from the Heart.....	134
VI.  Conclusion.....	142

<b>CHAPTER FIVE: ULURU PART TWO – REFLECTIONS AND THE ROAD TO THE REFERENDUM.....</b>	<b>147-190</b>
I.    The Aftermath of the Convention.....	148
II.   Reflections on the Statement and Convention Process.....	157
III.  The Voice Referendum.....	171
IV.   Conclusion.....	189
<b>CHAPTER SIX: STRATEGY AND SOLIDARITY.....</b>	<b>191-226</b>
I.    Challenges.....	192
II.   Developing Strategies.....	198
III.  Solidarity.....	210
IV.   Conclusion.....	224
<b>CHAPTER SEVEN: JUSTICE.....</b>	<b>227-275</b>
I.    A Bigger Story.....	228
II.   Pre-Colonial Law and Culture.....	231
III.  Sovereignty.....	236
IV.   The Constitutional System.....	243
V.    Treaty.....	250
VI.   Indigenous Rights.....	259
VII.  Human Rights and Equality.....	261
VIII. Relationship Justice Looking Forward.....	271
IX.   Conclusion.....	273
<b>CHAPTER EIGHT: REPRESENTATION, SELF-DETERMINATION, AND VOICE.....</b>	<b>276-306</b>
I.    Policy Failures.....	277
II.   Representation.....	280
III.  Self-Determination.....	288
IV.   Evaluating the Voice Proposal.....	295
V.    Conclusion.....	305
<b>CHAPTER NINE: CONSTITUTIONAL FUTURES.....</b>	<b>307-337</b>
I.    Different Systems Coming Together.....	308
II.   Truth-Telling.....	323
III.  Constitutional Pluralism? .....	331
IV.   Conclusion.....	335
<b>CHAPTER TEN: CONCLUSION.....</b>	<b>338-353</b>
I.    Explaining Solidarity in Constitutional Advocacy.....	339
II.   Academic and Political Implications.....	346
III.  Walking Forward Together.....	349
Appendices.....	354-360
Bibliography.....	361-410

## ACKNOWLEDGEMENTS

Many people and places have played a part in this thesis – thank you all!

I am indebted to my supervisors, Professor Fernanda Pirie from the University of Oxford and Professor Asmi Wood from the Australian National University. This project would not have started, or finished, without your support. You have both been very generous with your time, detailed feedback, and advice, and I have always looked forward to our conversations. Thank you for encouraging me to embrace research and socio-legal studies.

I thank all of those who discussed my research plan with me and gave academic advice in this project's early stages. While I cannot name everyone, I give special thanks to those who offered their advice often, including Richard Baker, Tina Christmann, Laura Hilly, Anthony Hopkins, Minnie Salmon, Anna Tsalapatani, and Clare Wright; and to Rick Goode, who took part in a pilot interview. All of your advice, big and small, informed this thesis. In the same spirit, I thank Marina Kurkchiyan, Elizabeth Ewart, and Nicole Stremlau for their engagement and helpful feedback during my progress examinations. I also deeply thank Professor Stremlau and Professor Aunty Anne Martin for their final examination.

I thank the Centre for Socio-Legal Studies, and all of its staff and students, for their support, collegiality, and friendship over these years. The Centre has been the best academic home at Oxford I could have asked for. I particularly acknowledge fellow students from my DPhil cohort, Vidya, Pablo, Loveday, Sarah, and Stephen, and those from cohorts above who showed me the way, including Selina, Ellie, Anna, Urania, Rangga, Shruti, and Aastha.

Many others have encouraged and supported me, and made this thesis possible. To my family, thank you for always sharing your love, care, peace, and home. It has been a blessing to spend so much of my time in Australia together with you. To Emma, thank you for sharing this and many other journeys with me. I cherish your kindness, your ideas, and our time together. Thank you to all of my friends, housemates, and teammates who have made these years so special. Thank you to those who generously took time to proofread draft chapters: Richard, Emma, Connor, Ellie, Christina, Sophia, Zyl, Ginny, Emily, Lachlan, Einass, and Bec. I thank every person and place that has contributed to my education, and I thank those who influenced my life who have passed away.

I am grateful for financial support during this project from the Rhodes Trust, the Centre for Socio-Legal Studies, St Edmund Hall, and the Murray Speight Research Fund.

During my travels, I was aided and guided by many friends and acquaintances. I travelled to 47 cities and towns on a tight budget. This was possible thanks to the generosity of many people, including the kind friends who had me over to stay in their homes around Australia for a sum of four months. I am deeply grateful to all who helped, including old friends and those who I met along the way. I got to know many wonderful people, and walked on beautiful Land in many parts of Australia. It was a humbling experience.

I am most grateful for the participants who took part, who are listed below. You are the heart of this thesis. Thank you for meeting with me and sharing your time, thoughts, knowledge, and advice. I hope I have done right by what you shared.

It has been a privilege. I thank everyone and wish you well. May this thesis contribute towards compassion and justice in our world.

## TABLE OF PARTICIPANTS

I acknowledge and thank each participant for their time and generous contributions. Depending on what they consented to, participants are identified with their name and their nation, clan, or other community identification, or with a randomly generated letter code. I apologise for any errors and omissions, which are my own.

Dale Agius <i>Kaurna, Narungga, Ngadjuri, and Ngarrindjeri</i>	Divina D’Anna MLA <i>Yawuru, Bardi, Nimanburr, and Gija</i>
Ngaree Ah Kit MLA <i>Aboriginal and Torres Strait Islander</i>	Professor Mick Dodson AM <i>Yawuru</i>
Aunty Pat Anderson AO <i>Alyawarre</i>	Charline Emzin-Boyd <i>Bundjalung</i>
Samuel Aniba <i>Guda Maluilgal Top Western Torres Strait, and Aboriginal</i>	Professor Gary Foley <i>Gumbainggir</i>
Theresa Ardler <i>Yuin, Eora, and Gumbaynggir</i>	Sally-Anne Gamble <i>Yamatji and Noongar</i>
Gail Beck OAM <i>Wudjari and Yued Noongar</i>	Tyronne Garstone <i>Bardi</i>
Uncle Kenny Bedford <i>Meuram, Erub Torres Strait</i>	Rodney Gibbins <i>Palawa</i>
Rueben Berg <i>Gunditjmara</i>	Rick Goode <i>Darug</i>
Denise Bowden <i>Tagalak</i>	Jennie Gordon <i>Ngunnawal</i>
Peta Braedon <i>Luritja</i>	Sean Gordon AM <i>Wangkumarra and Barkandji</i>
Professor Tom Calma AO <i>Kungarakan and Iwaidja</i>	Yingiya Guyula MLA <i>Yolju</i>
Melissa Clarke <i>Ngarrindjeri, Kaurna, and Wirangu</i>	Shane Hoffman <i>Iman and Ganggulu</i>
David Collard <i>Whadjuk and Ballardong Noongar</i>	Tanya Hosch <i>Torres Strait Islander</i>
Fiona Cornforth <i>Wuthathi</i>	Dr Jackie Huggins AM <i>Bidjara and Birri Gubba Juru</i>
Aunty Josie Crawshaw <i>Gurindji</i>	Stacee Ketchell <i>Wakaid and Meuram, Torres Strait</i>
Pastor Uncle Ossie Cruse MBE AM <i>Yuin and Gunnaikurnai</i>	Jay Kickett <i>Noongar</i>

Kristal Kinsela <i>Jawoyn and Wiradjuri</i>	Person SN
Megan Krakouer <i>Menang Noongar</i>	Person TF
Rod Little <i>Wilunyu Yamatji and Wajuk Nyoongar</i>	Person YV
John Locke <i>Malanbarra Yidindji and Kuku Minni Kuku Yalanji</i>	Person ZI
Kyam Maher MLC <i>Tasmanian Aboriginal</i>	Doyen Radcliffe <i>Naaguja Yamatji</i>
Kaylene Malthouse <i>Malanbarra Yidinji and Yidinji Ndjani</i>	Jade Ritchie <i>Gooreng Gooreng</i>
Thomas Mayo <i>Kaurareg Aboriginal and Kalkagal Erubamle, Torres Strait</i>	Hon Marion Scrymgour MP <i>Tiwi and Anmatjere</i>
Gemma McKinnon <i>Barkandji</i>	Gwenda Stanley <i>Gomerioi</i>
Tania McLeod <i>Jawoyn, Mangarayi, and Mabuiag, Torres Strait</i>	Erica Smits <i>Gamilaroi and Euahlayi</i>
Karen Milward <i>Yorta Yorta</i>	Shane Sturgiss <i>Gundungurra Ngarigo</i>
Pastor Ray Minniecon <i>Kabi Kabi and Gurang Gurang</i>	Jakirah Telfer <i>Mullawirra Meyunna Dry Forest Clan Kurna and Narungga</i>
Kado Muir <i>Ngalia Mantjiltjara</i>	Suzanne Thompson <i>Iningai and Wakka Kabi</i>
Uncle Bill Nicholson Jr <i>Dja Dja Wurrung and Wurundjeri</i>	Senator Lidia Thorpe <i>Gunnai, Gunditjmarra, and Djab Wurrung</i>
June Oscar AO <i>Bunuba</i>	Robbie Thorpe <i>Krautungalung Gunnai</i>
Person AB	Ian Trust AO <i>Gija and Walmatjari</i>
Person CG	Karri Walker <i>Nyiyaparli</i>
Person DH	Karel Williams <i>Palawa</i>
Person EO	Ross Williams <i>Bindal Aboriginal and Mer and Erub, Torres Strait</i>
Person KJ	Scott Wilson <i>Aboriginal</i>
Person PX	Hon Ken Wyatt AM <i>Nyoongar, Yamatji, and Wongi</i>
Person RS	

## TABLE OF CASES

### Australia

<i>Akiba v Commonwealth of Australia</i> (2013) 250 CLR 209	p. 91
<i>Attorney-General v Brown</i> (1847) 1 Legge 312 (10 February 1847)	p. 78
<i>Coe v Commonwealth</i> (1993) 68 ALJR 110	p. 92
<i>Coe v Commonwealth of Australia</i> (1979) 53 ALJR 403	p. 92
<i>Commonwealth v Yunupingu</i> (2025) 421 ALR 604	p. 91
<i>Kartinyeri v Commonwealth</i> (1998) 195 CLR 337	p. 88
<i>Love v Commonwealth; Thoms v Commonwealth</i> (2020) 270 CLR 152	pp. 91; 249; 311
<i>Mabo v State of Queensland (No 2)</i> (1992) 175 CLR 1	pp. 77; 89-90; 100; 136; 183; 239; 244; 248; 311; 329
<i>Milirrpum v Nabalco Pty Ltd</i> (1971) 17 FLR 141	p. 95
<i>Nulyarimma v Thompson</i> [1999] FCA 1192	p. 245
<i>R v Ballard</i> (13 June 1829, Sydney), Supreme Court of New South Wales (Forbes CJ and Dowling J)	p. 77
<i>R v Bonjon</i> (16 September 1841, Melbourne), Supreme Court of New South Wales (Willis J)	p. 77
<i>R v Murrell</i> (11 April 1836, Sydney), Supreme Court of New South Wales (Forbes CJ, Dowling and Burton JJ)	p. 77
<i>Thorpe v Commonwealth [No 3]</i> (1997) 71 ALJR 767	p. 92
Timber Creek Compensation Case: <i>Northern Territory v Mr A. Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples</i> [2019] HCA 7	p. 91
<i>Wik Peoples v Queensland</i> (1996) 187 CLR 1	p. 90
<i>Yanner v Eaton</i> (1999) 201 CLR 351	p. 311
<i>Yorta Yorta Aboriginal Community v State of Victoria</i> (2002) 214 CLR 422	p. 91

### United States of America

<i>Cherokee Nation v Georgia</i> (1831) 30 US 1	p. 78
<i>Johnson v McIntosh</i> (1823) 21 US 543	p. 78
<i>Worcester v Georgia</i> (1832) 31 US 515	p. 78

**Aotearoa/New Zealand**

<i>Attorney-General v Ngati Apa</i> (2002) 3 NZLR 643	p. 78
<i>Queen v Symonds</i> (1847) NZPCC 387	p. 78

**United Kingdom**

<i>Cooper v Stuart</i> (1889) 14 AC 286	pp. 78; 92
---	------------

**International**

<i>Western Sahara, Advisory Opinion</i> (1975) ICJR 12, International Court of Justice, 16 October 1975	pp. 78; 136; 239
---	------------------

## TABLE OF STATUTES

### Australia

<i>Aboriginal and Torres Strait Islander Commission Act 1989 (Cth)</i>	p. 99
<i>Aboriginal and Torres Strait Islander Peoples Recognition Act 2013 (Cth)</i>	p. 105
<i>Aboriginal Land and Waters (Jervis Bay Territory) Act 1986 (Cth)</i>	p. 258
<i>Aboriginal Land Fund Act 1974 (Cth)</i>	p. 95
<i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i>	p. 95
<i>Commonwealth Franchise Act 1902 (Cth)</i>	p. 87
<i>Constitutional Alteration (Aboriginal and Torres Strait Islander Voice) 2023 (Cth)</i>	p. 178
<i>Constitutional Alteration (Preamble) 1999 (Cth)</i>	p. 104
<i>Council for Aboriginal Reconciliation Act 1991 (Cth)</i>	p. 99
<i>Immigration Restriction Act 1901 (Cth)</i>	p. 87
<i>International Criminal Court (Consequential Amendments) Act 2002 (Cth)</i>	p. 245
<i>Nationality Act 1920 (Cth)</i>	p. 86
<i>Nationality and Citizenship Act 1948 (Cth)</i>	p. 86
<i>Native Title Act 1993 (Cth)</i>	pp. 90; 100
<i>Queensland Coast Islands Act 1879 (Qld)</i>	p. 76
<i>Racial Discrimination Act 1975 (Cth)</i>	pp. 87; 89; 91; 267
<i>Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010 (Cth)</i>	p. 89

### United Kingdom

<i>Australian Colonies, Waste Lands Act 1842 (UK)</i>	p. 78
<i>Australian Courts Act 1828 (UK)</i>	p. 78
<i>Commonwealth of Australia Constitution Act 1900 (UK)</i>	p. 86
<i>New South Wales Act 1823 (UK)</i>	p. 78

### Canada

<i>Constitution Act, 1982 (Canada)</i>	p. 78
--	-------

## International Instruments

<i>Convention on the Prevention and Punishment of the Crime of Genocide</i> (1948), United Nations General Assembly, A/RES/3/260 (9 December 1948)	p. 86
<i>Indigenous and Tribal Peoples Convention</i> , Convention No. 169, International Labor Organisation (ILO), 1989	p. 260
<i>Treaty of Waitangi</i> (1840)	pp. 78; 253
<i>United Nations Declaration on the Rights of Indigenous Peoples</i> (2007), United Nations General Assembly, Annex to Resolution 61/295 (13 September 2007)	pp. 9; 103-4; 156; 228; 254; 259-60; 284; 290; 293; 332

## TABLE OF FIGURES

Figure 1	Uluru Statement Text Version	p. 3
Figure 2	Uluru Statement Canvas Version	p. 4
Figure 3	Participant Summary	p. 55
Figure 4	Issues participants raised regarding justice	p. 230

**CHAPTER ONE**  
**INTRODUCTION**

## I. INTRODUCTION

*“It was just such a magical place to be. Like, you could actually feel the strength of the Land, coming through the building. It was just amazing. ... we are here on our Land, and that strength [is] coming through”.*

On the afternoon of 27 May 2023, Ngunnawal woman Jennie Gordon met with me on her Country in Goulburn, New South Wales, and shared her story about a moment six years before. On 26 May 2017, at Yulara Resort near Uluru in Central Australia, a convention of around 250 Aboriginal and Torres Strait Islander delegates had endorsed, with applause and celebration, a sweeping one-page political statement addressed to the people of Australia. They called it the *Uluru Statement from the Heart* (“the Statement”). It was the final day of a meeting that led to the 2023 Voice Referendum (“the Referendum”), in which Australia voted on whether to “recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice” (Commonwealth of Australia, 2023).

From 23 to 26 May 2017, delegates had gathered for a First Nations National Constitutional Convention, the largest Indigenous constitutional consultation process in modern Australian history (“the Convention”). At the Convention the Statement was accepted by almost all delegates (Referendum Council, 2017a: i). This near-consensus “surprised” and “shocked” many people (Williams, 2017, Henriques-Gomes, 2017, Seccombe, 2017).

The delegates rejected the government’s recommendations on Indigenous constitutional recognition, and instead proposed an elected national Indigenous body to be protected in the Constitution, which they called the Voice to Parliament (“Voice”). This would advise Parliament on Indigenous affairs. They also called for agreement or treaty-making (“Treaty”) and a truth-telling commission (“Truth”), in a package of proposals subsequently characterised as “Voice-Treaty-Truth”. Figures 1 and 2 show the text of the Statement as immediately published, and the canvas it was presented on shortly thereafter.

## Figure 1: Uluru Statement Text Version

(Image from Referendum Council, 2017c).

### **ULURU STATEMENT FROM THE HEART**

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

*This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*.

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle*. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

**Figure 2: Uluru Statement Canvas Version**

(Image of the Uluru Statement from the Heart, courtesy of The Uluru Dialogue, supplied 2025).



Although almost achieving consensus, the Convention and Statement were not without controversy. A group walked out of the Convention, criticising it as an unrepresentative government-funded process where voices were “silenced” and demands for sovereign rights were compromised (Wahlquist, 2017). Tension and complexity continue to surround the Statement today.

As Jennie Gordon shared her perspectives and her experience at the Convention, she drove me around her Country, describing historic sites, archaeological digs, and scar trees. Scar trees, a well-known part of Australian Aboriginal cultural landscapes, are culturally modified trees where bark has been removed for various symbolic or socio-economic purposes (Spry et al., 2020). The places Gordon showed me had associated stories, some ancient and some more recent, which formed part of the long history of her Ngunnawal people’s relationship with their Country.

It is significant that I was shown these things during an interview about the Constitution. The connection between Land, identity, law, and the gathering at Yulara sits at the heart of what I learned during this project.



*A scar tree Jennie Gordon showed me near Goulburn (27/05/2023).*

A few terms need defining at this stage. “Country” and “Land” are complex terms used in particular ways by Aboriginal and Torres Strait Islander people. “Land” describes not only the ground, but the entire physical environment and its biodiversity (Graham, 2014: 22). “Country” describes a “nourishing terrain” which is a “living entity”, and the relationship of a particular group of people to it, who have obligations as one part of its interconnected existence (Rose, 1996: 7-8). “Country” thus carries particular social, cultural, economic, spiritual, and legal implications. Interview participants used both terms, sometimes interchangeably. I use “Land” when broadly describing the environment, including “the Land” in general, and “Country” when describing a relationship with a specific area of Land, especially someone’s own ancestral Land. I capitalise these terms, since generally,

“Aboriginal People refer to Country and Land with capital letters as they are terms that denote the sacralising of country” (Graham, 2023: 20, n1). I also sometimes use “nation” and “clan” to describe Aboriginal and Torres Strait Islander groups. In pre-colonial Australia, “*nations* were large language groups and *clans* were smaller extended family groups within the nation” (Behrendt, 2021: 40). Each nation or clan generally had sole responsibility for its own ancestral area of Land, its Country, and this remains so today (2021: 38).

In this project, I set out with two main research questions. How and why did the Statement come to be? How and why have Aboriginal and Torres Strait Islander individuals advocated about constitutional issues? In May 2022, a change of government led to the Voice proposal going to the Referendum on 14 October 2023. I was in Australia for the campaign and took the opportunity to observe and ask about Indigenous advocacy and the positions Indigenous people were taking. Over the course of a year, I interviewed 73 individuals: 43 who had been at the Convention, and 30 who had not, but had been involved in public constitutional advocacy in other ways. I also attended three major Aboriginal cultural festivals and almost a hundred relevant talks, events, and protests.

I quickly learned that the Constitution and the Voice proposal were only small pieces of a larger puzzle about how near-consensus support for the Statement was achieved. Such an outcome was no certainty. The issue of whether and how to recognise Indigenous peoples in the Australian Constitution has been fraught in mainstream political debates and politicians’ proposals have generally been met with scepticism by Indigenous communities.

Indigenous Australian groups are also deeply heterogeneous and therefore have not historically had Australia-wide centralised power, authority, or leadership. This makes the achievement of near-consensus remarkable. Behind both the Statement and Referendum advocacy were practices and ideas of consensus, solidarity, and communication among

diverse and decentralised groups. These were expressed through shared conceptions of justice, community, culture, relationality, and Land. Common threads of discussion were sovereignty, truth-telling, and self-determination. As Jennie Gordon showed me, there was a deep, cultural element to these discourses, in which Land was a constant. It played a key role at the Convention. One cannot think or theorise about Indigenous Australian communities or identities without recognising the importance of Land. It is at the centre of their sense of who they are.

In my thesis, I explore these issues by describing the Convention, how it was represented by participants, and what they said about the Referendum. In this chapter, I give an overview of the Australian legal system, existing literature on the Statement, and the ways in which other scholars have considered questions of solidarity and consensus, both in literature on Aboriginal relationality and in wider literature.

## **II. BACKGROUND**

According to Indigenous cultural knowledge, and the Statement, Aboriginal and Torres Strait Islander Australians have lived on their Lands since Creation.<sup>1</sup> According to Western science, Aboriginal Australians are direct descendants of a unique genetic line, up to 75,000 years old, having lived in Australia for at least 50,000 years (Rasmussen et al., 2011: 98). Current archaeological estimates date Aboriginal occupation up to 65,000 years (Clarkson et al., 2017) and Torres Strait Islander occupation up to 9,000 years (McNiven, 2024). Among the world's oldest continuing cultures, they have long had their own legal and social systems (Behrendt, 1995: 7).

---

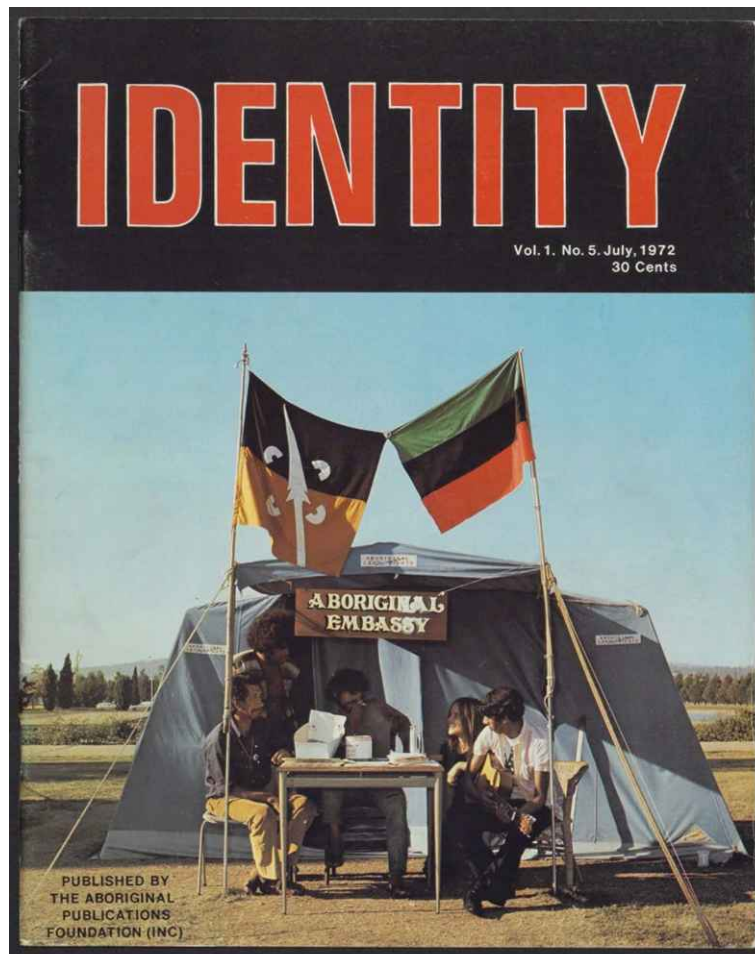
<sup>1</sup> "Creation" is mentioned in the Statement's opening paragraph. Graham describes creation as an ongoing metaphysical process (2023: 4).

When the British colonised Australia from 1788, they considered themselves settlers, treating the continent legally as unoccupied and lawless, a policy later termed *terra nullius*, instead of applying their usual laws of cession or conquest (Behrendt et al., 2019). Unlike comparable settler-colonial states, there have never been treaties with Australia's Indigenous peoples (Cronin, 2003: 155). The Constitution, which created a colonial federation in 1901, has never referred to the prior occupation or sovereignty of Indigenous peoples. It contains no Bill of Rights or Indigenous rights. Indeed, one of its provisions contemplates racial discrimination in voting.<sup>2</sup> Australia was one of the last countries to endorse the United Nations Declaration on the Rights of Indigenous Peoples, and has largely not implemented it (Cowan, 2013: 271-2, Torre, 2023a).

Indigenous rights movements have been active throughout the period of colonisation, including Pemulwuy's first resistance war in the Warrane/Sydney region in the 1790s (Kohen, 2006) and English-language petitions to the Crown since 1846 (Curthoys and Mitchell, 2012). While there has been significant legal change, much of it the result of persistent Indigenous advocacy, the sovereignty question remains unresolved. The sense of a need for national self-determination has persisted among Indigenous people (Behrendt, 1995: 98). Maintaining separate identities and culture in the face of state policies of genocide, dispossession, assimilation, and control has been a priority for many advocates. Indeed, a flagship Aboriginal-run magazine was called *Identity*. The July 1972 cover featured the Aboriginal Tent Embassy, which has long advocated for Aboriginal land rights and sovereignty, considered the world's longest-running Indigenous protest (Foley et al., 2014).

---

<sup>2</sup> Section 25; see Chapter Three. It may be the world's only such constitutional provision (Ashiya, 2023).



*Identity magazine (1972) Vol. 1(5), from the AIATSIS library.*

Since the 1990s, there has been a mainstream political push, bipartisan since 2007, to recognise Aboriginal and Torres Strait Islander peoples in Australia's Constitution. A series of government inquiries and reports, detailed in Chapters Three and Four, provided a shortlist of options. In 2015, a Referendum Council of eight Indigenous and eight non-Indigenous members ("the Council") was appointed to lead a consultation process with Indigenous people on four such options: a statement of acknowledgement, a guarantee against racial discrimination, an amendment to the "race power", which empowers national Indigenous policymaking, and deleting the defunct section 25 (Referendum Council, 2017a: 6). The Council's Indigenous members, who took the lead in planning the consultation process, secured approval to add a fifth option: "providing for a First Peoples' Voice to be heard by Parliament, and the right to be consulted on legislation and policies that relate to Aboriginal

and Torres Strait Islander peoples” (at 6). They also included “agreement-making”, or Treaty, in the consultation.

The resulting Statement was very different to the original list of options. Delegates endorsed the Voice, in a package with Treaty and Truth, while asserting Indigenous sovereignty. How this happened forms the subject of Chapters Four and Five.

There has been extensive political, media, and academic discussion of the Statement. Three books by proponents of the Statement, as well as the Council’s Final Report, have detailed aspects of what happened (Mayor, 2019, Davis and Williams, 2021, Anderson and Davis, 2023, Referendum Council, 2017a). Much of the wider political and media debate, however, has narrowly focused on Voice as a constitutional law question (Turnbull, 2017, Yaxley and Conifer, 2017). Academic constitutional law discourse has tended to focus on improving democracy through Voice, considering it as a potential remedy to constitutional legitimacy questions (Appleby et al., 2023), an example of deliberative democracy (Appleby and Synot, 2020), or as a model fitting within Australian federalism (Hobbs, 2018, Breen, 2020, Arcioni, 2021) or comparative law frameworks (Hobbs, 2020).

Some Indigenous academics have questioned whether the Statement, and the liberal democratic debates about it, further Indigenous sovereignty (Lee et al., 2020) or self-determination (Wood, 2023). The issues participants presented to me were rarely about democracy. They focused sometimes on local survival and identity, and sometimes on sovereignty and self-determination. To understand how the Statement came about and what it means to Indigenous people, it is necessary to look beyond the issues raised by liberal democratic theory.

### III. OVERALL FINDINGS

During the interviews, it became clear that consensus was not only a feature of the Convention. As participants described their subsequent advocacy, they revealed deeper and ongoing feelings of commonality and shared emotion. This indicated that the Statement was not merely the result of one-off conditions, chance, or charismatic leadership. Instead, as the interviews went on, I noted a thread of common themes, including culture, sovereignty, and solidarity. This was despite participants having different lives, experiences, and ancestral experiences of colonisation, and expressing different pragmatic attitudes towards advocacy. Even when on opposite sides of the referendum debate, advocates encouraged me to meet others with different views, expressing solidarity and drawing connections through shared long-term goals. In this light, I added a third research question: how can we explain the high degree of consensus and the impression of underlying solidarity that ran through the interviews?

The answers to these questions shed light on broader questions about Indigenous identities: who they feel they are as a group and as diverse communities, how they understand their constitutional position, and what they think this position should be. These issues go to the heart of debates about the Australian Constitution and the campaign for Indigenous constitutional recognition.

The Statement, and its near-consensus rejection of symbolic constitutional recognition, was a surprise for many. The degree of agreement was remarkable, with around 90% of those present, including around 97% of officially invited attendees, supporting it.<sup>3</sup> This had significant political impact, demonstrated by the occurrence of the Referendum. However, in my interviews, I found agreement which was nuanced, complex, and even

---

<sup>3</sup> There is disagreement about the exact degree of minority dissent, as discussed in Chapters Two and Four.

stronger than the numerical majority behind the Voice proposal. Indeed, fewer participants prioritised Voice in interviews than the proportion who signed the Statement, and some even described signing reluctantly. But almost every participant expressed agreement on higher-level issues of sovereignty, Treaty, and truth-telling, and on wanting to achieve a strong outcome as a group, despite divergences on how to achieve these goals. While interviews were complex, and issues were expressed in different ways, participants kept coming back to an overwhelming sense of collective justice. Many people supported the Statement because it put the Constitution into this context by discussing history, sovereignty, and broader collective goals of Treaty and Truth.

This commonality of feelings and opinions, and sense of solidarity and consensus on high-level issues, needs to be explored. The events at the Convention may have strengthened feelings of solidarity among those present. But how they coalesced around a constitutional proposal which was clearly not everyone's priority is even more significant.

We know that Aboriginal and Torres Strait Islander support for the Referendum nationally was high, with a significant minority "Progressive No" opposition (which considered the Voice too weak to do justice to rights), and a very small number in the "Conservative No" opposition (which considered Voice too strong, divisive, or unnecessary).<sup>4</sup> Research participants followed this general pattern: 61 supported Yes, six supported Progressive No, and six were on the fence but leaning towards Progressive No. But splitting them into these groups would miss much of what they described. They showed deep understanding and sympathy for one another, even across opposing positions. They almost never ascribed negative or selfish intentions to one other, and often explained instances of violence and conflict by reference to colonial influences.

---

<sup>4</sup> See Chapters Two and Five regarding these positions.

In this thesis I describe the different aspects of solidarity that emerged in the interviews: traditional cultural ideas of relationality and identity; shared experiences of being a minority group; the common work of survival and being Indigenous in modern Australia; and a sense of shared purpose at the Convention. In this chapter, I consider literature on forms of solidarity and community and ask to what extent they help explain my findings, or to what extent my findings are unique.

To contextualise my findings, I first describe the diversity that has historically characterised Australian Indigenous groups; both prior to colonisation and resulting from colonisation.

Prior to British colonisation, the Australian population was highly diverse. Larissa Behrendt (Euahleyai/Gamillaroi) suggests that over 500 Aboriginal nations or language-groups and up to one million people existed in Australia at the time of British colonisation in 1788 (Behrendt, 2021: 8).<sup>5</sup> She describes “A Land of Cultural Diversity” (2021: Chapter 3). Across these groups, cultural practices differed significantly, including between Aboriginal peoples and Torres Strait Islander peoples, between peoples from saltwater (coastal), freshwater (inland), and other environments, and between local groups with distinct kinship systems and connections to their Country. Estimates of distinct languages are in the hundreds, often around 250, with many having several dialects (Walsh, 1993: 1). In Behrendt’s view, while nations and their clans regularly attended larger gatherings and ceremonies, “no sense of national identity had emerged” until they faced colonisation (2021: 48). Rather, distinct groupings with connections to particular places had extraordinary longevity. Genetic research suggests Aboriginal people spread across Australia within a few thousand years of arriving, and then settled into regionalism, stable in some areas for up to 50,000 years (Tobler et al.,

---

<sup>5</sup> In this thesis, where I first name a scholar and am aware of their membership of an Indigenous group(s), I have sought to name that group(s), usually in brackets.

2017: 183). Oral traditions about now-underwater coastal sites have endured for 7,000 to 13,000 years, from the time when sea levels were lower during the last Ice Age (Nunn and Reid, 2016). Torres Strait Islanders have their own separate histories, languages, and cultures (Sharp, 1993), occupying some areas for up to 9,000 years (McNiven, 2024). Like pre-colonial Aboriginal peoples, Torres Strait Islanders were “neither politically united nor culturally homogeneous” (Beckett, 1972: 308).

Aboriginal and Torres Strait Islander groups have experienced widely varying impacts from colonisation. They have often been forced or incentivised to compete with one another, sometimes with violence (Nettelbeck and Ryan, 2018). Much language and culture has changed or been lost. Of the hundreds of languages mentioned above, by 2018-19, only approximately 123 were being spoken, all were under threat, and fewer than ten percent of Aboriginal and Torres Strait Islander individuals were speaking them at home (National Indigenous Languages Report, 2020: 42). Louise Taylor (Kamilaroi) describes Aboriginal diversity “of appearance, presentation, location and lifestyle”, summarising how, “the nature of the colonisation process in Australia has inevitably resulted in a multiplicity of Aboriginal identities—no longer are we able to be solely represented as the traditional nomad, if we ever were” (2003: 93). Aboriginal and Torres Strait Islander groups have survived colonisation with widely varying experiences and impacts on their identities.

Unlike other groupings known for expressing solidarity, Aboriginal and Torres Strait Islander people do not form a singular village, team, language-group, nation-state, or religious group. Similar questions arise concerning identity among North American Indigenous groups and how they define themselves within a nation-state. However, to a large extent, the topic I am exploring is unique. In this light, I consider a wide range of theories about social solidarity. Some help explain certain aspects of Australian Indigenous solidarity,

some simply help provide descriptive terminology for things I observed, but none completely captures the multiple kinds of solidarity which I found among participants.

#### IV. ABORIGINAL RELATIONALITY

Indigenous peoples have written about their relationality. To understand what they describe and to engage with the multiplicity of Indigenous knowledge systems, it is necessary to consider broad Indigenous worldviews (Graham, 2006: 3) and avoid ethnocentrism (Behrendt, 1995: 98). As Graham et al. commented:

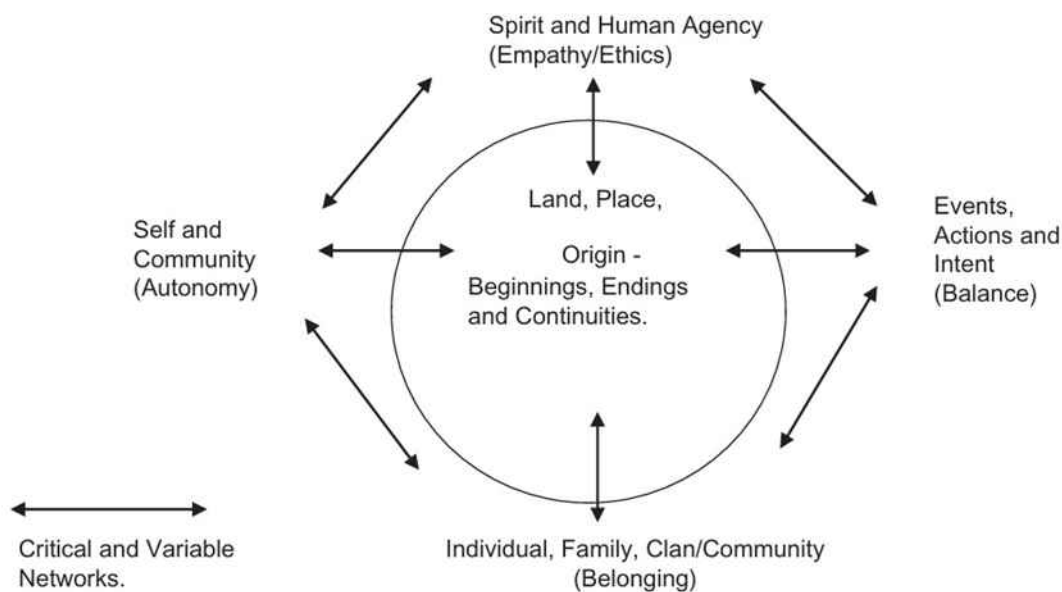
While Aboriginal people have been more or less forced to acquire these [worldviewing] abilities because they live in both Aboriginal and Western worlds, their potential interlocutors are frequently unskilled at stepping aside from a mainstream Western world (2011: 93).

In this spirit, I aim to engage with Indigenous cultural perspectives not just in interviews but also in how I begin my theoretical analysis. This also introduces aspects of Aboriginal thought, which are relevant to understand the material presented in the whole thesis, to non-Aboriginal readers.

There is significant writing on Aboriginal and Torres Strait Islander laws, cultures, and philosophies. Solidarity and unity have long featured in Indigenous advocacy (e.g. Lake, 1990). Kombumerri and Wakka Wakka academic Dr Mary Graham is one leading authority who, over several decades, has written about, and educated non-Indigenous people on, Aboriginal philosophy (1999, 2006, 2014, 2023, also Graham et al., 2011). Graham describes Aboriginal relationality as a philosophy centred on Land, providing for ethics and identity, which embraces the difference of each Country and the autonomy of its people, and so informs a system for consensus and maintaining intergroup balance.

Graham seeks to describe a common core of Aboriginal relationality, without comparing the unique landscapes, laws, creation stories, or kinship systems of specific groups. Of course, there can be no complete overview of Aboriginal perspectives or essential truth covering all Aboriginal relationality. This is one person’s representation. But Graham has thought carefully and articulates a persuasive structure of relationality intended for a wide audience. It is one framework for seeking to explain the solidarity I observed.

To Graham, Aboriginal relationality is “an elaborate, complex and refined system of social, moral, spiritual and community obligations that provided an ordered universe for people” (2014: 17). It has four Land-based properties: empathy/ethics, identity/belonging, autonomy, and balance. I consider each in turn. Graham situates them in this diagram (2014: 21):



### A. Empathy/ethics

Graham describes empathy/ethics as “the fundamental principle of custodianship or a permanent, standing obligation to look after Land, society and social relations – the Law”

(2014: 18). In the documentary *Luku Ngärra: The Law of the Land*, Biritjaluwuy Gondarra (Yolŋu) explained Land-based relations which, through Law, provide order:

If there was no Law, then everything is not in order. Everything is in chaos.

...

I have a gurrutu. Gurrutu is a kinship. I'm related to everything around me. People, the environment, on the land, in the sea, and in the universe. I have a gurrutu – with the moon, the stars. I'm connected to everything in my world.

...

If you disconnect me from that gurrutu, you are cutting the role, my role, my responsibility. You are cutting my Law, my culture, my everything. [Pause]. Even my life (Saban, 2022 at 19:00-21:30).

Larissa Behrendt quoted her father Paul Behrendt: “We bond with the universe and the land and everything that exists on the land. Everyone is bonded to everything” (1995: 12).

Creation stories encoded into the Land by the actions of “Dreaming ancestors” shaped the landscape and are recognisable and ongoing, informing relations today (Graham et al., 2011: 80). Each Country has its own creation stories, ancestral beings, and laws, often with layers of complexity and sacred knowledge reserved for certain knowledge-holders.

Land relationships are not ones of worship, domination, or ownership, but rather of custodianship, depending on a system of empathy and reciprocity between peoples and their Country.<sup>6</sup> This extends from Land relationships to relationships between peoples, “the latter relationship always being contingent on the former” (Graham, 2014: 18). Graham suggests “the relation between people and land becomes the template for society and social relations” (1999: 106). Such a “custodial ethic” requires long-term, big-picture thinking (1999: 107). For Graham, this ethic is summarised in the phrase “look after country—look after kin” (2023: 14).

---

<sup>6</sup> Of course, the colonial system imposed its version of “ownership”, so most Indigenous Australians also insist on legal land title in their advocacy.

## ***B. Identity/belonging***

Aboriginal identity is place-based. In Graham's view, "there is no Aboriginal equivalent to the Cartesian notion of 'I think therefore I am' but, if there were, it would be – I am located therefore I am. Place, being, belonging and connectedness all arise out of a locality in Land" (2014: 18). In this sense, "balance and re-balance is achieved when Place is used like an ontological compass" (2006: 6). Such connection with Place provides what Graham et al. (2011) term "unconditional ontological security", providing a "sentient companion" for calibrating identity and ensuring people are never isolated (at 81). In this sense, Indigenous relationality is "spiritually interconnected" (Moreton-Robinson, 2016: 14).

Such identity is different from identities based on race, colour, or cultural experiences. When Native American anthropologist Gretchen Stolte (Nimi'ipuu (Nez Perce)) undertook fieldwork in an Aboriginal and Torres Strait Islander art studio in Queensland, she introduced herself as a "whitefella" (Stolte, 2020). She told the artists about how her grandmother, a Nimi'ipuu (Nez Perce) woman, was removed from a Native American reservation as a child, meaning that she did not meet official tribal enrolment criteria and was not considered Native American. Much to her surprise, one of the artists, Rita, quickly told her:

You know what you were saying in there? You are brainwashed. Your government has brainwashed you into believing you're not Native. You know what? You're Native. You just don't know it yet, but you're Native, alright (2020: xiii).

In Australia, despite non-Indigenous political sentiments to the contrary, Indigenous identity is not based on racial appearance, or the impact of colonialism on one's Indigenous family (Daylight and Johnstone, 1986: 24). Of course, these things matter, and some individuals might have a long way to go before it is accepted, if ever, that they can carry specific sacred

knowledge or speak on behalf of their community. But that they are part of the community, if they choose to be, is generally not in question.

Ancestry, family, and kinship create connections to specific Countries, which are themselves the source of identity and connection. This involves “transcendence of ego” for a “communal, rather than individuated, identity” (Graham, 1999: 113). Physical invasion has been especially damaging because it moves people, changes the Land, and disrupts order (Graham, 2014: 18), creating a “state of homelessness” (Moreton-Robinson, 2016: 16). But Country-based kinship persists: “One’s first loyalty is to one’s own clan group. It does not matter how Western and urbanised Aboriginal people have become, this kinship system never changes” (Graham, 1999: 106). I return to these ideas in later chapters regarding cultural identity as a source of influence, resilience, and conviction in participants’ advocacy.

### ***C. Autonomy***

Each place has a unique voice, as does each person or group. Graham defines autonomy thus: “Place = Dreaming = Multiple Places = Multiple Dreamings = Multiple Laws = Multiple Logics = Multiple Truths = All Perspectives (truths) are Valid and Reasonable” (2014: 20). “Aboriginal logic”, as Graham describes it, is capable of representing all perspectives as equal (at 19). This is significant: Aboriginal people are not all the same, or all of one mind, but rather practise autonomy in relatedness (Graham et al., 2011: 85). To Graham, this “social system of clan multipolarity” follows a logic which is “alien to either Western or Eastern systems” (2014: 19). It embraces emotional expression and empathy (Graham et al., 2011: 89), and so “the essential humanity of others was never hidden from view” (Graham, 2023: 14). Autonomy has long been practised through gatherings and ceremonies conducted by

multiple groups, and also manifests in “Dreamings”, or creation stories, which form “a common source of Law” for multiple neighbouring groups (Graham et al., 2011: 81).

Gerald Wheeler (1910) considered that Aboriginal relations exemplified core concepts of ideal modern international law. He noted the unique territorial sovereignty of different groups, confederations and large gatherings, rules for the reception of outsiders and providing asylum, the use of heralds, the striking lack of territorial conquest, and the presence of regulated dispute settlement procedures. Wheeler concluded that “wars for conquest are not to be found in Australia”, and “peace, not war, is the normal condition of the Australian tribes” (1910: 149; 161). Behrendt explains this absence of conquest: the meaning of Land could not be the same to strangers as to its people (1995: 16). Genetic research supports the claim that remarkable regionalism has been stable in some parts of Australia for up to 50,000 years (Tobler et al., 2017).

Considering global archaeological evidence, Graeber and Wengrow (2021) have recognised the plurality of social structures among ancient societies. They consider that “seasonal demographic pulses”, or regular alternation between large gatherings and small-group life, create a degree of “cultural porosity” (at 125). Some groups regularly came together and dispersed again, having a sense of common identity and cultural exchange which transcended their fragmentation. This thesis illustrates how a similar cultural porosity, featuring both autonomy and unity, characterises multi-group gatherings in modern Australian contexts like the Convention.

#### ***D. Balance***

Each different group recognises one another and aims to “not synthesize, not unify, not even necessarily agree on matters, but to accept that each identity belongs wholly to itself”

(Graham, 2014: 20). Graham described the resulting balance:

Walking together, working together, talking with each other, Aboriginal people use these phrases quite often, imply a disposition and readiness for equal status in any activity (which is rarely recognised), although it wouldn't be quite correct to say the word equality as it has Western political connotations. The word balance is more accurate; it contains qualities such as equilibrium and congruence.

This continuing, traditionally balanced, approach to imposed and internal conflict extends to decision-making (not democratic, but consensual), social order (lateral, not hierarchical), gender relations (separate, but equal/balanced) and protocols (permanent standing procedures for facilitating peaceful relations) (2014: 20).

Knowledgeable people use their authority to promote consensual processes (Graham, 2014: 20). Traditional conflict resolution processes are usually led by a council of Elders (Behrendt, 1995: 79-87).

In later chapters, I explore whether this sense of balance played a part in the respect my participants showed for one another, even when disagreeing. Graham et al. (2011) hypothesise that Aboriginal relationality promotes free expression and differences of perspective, since some perspectives will always “draw people together through kinship ties and relatedness” (at 82). Such balance takes time, effort, and relationship-building, and can be disrupted by colonisation and modernity. Graham explains how it requires work, reflection, reciprocity, strategy, and above all community, to take behaviour beyond the mere possessive and into sharing and altruism (1999: 112). But when achieved it can support and “hold” multiple people in their feelings and actions, bringing a “seemingly chaotic” range of views into interaction (Graham et al., 2011: 83-4). This balance rests upon consensus decision-making, rather than control through command, obedience, and force (Graham, 2023: 11-2). Graham defines consensus as “the willing agreement among equals, constructed

through dialogic consensus”, distinguishing it from adversarial Western democratic and political processes (2023: 18). Graham contends, “Aboriginal style consensus is actually peace cultivation” (2023: 18).

Some of this may appear idealistic, giving a sense of how people ought to be. The question remains how and to what extent these sorts of ideas manifest in complex modern political contexts. The Council was a government-initiated political process, and the Referendum was a government-legislated political debate. In the following chapters, I consider whether traditional forms of consensus manifested in the attitudes described by my participants, and the relevance of Graham’s concept of balance.

Social structures are not static, and it takes “a special sort of cultural work” to achieve unity in a turbulent world of variability (Fuchs, 2001: 276). There is no essential progression or pattern of social change (Graeber and Wengrow, 2021, Clastres, 1989). We cannot assume that Indigenous cultural understandings are obsolete or less legitimate than Western worldviews, or that surviving traditional views are constant, pre-colonial, or perfect. Yiman and Bidjara geographer/anthropologist Marcia Langton argues that Australian anthropology needs to engage with modern times of change and crisis, such as violence against Aboriginal women, with practical realism (Langton, 2010). Aboriginal communities are not perfect and have not always been peaceful (Graham et al., 2011: 77). It would be wrong to attribute Indigenous peoples in Australia with an essential temporal quality, reserving the present and the future for Western liberalism, without making “a space for culture to care for difference” (Povinelli, 2010: 25).

Mainstream Australian political debates sometimes focus on whether traditional culture should be discarded (e.g. Sutton, 2009), or dichotomise between traditional “high culture” like art, and “primitive” culture as the cause of the “Aboriginal problem” of disadvantage (Stolte, 2020: 2). Fixing culture in the past creates:

[An] excision of Indigenous persons and peoples from the flux of contemporary life, such that they cannot be understood as participants in current events, as stakeholders in decision making, and as political and more broadly social agents with whom non-natives must engage (Rifkin, 2017: 5).

Aboriginal cultures and worldviews persist and adapt. Almost every interview participant discussed the role of culture in informing their views, positions, and advocacy, or its differences with and potential contributions to Western thought. Graham et al. (2011) explain that traditional cultural practices vary significantly, but are still influential: “some practices endure; others are recuperated as necessary” (at 75). Many studies have considered Aboriginal cultural systems in contexts of modern disruption, change, and conflict (Behrendt, 1995, Williams, 1987, Wright, 2024).

Following Torres Strait Islander academic Martin Nakata’s (1997) concept of the cultural interface, it is important to recognise that an interface of Indigenous and Western knowledge systems is at play. Engaging at this cultural interface is what I aim to do. I am considering Indigenous people, their cultures, and their historical contexts, and how these are manifested today. The Convention and the Referendum are ideal contexts in which to do so.

These considerations lead to a fourth research question: what role does culture, including relationality norms like autonomy and balance, play in the underlying solidarity that ran through the interviews? Graham’s relationality provides a framework which I return to in later chapters. In the following section I turn to broader theories and analyses of solidarity in wider (often non-Indigenous) contexts to ask if they help with understanding any other aspects of this case, and how they relate to traditional forms of Indigenous relationality.

## V. SOLIDARITY, IDENTITY, AND COLLECTIVE ACTION

Expressions of solidarity ran throughout my interviews. Participants spoke about their advocacy with reference to “we”, “us”, and “our people”. The Statement uses those same terms and asks the broader public to “walk with us”. Participants often talked of unity, togetherness, “coming together”, and “walking together” with one another. Yingiya Guyula hoped that “we will journey to the future on our canoe”, and “the white man” will do the same “on your own boat”. But what does it mean to be together as “we” or “us” in this situation, and how does this inform coming together in collective action?

### A. Solidarity

Many scholars use “solidarity”, “unity”, and “social cohesion” interchangeably (e.g. Chidester et al., 2003, Tsegaye, 2025: 3, Keddie, 2014: 409). In this thesis, I use a simple dictionary definition of solidarity. The English term “solidarity” came from the French *solidarité*, and means being “united or at one in some respect, especially in interests, sympathies, or aspirations” (Oxford English Dictionary, 2025). It is a usefully broad term, which some participants also used, to describe situations in which people are united together in some way. It is broad enough to encompass the different things my participants referred to, including collective identities and the collective actions and feelings through which they are expressed. This usage departs from some prominent uses of “solidarity”, such as Émile Durkheim’s “mechanical solidarity” and “organic solidarity”, which concern whole-society unity (Durkheim, 2013). Some authors use solidarity to mean, “affinitive and affective ties to a nation-state” (Koelble, 2003: 146). But my own participants were describing how diverse individuals choose to come together dynamically, maintaining a sense of unity despite

separations and differences. Rather than sameness or nation-state loyalty, participants emphasised coming together as a process.

So, I use “solidarity” to broadly refer to set of “relations”, a concept which aims at “making relations explicit” (Strathern, 2020: 16). Burns et al. (2018: 10) describe how “*solidarity* can usefully be employed to cover the different ways in which individuals in a cohesive society articulated into sub-groups relate to one another”, including through intra-group (“a common identity or common purpose”) or inter-group solidarity. Giles Gunn has argued that solidarity across difference, not sameness, is central to postcolonial, Holocaust, and African-American literature aimed at “genuinely reciprocal” relations (2003: 285; 293).<sup>7</sup>

Much literature on Indigenous peoples uses the term “social cohesion”, generally to describe long-term unity with and within the nation-state (Ferguson et al., 2009, Helly, 2003). The definitions vary but focus on low crime and conflict, stability, society, connection, and national identity (Fonseca et al., 2019). This literature in Australia often emphasises cohesion between Indigenous and non-Indigenous people (Rowse, 2007, Nelson, 2007). Canada has seen a focus on “stronger bonds of national unity” (Borrows, 2001: 41) and finding “balance between homogeneity and diversity” (Jenson, 2002: 148). These ideas are often focused on normative claims about economic and social policy responses to globalisation, and have been criticised for their normativity (Hidalgo et al., 2024, Delhey et al., 2018) and for neglecting Indigenous methods of relating and inclusion (Duhaime et al., 2004). In this thesis, therefore, I prefer the term “solidarity” to refer to Indigenous diversity, long-term and short-term unity, and coming together at local and national levels. Different forces pull and push people together. Howard Morphy’s definition of social cohesion at the Indigenous local community

---

<sup>7</sup> Ash Amin (2012) and Kenneth Burke (in Hyman, 1948: 391) similarly advocate for solidarity across difference.

level comes close to this, focusing on “the capacity of people to work together on the ground and to have a sense of obligation to the community as a whole” (2009: 116).

## ***B. Identities***

Many scholars claim that a sense of identity is critical to social solidarity. Henri Tajfel explained that social identity is “that *part* of an individual’s self-concept which derives from his knowledge of his membership of a social group (or groups) together with the value and emotional significance attached to that membership” (1981: 255). But Australian Indigenous identity is complex. Any large grouping of Aboriginal and Torres Strait Islander individuals is so diverse that any overarching identity has to transcend their place-based, sub-group, and individual identity differences. Yet the solidarity participants expressed indicated a sense of overarching identity, or what social psychologists call “superordinate identity” (Capozza and Brown, 2000). Of course, superimposed superordinate identity risks subgroup erasure, especially for Indigenous peoples in colonial contexts (Alfred and Corntassel, 2005). But some scholars suggest that superordinate identities, when co-existing with and respecting sub-group identities, can enable dual identification, and so cooperation and harmony (Hornsey and Hogg, 2000: 153). For example, in one Aboriginal Canadian study, participants “protected subgroup identities by making subgroup diversity an essential and valued feature of the Aboriginal identity”, leading to collective solidarity (Neufeld and Schmitt, 2019: 611). Some groups have shared superordinate norms, so “even where subunits have a strong sense of separate identity, as long as they have a continuing superordinate membership, then competition will not lead to intergroup hostility” (Tyerman and Spencer, 1983: 528).

Pan-Australian Indigenous superordinate identities are modern, in the sense that while pre-colonial times featured multi-group gatherings and ceremonies, continent-wide

organisation was not necessary. As Larissa Behrendt explains, “no sense of national identity had emerged” until colonisation made it necessary, when people “joined together at a national level for a stronger political and cultural voice” (2021: 48). Kenneth Burke observed that those “faced with the danger of being ‘driven into a corner’, counter by forming a new collectivity”, where “their cooperation gives them a new positive campaign base” (in Hyman, 1948: 362). Gregory Bateson proposed that while all intergroup contact situations tend towards progressive differentiation and conflict, or “schismogenesis”, union may emerge “either in loyalty or opposition to some outside element”, since “the lion will lie down with the lamb if only it rain hard enough” (1935: 183).

In Indigenous Australia, different “outside elements” are at play: the colonial state dispossessed them, while the liberal state fails their needs. These domains have also made Indigenous identities more complex. Irene Watson (Tanganekald and Meintang) explains:

[W]e are diverse, with many languages, different country and ways of being. When Aboriginal peoples’ lives are destroyed, uprooted and displaced, the call to community is to the gathering of broken and shattered pieces. So what Aboriginal community can be pieced together in this colonising space? (2020: 15).

But superordinate identity is not only a response to external threats. In the Philippines, James Eder (2013) identifies three overlapping Indigenous identities: cultural membership of local ethnolinguistic groups, political membership as state-labelled “Indigenous people”, and membership of a wider economic underclass shared with other citizens. These “different layers... can be worn in different order at different times” (at 276).

In the following section, I consider the literature on identity in two groups, based on whether shared identity is emphasised through the pull of internal factors, such as culture and relationality, or through the push of external factors, such as the threat of state power. I call these the “internal” and “external” aspects of superordinate identity.

The Statement itself begins with an internal emphasis, discussing “Our Aboriginal and Torres Strait Islander tribes” with their “own laws and customs” and “culture”. Its proposals face externally, however, seeking constitutional change for “a fuller expression of Australia’s nationhood”, through “a movement of the Australian people” and “a fair and truthful relationship” with them. It also addresses marginalisation and disadvantage, highlighting “*the torment of our powerlessness*” and the “crisis” of incarceration rates and child removals. It hints at bringing together internal and external elements of identity by hoping that in the future, Indigenous children will “walk in two worlds”.

First, regarding internal-facing cultural identity linked to shared cultural norms, participants regularly used the term “culture” to refer to a sense of identity flowing from pre-colonial history. It was only sometimes a reference to cultural norms and practices specific to their local community or traditional Country. It was more often about shared pan-Australian Aboriginal and Torres Strait Islander cultural norms, like Land, autonomy, and the balance inherent in Aboriginal relationality.

In this, Australian Indigenous people are not unique. Cultural identity, norms, and knowledge are fundamental to many Indigenous communities today. Many studies on social cohesion and social solidarity have promoted the benefits of continuing and reviving traditional cultural practices and cultural identity (Agana et al., 2025, Dean, 2023, Ensign et al., 2014, Hidalgo et al., 2024, Olanrewaju and Talabi, 2024, Pigott, 2013, Restall, 1998, Scott-Enns, 2015, Sorokowski et al., 2024, Sydora et al., 2023, Tsegaye, 2025, Zhou and Wang, 2024, Broad et al., 2006). In an Indigenous advocacy context, the “#NoDAPL” protests at Standing Rock, where diverse protestors united under the leadership of Indigenous groups against the Dakota Access Pipeline project, studies have suggested Indigenous cultural values can also drive solidarity between local groups, non-local groups, and non-Indigenous allies (Suzack, 2021, Rivas, 2017, Estes and Dhillon, 2019). Such collaborations

can show how “the opportunities for solidarity lie in what is incommensurable rather than what is common across these [decolonial] efforts” (Tuck and Yang, 2012: 28).

Cohesive effects have also been observed in Australian Indigenous communities, in relation to language revitalisation, song, performance, and ceremonial traditions (Bracknell, 2020, Elkin, 1951: 176), festivals (Kruger, 2019), art (May et al., 2020, Morphy, 2009), maintaining kinship networks (Memmott and Meltzer, 2005, O’Brien, 2017), and the role of Elders (Cox et al., 2021). Cultural identity expression has also been emphasised in relation to modern governance models (Maddison and Brigg, 2011, Rigney, 2011) and positive health and wellbeing outcomes (MacLean et al., 2017, Zubrick et al., 2010: 85). Aboriginal businesses, clubs, churches, arts, and theatres have long asserted Indigenous cultural pride, with “a committed political agenda aimed at fostering social cohesion and a sense of community amidst the fractured legacy caused by dispossession and diaspora” (Kleinert, 2010: 176). However, most of these studies have focused on limited numbers of local communities.

Like Graham, several other Indigenous authors have emphasised the importance of Aboriginal relationality for modern, pan-Australian Indigenous identity. Tyson Yunkaporta (Apalech) promotes Indigenous ideas of autonomy as “a single node in a cooperative network” with “full autonomy and unique expression of each independent part of the interdependent whole” (Yunkaporta, 2020: 85). Wanta Jampijinpa Pawu (Warlpiri) similarly shares *ngurra-kurlu*, a Warlpiri pattern for living observed in the Southern Cross star constellation, which expresses interdependence and the need to “interpret differences as part of a dynamic whole”, while understanding that differences “underpin mutual dependence and possibilities for growth” (Curkpatrick et al., 2024: 246; 249). Wendy Brady (Wiradjuri) emphasised Land-based cultural identity:

Indigenous Australians connect and relate to each other through land and all that it represents – the generational, spiritual, and cultural core of identity, in both individuals and their community. ... When Indigenous Australians are removed from, or choose to leave, the land of their nation, we do not locate it outside ourselves, but in contrast carry that connection within our being (2020: 148).

Brady considered that this identity has persisted “no matter how depleted or damaged” (2020: 141).

These ideas of autonomy and Land-based identity allow for diversity. As Jason Gonian (Gunditjmarra) explained, “there is no one way to be Aboriginal”, and “we don’t all look the same. We also don’t practise culture in the same ways, but we do all share an understanding of what it is to be Aboriginal through unique lived experiences” (2018: 99). William Russell similarly observed, “I reckon us mob are all different; and when we start telling each other how we should be or think or talk, or even perceive ourselves, we are getting and showing the symptoms of too much whitefella disease” (2018: 204).

Very few empirical studies have focused on the internal aspects of Australia’s superordinate Indigenous identity. Kerry Arabena (Meriam) conducted one such project, undertaking qualitative interviews with twenty selected Aboriginal and Torres Strait Islander individuals about their views and experiences of citizenship (Arabena, 2008, 2009). Arabena distinguished between “cultural citizenship”, linked to traditional cultural principles and referring to the universe, and “Australian citizenship”, referring to the nation-state, such that “cultural citizenship exists in Australia simultaneous with Australian citizenship” (2009: 110). She drew upon Arthur Koestler’s concept of “holons” in a “holarchy” (a hierarchy of holons), where holons “behave partly as wholes or wholly as parts”, being independent and interdependent, having both self-assertive and integrative tendencies (Koestler, 1967: 48-9; 56). Arabena found that her participants’ cultural citizenship was primary, placing them within the universe’s wider holarchical system: “All of the respondents claimed they had ‘nested citizenship’ in which their roles and responsibilities as an Indigenous Australian were

then couched in a pan-Australian Indigenous community” (2009: 117). In this project, Arabena captured some of what I observed in my project, particularly how Indigenous people can carry “social values and traditions, customs and practices” from their cultural citizenship into how they engage with Australian citizenship (2009: 138). Arabena’s empirical work reveals the significance of Aboriginal relationality, and particularly autonomy, within pan-Australian Indigenous identity. But the concept of citizenship was not one participants in my project commonly used. I asked, rather, how participants expressed their positions in their own words.

Some research from North America suggests parallels to Australia, with shared cultural norms influencing present-day political contexts. Theresa McCarthy (Six Nations Onondaga, Beaver Clan) (2016) and Kristina Ackley (Oneida) (2008) have argued in the North American Haudenosaunee (Iroquois) context that a deep underlying unity informs Indigenous conflict resolution in modern political contexts. McCarthy suggests Haudenosaunee teachings embrace both unity and division, with methods of communicating across difference (2016: 147). Ackley writes of unity:

*Skana*, or the... (Oneida) word for “peace,” does not simply mean the absence of conflict. It means fine and calm as well and describes more of a process than a continual and limited state of being. ... Consensus does not mean unanimity, and unity does not mean that everyone agrees. It includes recognition that joining together as a community brings strength. Haudenosaunee nations that persist and thrive in spite of the onslaught of colonization are nations that can successfully incorporate dissension (2008: 61).

Ackley calls this “native factionalism”; McCarthy calls it being “in divided unity”. These studies highlight how Indigenous cultural norms and internal identities can inform processes which emphasise unity alongside difference. But these few studies are limited to a narrower political context. To what extent is the Australian case similar? And how is this expressed in processes which are broader and faster, such as the national gathering at the Convention?

Some scholars emphasise other cultural norms that contribute to shared cultural identity: reciprocity and collectivism. Reciprocity describes relations with asymmetrical individual interactions which gain symmetry over time through a balanced ongoing relationship (Bateson, 1935: 181-2). Mary Graham describes reciprocity as emerging from the custodial relationship (2014b: 18). Aboriginal academic Gary Thomas describes reciprocity as “normative behaviour in Aboriginal and Torres Strait Islander communities” which “encompasses the acts of giving and receiving as two parts of an event; individuals and groups maintain their relationships in this event” (2015: 215). Taylor et al. (2012) reported from twelve interviews with Aboriginal and Torres Strait Islander participants, “people told us that reciprocity, as an underlying principle of Aboriginal society, is a social norm. While it operated traditionally, most participants thought that it is still operating even in the face of material poverty” (at 102).

Other scholars use collectivism to describe cultures and societies where individuals can “subordinate their personal goals to the goals of some collective, which is usually a stable in-group” (Triandis et al., 1988: 324). Greater social cohesion has been correlated with collectivist groups and collective actions (Aronson et al., 2007: 254), “horizontally collectivist” societies which lack coercion through power (Smith and Bond, 1998: 64), and Indigenous communities with cultural values like interdependence and collectivism (Rasehlomi et al., 2023). Collectivist cultures are said to generate more prosocial or altruistic behaviour, through increased experiences of empathy (Aronson et al., 2007: 355, 364, Batson, 1991). However, reciprocity seems to capture the relationality and sense of process described above better than collectivism, which is more static. This thesis explores all the cultural norms expressed by participants when describing coming together in their constitutional advocacy.

Second, regarding external-facing identity, the colonising state looms as an outside element inciting unified opposition among Indigenous peoples. This was clear in my interviews, where participants discussed shared goals as Indigenous peoples, including Indigenous rights, self-determination, recognition of Indigenous sovereignty, and the Voice, Treaty, and Truth proposals in the Statement.

It is well known that minority groups can strengthen their identity through shared resistance to assimilation and experiences of discrimination (Tajfel, 1981: 336, Giddens and Sutton, 2021: 293). Crystal McKinnon (Amangu Yamatji) described solidarity among “groups of people who most acutely experience the effects of global capital and colonialism” (2020: 692). Enrique Trueba described a shared Latino identity from “the politics of survival, and beyond survival, the pain of self-definition or discovery of new identity” (1999: 21).

Ronald Niezen describes Indigeneity as “an emerging global form of identity based upon occupation of territories and on shared experiences” (2003: 212-3). Larissa Behrendt suggests Australian Indigenous national identity followed colonisation, when people “joined together at a national level for a stronger political and cultural voice” (2021: 48). Taylor et al. reported of Aboriginal and Torres Strait Islander interview participants that Indigenous identity is influenced by “sharing the same history and experiences”, and formed “in contradistinction to a past colonial regime which defined them in relation to restrictive or negative images” (2012: 100). In this context, it is possible to be “a proud, contemporary Aboriginal community with a strong sense of identity and vision for a positive future” regardless of connection to traditional cultural norms and practices (McCausland and Vivian, 2010: 327).

This has been explored in other Indigenous contexts. Sarah Nickel’s study of the Union of British Columbia Chiefs in Canada linked the Union’s inaugural 1969 conference theme “united we stand, divided we perish” to a time of “pan-Indigenous politics” when

Indigenous organisations “embraced Indigenous unity as a response to settler colonial oppression” (2019: 3; 7). Nickel observed that in the face of hostile government policy, “Indigenous peoples needed to pursue a united front to realise their longstanding political goals” (at 23). Eder (2013: 277) explained that a State’s treatment of Indigenous peoples as a single legal and governance category can foster Indigenous collaboration and identity. Audra Simpson (Mohawk) has documented Mohawk and other Indigenous nationalities, where group identity can be reinforced not only through efforts at recognition, but also through the politics of refusal, rejecting being subsumed into the colonial nation-state as its citizens (Simpson, 2007, 2014, 2017). In various ways, Indigenous peoples have rearticulated their proscribed “Indigenous” status and used it “as a tool of liberation” (Niezen, 2003: 221).

This outward-facing Indigeneity is constantly negotiated and can have performative elements (Graham and Penny, 2014b, Thurow, 2019). While “Indigeneity is no one’s primary identity”, Indigenous peoples can “perform Indigeneity” in intercultural spaces while seeking recognition and self-determination (Graham and Penny, 2014a: 1-2). As Brendan Hokowhitu (Ngāti Pūkenga) explained, regarding the Māori haka “Ka Mate” being used as the Aotearoa/New Zealand rugby union team’s pre-match entertainment, while this appropriation can be uncomfortable, misrepresentative, or commodifying, it can also facilitate the enactment of “embodied sovereignty” and subversion of colonial assimilation through “the existential and everyday properties of Indigenous culture” (2014: 298).

It is clear from the above sections that internal and external-facing aspects of identity are both relevant. Aileen Moreton-Robinson (Geonpul) says, “Indigenous sovereignty is a relatively new concept that arose in discourse during the 1960s”, but at the same time, it is “grounded within complex relations derived from the intersubstantiation of ancestral beings, humans and the land” (2020a: 2-3). As scholars have noted elsewhere, such complex forms of identity can ground a sense of solidarity. Yeung et al. (2020: 125) reported from twenty

interviews with members of Pictou Landing First Nation that “the community’s ability to come together in solidarity with one another to campaign for their rights was identified as a core strength and source of pride for members”. This involved both “a gravity of attachment to place that can only be found in Indigenous communities”, and a focus on Indigenous rights and “the community’s power to self-determine and forge a future for the generations to come” (at 126-7). Jackie Huggins (Bidjara, Birri Gubba Juru) described a “complex and multilayered” Aboriginal identity, which has resisted assimilation through “the resilience, kinship, family and community orientation of Indigenous society”, aided by ideas of Land, language, and humour (2022: 139).

Participants’ comments were self-conscious about these issues, as was the Statement itself, with its references to both Indigenous laws and customs and Australian nationhood. I explore how these different aspects of identity interact and influence solidarity in the following chapters.

A question remains about the relevance of more general minority identity as one Australian sub-group among many. As I explore in Chapter Five, mainstream debates about the Referendum and Indigenous policy more broadly focused heavily on issues of disadvantage and symbolic recognition of an important minority in need of improved practical outcomes. Many participants, and the Statement itself, emphasised issues of disadvantage, including the challenges of incarceration rates and child removals. There are extensive academic debates about the specific importance of minority identity within a multicultural liberal democratic state. Many writers on multiculturalism and cosmopolitanism promote modern liberal democracy as a cohesive way to accommodate cultural pluralism and minority identities (Young, 2011, Kymlicka, 1995, Tully, 1995, Parekh, 2000, Keddie, 2014, Shamsul, 2023, Trifonas, 2005, Rattansi, 2011, Bauböck and Scholten, 2016, Luczak et al., 2019, Delanty, 2009, Mignolo, 2000). How to get along despite difference is a key question

for diverse societies (Verkuyten, 2014, Delanty, 2009, Foster, 2014, Childs, 2003, Hooker, 2009).

However, authors on Indigenous rights have criticised multiculturalism-based national identity on the basis that it subsumes Indigenous peoples without dealing with fundamental questions of justice and self-determination (Richards, 2013, Gaztambide-Fernández, 2012, Abu-Laban et al., 2023), particularly in the Australian context where Indigenous rights are limited (Povinelli, 2002, Mercer, 2003, Strakosch, 2015, Lattas, 1997, Lea, 2020). Ronald Niezen observes that “Indigenous claims are not only multicultural but multiconstitutional” (2003: 218). There is a risk of coercive assimilation, for example where dependence on the state for welfare, development, and recognition causes the sacrifice of self-determination and Indigenous rights (Boulanger, 1999, Beaumont, 2022, Collingwood-Whittick, 2018). For this reason Aileen Moreton-Robinson argues that through Australian state-sanctioned multiculturalism, “we are reduced to being one culture among many – another ‘cultural tributary’” (2020b: 98-9). Kerry Arabena proposes that mainstream Australian citizenship is where “Aboriginal peoples experience colonisation” (2008: 29-30). Irene Watson says “we become cannibalised” by a “colonial space” which becomes lawful “through the consuming of our sovereign Aboriginality” (2020: 18).

These normative debates are significant in Australian politics. But as I explore in the following chapters, disadvantage, social problems, and the need for recognition as one cultural minority among many, while relevant and often urgent, turned out to be minor in terms of how participants described their identity and solidarity. In fact, the divergence between how they described their identities and the mainstream political narratives about them formed a significant point of tension throughout this thesis.

### ***C. Collective Actions and Feelings***

The Convention, the Statement, and Referendum advocacy were collective actions.

Participants described them with a sense of movement and process, featuring both unity and diversity as informed by identity, rather than static expression of superordinate identity. They expressed a sense of unity not only in terms of who they are but in terms of what they do.

“Collective action” broadly describes acts of cooperation in human groups (Jordan, 2023). Action forms the most obvious practical manifestations of solidarity. Indeed, it was at the heart of Émile Durkheim’s famous 1893 sociological model of the “organic solidarity” found in complex modern societies, where cohesion arises through interdependence from the division of labour, such that each person “depends upon society because he depends upon the parts that go to constitute it” (Durkheim, 2013: 101). Durkheim underplayed the challenges of colonisation and of modern plural societies, optimistically describing isolation, conflict, and suicide as mere growing pains on the inevitable path to organic solidarity (2013: Book III). But the key point, as demonstrated in this thesis, is that solidarity can exist alongside division where shared values or identities facilitate interdependent collective action.

Many other scholars have emphasised the importance of interdependence to collective action. Social psychologists have observed that interdependence in the pursuit of common goals can induce cooperative behaviour despite ethnic differences (Cook, 1984) and reduce inter-group conflict, prejudice, and hostility (Sherif et al., 1988, Allport, 1954, Aronson et al., 2007: 451). Daniel Goh (2010) proposes interdependence as the path to multicultural melting pot solidarity by facilitating intercultural understanding through working together. Black Native American scholar John Brown Childs presents “transcommunalism” as a model of coordinated heterogeneity where mutual trust is built through face-to-face relationships of “shared practical action” with shared objectives despite differences (Childs, 2003: 23-4). This

can in turn mutually reinforce collective identity. As Steven Lukes observed, when distilling Durkheim’s organic solidarity into a 21<sup>st</sup> century context, diverse societies can have “unity deriving from a shared identity with the reciprocity and mutual commitment that can exist *despite* disparate and sometimes conflicting differences of identity” (2013: xxix).

Collective action does not necessarily lead to success, or justice. Hannah Arendt warned of the dangers of unquestioned group solidarity, particularly when it rejects difference, which can lead to untruth, totalitarianism, and minority persecution (Kim, 2024). This is something I explore in relation to the Walk-Out group and others who felt silenced in the Convention process. Their perspectives also help reveal the norms and identities underlying the broader sense of solidarity.

My empirical focus on how participants talk about interdependence and their reasons for collective action helps to reveal the mix of superordinate identities at work. As Yeung et al. (2020) found in qualitative interviews with Pictou Landing First Nation in Canada, “solidarity encompasses not only the actionables of the collective, but a psychological unity and shared interest that drives the collective action itself” (at 128). In the following chapters, participants’ comments about their actions in the Convention, Statement, and Referendum campaign reveal different forms of collective action and feeling, particularly in their pursuit of collective rights.

I also consider the collective emotions which many participants described. Graham et al. (2011) argue that in Aboriginal cultural contexts, emotional expression is encouraged. Some of the oldest theories of solidarity emphasised this: fourteenth-century Arab scholar Ibn Khaldūn posited that *asabiyyah* or “group feeling” held together Bedouin communities and enabled them to form dynasties (Ibn Khaldūn, 2005). Émile Durkheim proposed in 1912 that Arrernte and other Aboriginal peoples in Central Australia were sustained by a feeling of shared consciousness in the form of a “collective effervescence” where one is “in moral

harmony with his contemporaries”, expressed at large gatherings when “proximity generates a kind of electricity” (Durkheim, 2008: 159; 162). Gregory Bateson speculated that differentiation and division could be counteracted by “mutual love” (1936: 197). Graham defined culturally informed consensus as “the state of ‘feeling together’ or a ‘common feeling’” (2023: 18). And emotion was present at the Convention, as I describe in Chapters Four and Five. Thomas Mayo reported in his book having felt “adrenaline pumping”, and seeing “tears of joy and hope” and “raucous celebration” at the outcome, such that “we were all on cloud nine” (Mayor, 2019: 43).<sup>8</sup> In later chapters, I consider which actions participants recalled and the collective feelings and shared emotions they expressed. Some of their views related to place, notably Yulara, where they expressed a feeling of gathering in physical co-presence on the Land.

## V. CONCLUSION

In this thesis, I set out to understand how the Statement came to be in 2017, and how and why Aboriginal and Torres Strait Islander individuals have engaged in constitutional change advocacy in Australia. While participants used different sorts of terms to describe their views and their advocacy, it quickly became clear that there was striking high-level issue consensus, expressed with remarkable solidarity and a sense of togetherness, despite widely varying approaches to achieving change.

So, to answer my initial research questions, I explore two related questions. How can we explain the high degree of consensus and the impression of underlying solidarity that ran through the interviews? And what role does culture, including relationality norms like autonomy and balance, play in this?

---

<sup>8</sup> Since his 2019 book, Thomas Mayo updated the spelling of his family name.

The literature reviewed in this chapter provides terms for my analysis of solidarity. Aboriginal relationality is useful for describing some of the values underlying what people told me, including Land, autonomy, and balance. The external and internal aspects of superordinate Indigenous identity help to make sense of some of the material, and raise questions about how and to what extent these factors might interrelate. Collective actions and collective feelings are observable processes through which interdependence, solidarity, and identity can be expressed. I ask in the following chapters, how does relationality play out? How are external and internal identity factors, collective actions, and collective feelings evident in the interviews? And to what extent do these help capture what people told me? The internal and external aspects of identity reflected in the Statement arose in the interviews, interconnecting, overlapping, and taking precedence at different times. My task in this thesis is to delve deeper and try to explain where they come from, how they are related, and how they impacted the events that form my case study.

The Statement and the Referendum were major events which brought people together and made them reflect on and weigh up these issues. They present an important opportunity to explore Indigenous constitutional positions, and what it means to be Indigenous in Australia today. These events have provided a window into Indigenous constitutional thought and advocacy, through moments in which people were articulating and wanting to talk about these significant underlying issues. They form a particularly interesting case study because of Australia's unique situation, where Indigenous peoples are highly diverse, interacting across huge areas of Land, and seeking self-determination in the absence of treaties or some other basis for a clear legal position. The Statement and Referendum revealed fundamental issues which, regardless of the Referendum outcome, will not go away.

This study, the first empirical project of its kind with a nationwide focus on Indigenous constitutional advocacy, will have lasting relevance, not only for Australia and for

Indigenous studies. These issues have implications for constitutional issues which Indigenous and other peoples are grappling with around the world, something I return to in the final chapters. They also highlight wider issues of solidarity, unity, identity, and collective action in a way no other study discussed in this chapter fully captures. There are suggestions in the literature, and other scholars have noted the ways different groups come together and have attributed various internal and external reasons for this. But much of the research is not empirical, and the empirical research is often very place-specific or issue-specific. This thesis explores solidarity in depth in a national context and describes how these different dynamics play out among highly diverse individuals. I aim to contribute to the broader literature with a detailed case study of solidarity at a complex, contemporary cultural interface. I hope in the following chapters to analyse and understand, as accurately as I can, what participants described, and to do justice to the relationships I formed and the views I was asked to share.

**CHAPTER TWO**

**METHODOLOGY**

## I. INTRODUCTION

I began this project in response to the call at the conclusion of the Uluru Statement:

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

My position as a non-Indigenous lawyer informed my approach to the project. I have been jointly supervised at Oxford by Professor Fernanda Pirie, who is British, and at the Australian National University by Professor Asmi Wood, an Indigenous academic who led my supervision in Australia and guided me at all stages. When I contacted participants, I explained my project and supervision arrangement, and then further introduced myself:

A little bit more about my positionality:

I have trained as a constitutional and human rights lawyer, including through work with Aboriginal Legal Services in Australia, the Constitutional Court in South Africa, and further study comparing different international legal systems at the University of Oxford. I am a non-Indigenous Australian of Scandinavian descent and I will write and speak from this position. In this work I aim to listen to and centre Aboriginal and Torres Strait Islander perspectives in all discussions about the Constitution and legal change. I will attribute quotes from those interview participants who give permission to be quoted, and will develop my PhD thesis with reference to these perspectives, and the need to make them heard in academic literature. At all stages I am guided by the advice of my supervisor, Professor Asmi Wood.

At the start of interviews I acknowledged my standpoint and role as an interviewer and writer (Harding, 1986, Nakata, 2007). My aim was not to write a thesis where the “writer-knower as subject is racially invisible, while the Aboriginal as object is visible” (Moreton-Robinson, 2004: 81), but to engage in a dialogue. In some interviews, once participants located my racial appearance and identity, my position was not further discussed, while in others it was a point of discussion or comparison. I hoped to form relationships: “with relatedness as the premise and impetus, there is no such thing as Outsider, or Other, but of Another” (Martin, 2008: 148). Through taking this approach I aimed to learn from participants as the “knowers” rather than examine and categorise them as the “known” (Moreton-Robinson, 2004), and to privilege Indigenous voices in my research (Rigney, 1999:

117-8, Martin and Mirraboopa, 2003: 205). A systematic empirical project of this type has not been completed before, either of delegates at the Convention or of Aboriginal and Torres Strait Islander advocates for constitutional change more generally.<sup>9</sup>

The methodology of this project is socio-legal (Banakar and Travers, 2005, Cotterrell, 1995, Creutzfeldt, 2020, Webley, 2020). It involves exploring issues of law, constitutional change advocacy, and the intersection of legal systems using qualitative empirical methods. Socio-legal studies has sought to break from the limitations of doctrinal law (Bradney, 1998). It has a long-established engagement with “pluralistic conceptions of law” (Cotterrell, 1995: 306), as well as with land rights, customary law, and decolonial movements (Harrington and Manji, 2017).

## II. THE ONTOLOGICAL TURN

Particular issues are raised by research with Indigenous participants. All research about Indigenous peoples carries a risk of essentialising, misunderstanding, or misrepresenting and causing harm (Nakata, 2007). In anthropology, the debate about the “ontological turn” has considered the global importance of Indigenous worldviews, and also the risk that non-Indigenous authors might seek to separate Indigenous knowledge from its context and use it for Western intellectual or practical ends.

The ontological turn in the social sciences has been led by authors including Bruno Latour, Eduardo Viveiros de Castro, and Philippe Descola. They argue that it is not enough to look at different perspectives about the world. There might be different worlds, not just different knowledges, experiences, and perspectives of the world. Viveiros de Castro

---

<sup>9</sup> Interviews with a smaller selection of individuals from these groups who supported the Statement were conducted by Mayor (2019).

describes turning from epistemological questions to ontological questions as “learning to see in Anthropology” (2015: 3). He considered that Western anthropology has engaged with epistemological and cultural differences, but continues to monopolise nature itself, and fails to be ontologically sensitive and truly compare itself with other forms of thought (in Skafish, 2016: 394-5). Both Viveiros de Castro (2015: 6) and Latour (2014: 15-6) argue that attention to Indigenous worlds, especially their ontological realities of animals, nature, and landscapes, is essential in a time of ecological crisis brought on by the Anthropocene. Ontological anthropologists pay special attention to human relations with nonhuman beings (Kohn, 2015: 314). This provides a possible theoretical counterbalance to what they see as the destructive and ontologically singular tendencies of “Modernity”.

Critics of the ontological turn have made several responses, including that: (1) it reinforces aspects of essentialist thinking; (2) its idealistic abstraction and future focus is too structuralist, overlooking local and current challenges, and the taking of responsibility for them; and (3) it exploits Indigenous knowledge while not adequately giving credit or helping with Indigenous challenges.

I raised the substance of the first criticism, about the risk of essentialising, in Chapter One. Discussing the ontological turn, Lucas Bessire and David Bond argued, “while the symmetrical future it conjures up is smart, the turbulent present it holds at bay is something we would still like to know more about” (2014: 441). By claiming the theoretical high ground with future-focused abstraction, proponents of the turn skip over decades of critical writing about the world today (including Foucault, Arendt, and Butler), and claim the head of the table for structural discussion of the natural world, cutting out critical theory and holding a limited view of alternative ecologies (at 442; 445-6).

The second and third criticisms are most relevant to decolonial methodologies, discussed below. Red River Metis, Otipemisiwak Indigenous feminist academic Zoe Todd claimed in “‘Ontology’ is just another word for colonialism” that there can be Indigenous frustration at seeing European academics like Latour “discover” different multinatural ontologies (Todd, 2016). As Todd described after watching a Latour lecture, “I was left wondering, when will I hear someone reference Indigenous thinkers in a direct, contemporary and meaningful way in European lecture halls? Without filtering ideas through white intermediaries ... As dynamic Philosophers and Intellectuals” (2016: 7).

As Mary Graham advises, custodianship is “a philosophy, not just a green solution to environmental degradation” (1999: 116). What is needed is not the appropriation of Indigenous concepts in order to further what Graham calls the Western “survivalist ethos”, but rather the realisation of a custodial ethos where security is in the Land itself (2023: 10). Todd similarly argues that when academics cherry-pick Indigenous knowledge “without engaging directly in (or unambiguously acknowledging) the political situation, agency, legal orders and relationality of both Indigenous people and scholars, we [scholars] immediately become complicit in colonial violence” (2016: 18).

The proponents of the ontological turn discussed above engaged with Indigenous perspectives for a different purpose than my project. They sought to address the crisis of the Anthropocene by mining for alternative ontologies. They also overstated the historical disinterest of anthropology in ontology. In recent decades, a range of anthropological and other literature has engaged with Indigenous life in the current socio-political reality of Australia, where it is shaped by colonisation, while still taking an interest in Indigenous ontologies, cultures, and worldviews (e.g. Lea, 2012, Hokari, 2011, Kearney et al., 2021, Baker, 1999, Morphy, 1995, Boroditsky and Gaby, 2010, Haviland, 1993, Haviland, 1998).

My own project is about Indigenous views in the present – a place where worlds collide, interact, survive, and create anew.

Ontology nevertheless remains important. Some participants in my project, for example, described their worldviews and how their advocacy and perspectives on law are connected to Land. Questions of world-building at the interface of Indigenous and Western legal and cultural systems are at the heart of Chapter Nine. These insights did not arise from my probing for ontological information, but as part of the process of participants speaking for themselves. As Torres Strait Islander scholar Martin Nakata says of the two-way cultural interface between Indigenous and Western systems:

[W]e have developed a reading of ourselves at the interface of colliding trajectories: we continue to maintain our values as a people of tradition; we have actively shaped new practices and adapted our own to deal with the encroaching elements; we are fighting against the odds; and we are making and re-making ourselves in the everyday (2007: 197).

My project could be said to explore this interface, as particularly experienced during difficult, modern, nationwide strategic advocacy.

As Makere Stewart-Harawira (Māori) has declared, “traditional indigenous knowledge forms have a profound contribution to make towards an alternative ontology for a just global order” (2005: 32). While global transformation is inevitable, Indigenous scholars have been reminding us that the forms and processes such transformation takes are not (at 244). This can, and in Stewart-Harawira’s view, must, serve two interlinked purposes: Indigenous cultural survival, and also “the continuing viability of human occupation of the planet within a paradigm of peaceful coexistence” (at 248). Such engagement must be on equal terms, aimed at mutual understanding and liberation:

Meaningful exchange in these circumstances requires engaging with Aboriginal tradition and philosophy on equal terms. An appropriate way to do so might be to note the survival value of an old culture, to note that Aboriginal philosophy has something to teach more broadly (Graham et al., 2011: 77).

Graham et al. (2011) suggest, it may be that “Settlers are missing the benefits of Aboriginal Law” (at 95). Graham cites the relationality principle of balance as the reason “Aboriginal people continue to plan and work willingly with the Australian mainstream” (2014: 20).

The task of engagement that confronts a non-Indigenous researcher means being aware of the criticisms and impacts of settler colonialism while also keeping a focus on Indigenous lives and aspirations. Theresa McCarthy (Six Nations Onondaga, Beaver Clan) noted in the North American context that a focus on analysing settler colonialism, while important for resisting violence, epistemological hierarchies, and assumptions of lost Indigenous sovereignty, has limits for imagining what comes next:

[T]here also comes a point when the settler colonial analytic ceases to be relevant or useful; there is even a point where the settler colonial paradigm can itself be colonial. I stand with other Indigenous scholars who are concerned about the potential for settler colonial studies to overshadow the theorization, analytic frameworks, and enduring efforts of those for whom settler colonialism is neither natural nor invisible (2016: 277-8).

For McCarthy, the answer is to embrace Indigenous political difference and traditional Indigenous ways of dealing with others (at 287-9).

Australia and its non-Indigenous population has long struggled with embracing fundamental Indigenous political difference (Strakosch and Macoun, 2012: 45-6, Wolfe, 1999). Of course, as Graham (2023) has argued, this cannot be done without engaging with wider Aboriginal relationality, rights, and Land. As Neville Bonner (Jagera), the first Indigenous Australian Federal Parliamentarian, said, “until the Government of the day is prepared to recognise our right of prior ownership, everything else is charity” (Newfong, 1972: 6).

My own task was to listen to participants’ thoughts on multiple levels: about justice, their histories and cultures, their needs, and their visions for the future. Participants often

raised settler colonialism, and I encouraged them to explain this, and all other issues, as much as they wanted.

### **III. DECOLONIAL METHODOLOGIES**

Māori academic Linda Tuhiwai Smith's seminal text, *Decolonizing Methodologies* (2021), was first published in 1999. In it, she famously stated, "the word itself, 'research', is probably one of the dirtiest words in the Indigenous world's vocabulary" (2021: 1). Smith sought to describe Indigenous experiences of poor research practices and the "mining and exploitation" of knowledge, and to remind the academy that research takes place in a colonial political reality where Indigenous peoples face questions of survival (at 3-4; 6). Research is "a significant site of struggle between the interests and ways of knowing of the West and the interests and ways of resisting of the Other" (at 2). Smith discussed the cultural imperialism of academia and outlined possibilities for the decolonisation of research. Much of this work is directed at Indigenous researchers, but it contains lessons for all non-Indigenous scholars, including for my own project.

Smith reminds us that the reality of ideas is constructed, and the West's reification of its own ontologies during Indigenous research needs deconstruction (2021: 55-6). This requires listening deeply rather than superficially judging and reinterpreting (at 81), and acknowledging a relational connection to research participants (at 60; 63). Gamilaroi, Jaru, and Gidja scholar Sarah Bourke (2021) builds on Smith's work and proposes four characteristics of a decolonising research model: resistance (to the ongoing impacts of colonial anthropology), reflexivity (regarding one's own identity and self-awareness), relationality (including understanding knowledge as collective), and respect (beyond research ethics, in the local context). Although I cannot conduct "Indigenist research" myself, because

I am not Indigenous and do not take an Indigenous standpoint (Nakata, 2007), I can learn from these concepts (Bourke, 2021: 31, Rigney, 1999: 117).

Both Smith and Bourke emphasise that non-Indigenous research should go beyond mere disruption of Western theory for its own purposes, and focus on topics considered important by Indigenous people, guided by Indigenous involvement in their projects. Māori academic Graham Smith proposed models for non-Indigenous researchers to do culturally appropriate work (Smith, 1992, cited in Smith, 2021: 230). Those I have aimed to adopt are a “mentoring model”, where I am guided and sponsored by Indigenous people, and an “empowering outcomes model”, where my topic focuses on questions of interest to and benefit for Indigenous people (at 230). Many non-Indigenous Australian authors have described the positive roles non-Indigenous researchers can play, including through researcher relationality, reflexivity, and respect, giving voice to participants, and engaging in non-dualistic thinking for mutual enrichment at a cultural interface (Gray and Oprescu, 2016: 462-3, Krusz et al., 2020: 212-3, Rix et al., 2014, Tynan, 2020).

Linda Tuhiwai Smith argues that accepting complexity and contradiction is key (2021: 84). This requires sensitivity to Indigenous fragmentation (at 105). Smith argues, “fragmentation is not an Indigenous project; it is something we are recovering from... the greater project is about recentring Indigenous identities on a larger scale” (at 111). This involves listening to Indigenous perspectives on complex issues, including fracturing and divergences of opinion, and also recognising and describing survival, commitment, and creative adaptation. In my interviews, as I discuss in Chapter Six, participants presented striking pictures of unity and solidarity, along with stories of survival, commitment, and adaptation, at the same time as recognising differences and fractures. I have aimed to present these views as faithfully as I can.

In my analysis, I do not assume an insurmountable tension between Indigenous and non-Indigenous worldviews. My participants wanted non-Indigenous people to engage and learn from them. But I incorporated several of the ideas of decolonial literature into my method. Among other things, I arranged for Professor Asmi Wood to be a co-supervisor, took advice from Indigenous advisors, and focused on engaging with Indigenous participants. I identified my own positionality when contacting participants (Smith, 2021: 194).<sup>10</sup> I let conversations follow the paths and topics participants wanted to reflect on, and recorded and presented those issues they considered most important. I took seriously the views of participants who questioned the validity of the legal system I have trained in. I engaged with Indigenous realities and fracturing (Smith, 2021: 84), and avoided “deficit discourse” (Bourke, 2021: 32). I have not assumed colonisation to be “finished business” (Smith, 2021: 112). I have identified participants’ ideas in my thesis, making their “presence clear” and facilitating “their contribution to collective knowledge” (Bourke, 2021: 34). Before submitting the thesis I contacted participants with their direct quotes in the draft, to give them an opportunity to check they are represented correctly, and I have offered a copy of the thesis to those who wish to have it upon completion.

#### **IV. MY METHOD**

##### ***A. Participants and the Interviews***

After spending the first year of this project conducting background research and deepening my knowledge of Australian history and Aboriginal and Torres Strait Islander advocacy, I applied for and received ethics approval from Oxford University to conduct interview-based

---

<sup>10</sup> While easier to do in writing, I had to learn to ensure this orally. I made a mistake early on, when someone I met at a protest had assumed I was Aboriginal after I had not fully introduced myself. Learning from this, I adapted how I introduced myself in less formal settings as well.

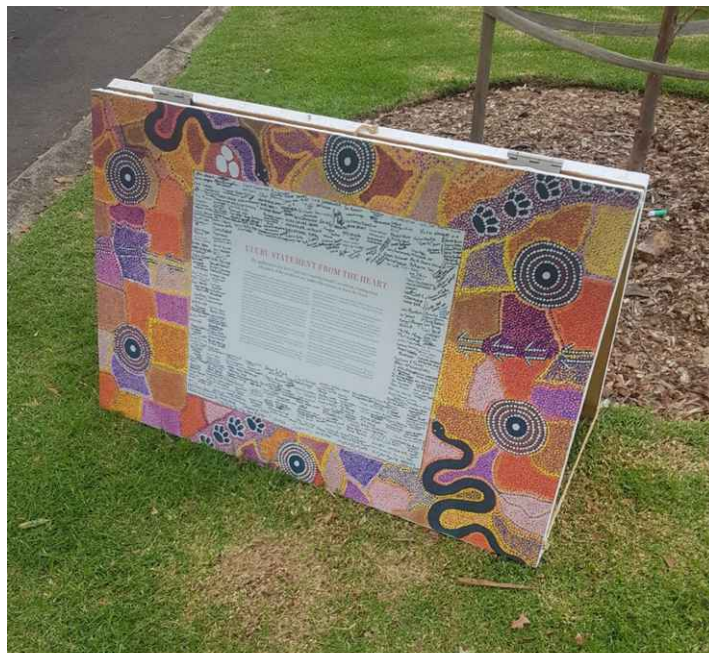
research. Minor amendments to my research plan and paperwork were approved after refinement through both a pilot interview and further discussion with Professor Wood. I then spent fifteen months in Australia, from September 2022 to November 2023.

My interview plan, reproduced in Appendices Two and Three and discussed below, made for flexibility. While there was a set of themes I wanted to ask about, and a number of historical facts I wished to know about the Convention and Referendum processes, I did not want to dictate the course of interviews more than necessary. Participants could choose between going through my questions and speaking generally on the research themes. Qualitative socio-legal projects benefit from being “relatively unstructured” and using techniques which “minimise researcher intervention”, especially when hearing “bottom-up” accounts of legal experiences, as this privileges the telling of stories most important to the interviewees (Mulcahy et al., 2021: S114-5). I did not seek to gather culturally sensitive or restricted information and made this clear in my participant information sheet.

I took advice on my interview plan from a number of Indigenous scholars and friends, including from Rick Goode (Darug) through a pilot interview. Among other things, they advised me to introduce myself, my background, qualifications, and past experiences with Indigenous people before I asked about a participant. I included a detailed personal introduction in my letter to potential participants and took time to introduce myself at the start of interviews. Many participants appreciated this. It was often twenty minutes or more before I asked to switch on the recorder.

Over several months until mid-2023, I made a spreadsheet listing all Aboriginal and Torres Strait Islander individuals I could identify who had been at the Convention or had been involved in any other public constitutional change process or advocacy.

For the former group, identifying Convention attendees was challenging. Unfortunately, the archived records of the Council, which include an attendance list, were not publicly accessible during my research. I photographed the signature blocks of a facsimile copy of the Statement, which by my count contains the signatures of 222 attendees and the four artists who painted it, and transcribed every signature that I could. I combined this list with names from public books, newspaper reports, and online media.



*Facsimile copy of the Statement used for public education  
Warrane/Sydney (26/01/23).*

The latter group included members of past government processes (like the Expert Panel and the Co-Design Process), a State or Territory process (like the First Peoples' Assembly of Victoria), the government's Referendum Working Group or Referendum Engagement Group, the various Referendum campaign groups, the Aboriginal Tent Embassy, politicians who had spoken on the topic, and others who had engaged in public constitutional change advocacy. My lists were limited by my own knowledge and access to public reports and media.

The Referendum happened while I was in Australia. Referendum advocacy became centrally important, so I adapted to this context. I added questions about the Referendum, added people to my spreadsheet who were part of the various campaigns, extended my time in Australia by three months, and conducted more interviews.

In total, I identified 378 potential participants, including every Convention attendee I could identify. I was able to email 267 with my letter and invitation to an interview, which resulted in 73 interviews (see Figure 3 below, and Appendix A). For a couple of non-Convention categories with a large number of members, including the Voice Co-Design Process and the First Peoples’ Assembly of Victoria, I contacted a sample rather than all members.

**Figure 3: Participant Summary**

<b>Category*</b>	<b>Total people in category</b>	<b>Number identified</b>	<b>Number invited</b>	<b>Number of interviews</b>
Convention attendees	~250-280	207	159	43
Other public constitutional process or advocacy involvement (excluding Convention attendees)	Unknown	170	107	29
Pilot interview	N/A	1	1	1
<b>TOTAL</b>		<b>378</b>	<b>267</b>	<b>73</b>

\* The sub-categories of these groups are described in greater detail in Appendix A.

Including the pilot, the interviews took place between 5 October 2022 and 16 October 2023. Most occurred between April and October 2023, and only one was after the 14 October Referendum. I committed to travel to those who wished to meet in-person. 35 interviews took place in the area participants lived or worked, seven at a place we had mutually travelled to and found convenient, five were by telephone, and 26 were by online video-call. The in-person interviews happened at various venues, including cafés, restaurants, workplaces,

homes, cultural festivals, park benches, pubs, hotel lobbies, churches, conferences, and community centres. Participant Robbie Thorpe even hosted me as his guest on live community radio program Bunjil’s Fire. He told me before switching on the sound, “welcome to the fire, bruzz! ... Just do your usual, and I’ll add a bit of spice”. It was a very informative interview.



*Park bench at the Australian National University, where one interview took place Ngunnawal/Ngambri Land, Canberra (14/04/23).*



*The Aboriginal Tent Embassy, where another interview took place Ngunnawal/Ngambri Land, Canberra (09/05/23).*

When introducing my project to participants in interviews, I emphasised the importance of participant voices and perspectives on constitutional change. I explained it orally this way in my interview with Jackie Huggins:

[T]he main part of the PhD is to listen to and catalogue and reflect on the range of Aboriginal and Torres Strait Islander perspectives on constitutional change and legal change. And put those voices in the centre of the work. And get – reinterpret constitutional literature through those perspectives, which aren't always in the constitutional literature.

As described above, I designed the interviews as open-ended conversations. I brought printed copies of my documents, and participants could complete a written or oral consent form.<sup>11</sup> I made it clear that while I had some key questions, we did not need to go through all of my questions, or do so in order. Appendix B shows a copy of my wider set of potential questions, with the key questions highlighted.<sup>12</sup> I also offered participants a printed sheet, shown in Appendix C, with a dot-point list of general topics which they could speak to directly if they preferred.

My meetings with participants varied from around half an hour to three and a half hours, with an average audio-recorded time of 72 minutes. Participants were generally comfortable with audio recording and occasionally asked me to pause the recording for a politically or personally sensitive part of our discussion. 71 of the 73 interviews were audio-recorded, and I took handwritten notes for all.

Often, participants made comments and gave helpful feedback about the way I was conducting the interviews and the project. They were supportive of my process and content with my ethics paperwork. Many had been interviewed or had interviewed others before.

---

<sup>11</sup> Participants were free to choose either: a written form they filled out and signed, or an oral form which I filled out and signed in their presence while we discussed it. Either way, I scanned and emailed the form back to them after the interview.

<sup>12</sup> While I kept a copy with me, I often did not bring it out, as I had memorised the key questions and followed the discussion from there.

Several knew Professor Wood and asked me to give him their regards. Lidia Thorpe said of my joint supervision arrangement from Oxford, “quite reputable universities... where I know ethics is taken into consideration. Yep, very happy”. Samuel Aniba described the forms as “culturally appropriate” and said that his participation was important:

[F]rom my experience, being a Torres Strait Islander living on mainland... and involvement in community issues, on the ground at the grassroot level, would be contributing to Marcus’s research. I feel that it’s very important for me as well, participating in this research work with Marcus.

Many participants made positive comments about my having shared my background and qualifications, and some discussed them. Gary Foley quizzed me about Oxford and quipped about my Rhodes Scholarship, “you’re the first fucking Rhodes scholar who’s ever interviewed me... And that is a feather in your cap”, so “you’ve got the opportunity to, in some small part, redeem the image”.

Many participants made positive comments about my approach. Uncle Kenny Bedford said the conversation was good for reflection and stated at one point, “you’re just gonna be my counsellor for a little while”. Stacey Ketchell commented, “thank you for allowing us to share, ay?”. Participants generally supported and utilised the semi-structured plan. Shane Sturgiss suggested we go through my questions, and then “if the answer to that question leads into a flowing conversation, I think that’s quite a natural and organic process”. Others preferred to work off my list of general topics. Megan Krakouer did so, saying, “you’re really easy to work with, aren’t you? ... let me go through a couple of these, ay, if that’s alright? ... this is so nice and easy to prompt”. Uncle Ossie Cruse said, “you’ve done a very good job. You’ve flagged, in my mind, just about everything that there is to flag”. Ross Williams said he was “very comfortable with the sitting down, having a good old yarn with you”, and kindly observed when describing such conversations as relationships:

I know you were here for a purpose. And that purpose was to ask questions as a part of that. And I was comfortable with that. But my optics is, I saw you, I saw your smiling face, that relaxed me straight away. I knew how to respond to you. With confidence, with respect, as you were doing to me. So, bang, bang, bang.

Participants often thanked me for my time just as I thanked them and offered to assist if anything further was needed. Some said that it helped them reflect or even prepare for talks they were going to give in the Referendum debate. Rick Goode said, “I’ve had some ‘a-ha’ moments today while I’ve been discussing myself, and I’ve unpacked some of my thoughts”. Jackie Huggins said, “it’s really helped me refine some of my thinking, actually. Been very helpful to me too, you know?”.

Others described the interview as an opportunity for truth-telling, a theme of Chapter Nine, or an expression of their voice. Suzanne Thompson commented, “I hope that your PhD can at least inform some truths and stuff out there”. Samuel Aniba said, “this is where my voice is, to you. Through research like this. ... this is a good opportunity. That’s why I took it. I hope your thesis, someone will read it one day”. Ngaree Ah Kit said of my invitation, “I jump at the opportunity to not only have my say, but to make sure that my voice in a sea of voices is able to be understood and heard”. Uncle Bill Nicholson Jr observed, “you’re giving us another version of a voice now”, and “you’re giving us another outlet, which is good”.

Several participants were excited to participate because of the historical importance of the topic. Jade Ritchie concluded, “my pleasure Marcus, really happy for you to be making sure that this moment in history is well recorded”. Denise Bowden commented on my recording Referendum debates that “it is history in the making”. Aunty Pat Anderson worried that if the Referendum failed, “nobody” would then write about this topic. Person RS reminded me to clearly link my writing to the broader historical context, saying, “that’s what we want. We want people to write truthfully, and honestly, and with integrity, about us”.

Others described wanting to help me learn. Jackie Huggins said she wanted to help because “PhDs are important”. Person TF said, “that’s what I’m here for, to educate”.

Participants encouraged me to get as full a story as possible, often offering to connect me with others, even political opponents. Divina D’Anna, a Yes supporter, suggested some names of people on the fence or against the Referendum: “I throw a few of those for you too, and then you can make it very balanced”. For some Convention attendees it was the first time they had discussed the details of the event in an interview. Karel Williams commented, “it’s really interesting what you’re doing. I haven’t really had the opportunity to talk about that whole process”. This was especially so for the prominent minority on what I define below as the “Progressive No” side, who perceived a lack of political, historical, or academic interest in recording their perspectives. As Lidia Thorpe said, “people on your list for Walk-Out group, they need a platform. So, that’s the problem. No one’s heard from them, because they’re all battlers... we don’t have the high-flyers funding our movement”.

## ***B. My Travels***

I travelled widely across Australia for this project in order to meet participants, attend events, further my education, and learn more about the Land. I attended around one hundred events and talks to see Aboriginal and Torres Strait Islander advocacy in different contexts and meet advocates. These included public talks and lectures, rallies and protest marches, memorials, community events, museums, Referendum campaign events, film screenings, and cultural festivals. Below are some of my photographs from protests and campaign events.



*Invasion Day March  
Warrane/Sydney (26/01/2023).*



*Voice for the Dead and Failed March  
Ngunnawal/Ngambri Land, Canberra (09/05/23).*



*Referendum Town Hall Q&A  
Warrane/Sydney (02/04/23).*



*Yes23 Campaign Launch Event  
Warrane/Sydney (02/07/23).*



*Yes23 Walk For Yes March  
Boorloo/Perth (17/09/23).*



*Yes23 Final Push Rally  
Parramatta (08/10/23).*

I also attended longer events. In April 2023, I attended a week-long Aboriginal Immersion Program hosted by Budawang Yuin people through Nura Gunyu Aboriginal Cultural Education at a campground on Yuin Country near Ulladulla, a few hours from where I grew up in Warrane/Sydney. It was called “Bagia Narway Gabun Buridja”, meaning “learn today from yesterday for a better tomorrow” in the local Dhurga language. I also attended three major cultural festivals: the Barunga Festival, the Laura Quinkan Dance Festival, and the Garma Festival. At Barunga I volunteered with the Heart Foundation and at Garma I volunteered with the Yothu Yindi Foundation.



*Volunteering at the Garma Festival, Gulkula (03/08/23).*

I visited Yulara and Uluru-Kata Tjuta National Park and camped at the same campground as some of the Convention attendees in May 2017. I visited the galleries which displayed works of the women who had painted the Statement and met one of them, Charmaine Kuliŋja, buying two of her smaller paintings. She asked me to sit with her while she painted and showed me how she worked. After we talked, she gave me some bush

medicine to take with me on my journey in case of aches, pains, or a sore throat. When I told this to Ken Wyatt, he sternly advised, “use it”. I did.



*My tent at Yulara campground (02/09/23).*



*Uluru at sunset (03/09/23).*

In total, outside of Warrane/Sydney, I spent 124 nights with friends, 33 nights camping, 12 nights in backpackers’ lodges, and three nights on transportation, visiting many regions. Divina D’Anna said of the more remote locations I have been to, “see, that’s what you call grassroots training. That’s first-hand experience there. Even some of the big-hitting names you interviewed probably haven’t been out there”. Aunty Pat Anderson was interested in my camping experiences in Central Australia, commenting on a photo I showed her:



*“That is a great photo, yeah! Oh, that’s beautiful, hey”.*  
Aunty Pat Anderson said of this pink cockatoo in Central Australia (30/08/23).

### ***C. Data Analysis and Writing***

Between the final interview in October 2023 and August 2024, I manually typed complete or partial transcripts of every interview, with a combined length of over 486,000 words. For partial transcripts, I still reproduced a participant's relevant comments verbatim, but excluded most of my comments and some of the more incidental conversation.

I conducted my analysis in three phases. The first focused on every comment about the Council and Convention process by the 43 participants who were there. The second focused on every comment made more generally by the first eleven participants. The major chapter-level and section-level themes emerged from this. The third, and longest, then focused on every comment made by every participant, grouped under each of those thematic headings. This involved a series of read-throughs of the transcripts where each read-through was dedicated to one or more of those thematic headings.

My method of analysis in each phase was to carefully read through all of the transcripts, or parts of the transcripts relevant to that phase, and to copy each relevant quote into a large table. Each major theme had its own table, and for each table, a series of boxes each covered a point made about that theme. New points were added into new boxes. This way, after each read-through, I could see which points were most important (by the length and number of participant quotes in each box), and whether and how they were contested (by the diversity of views within a box, or diverging boxes alongside one another). I drafted the chapters using these tables, selecting quotes from the boxes that represented well the main views on each point.<sup>13</sup>

---

<sup>13</sup> The attribution of these quotes depended upon whether a participant consented to being quoted with or without their name.

This process gave me the material for writing chapters structured around the themes participants prioritised. I have had to condense the chapters, and some participants are not quoted many times. Every interview, however, informed the thesis, its themes, and my discussion of those themes. It has been my job as author to shape the narrative from the broad themes that emerged across the interviews.

Approaches based on building from the data have been described as grounded theory (Charmaz and Bryant, 2011), and my analysis resembled the grounded theory approach to open coding (Oktay, 2012: 61). However, I did not go on to use multiple phases of interviews for theoretical sampling, as many grounded theorists do (Oktay, 2012: 32, Charmaz and Bryant, 2011: 305). The scientific reasoning behind my method of analysis was more inductive than deductive. Instead of applying a general principle to the data, I sought to analyse the data on its own terms to see what general principles might be drawn from it (Silverman, 2020: 4).

I have generally used the term “Aboriginal and Torres Strait Islander” or “Indigenous” rather than “First Nations” or “First Peoples” when referring to a wider population, and a specific language or nation-group, if known, when describing an individual. This reflects the terms participants most commonly used in the transcripts. Participants used different terms, often interchangeably. Some preferred First Nations (Karel Williams: “it’s recognising that we’re not one homogenous group. It’s explicit that we were here first”), but others considered it new or foreign-influenced (Gwenda Stanley: “the American, Canadian terminology”). As Jackie Huggins said:

[P]eople use “Indigenous”, “First Nations”, “Aboriginal and Torres Strait Islander”, all together. ... I use them, I’m not wedded to any one of them really, except I’m old school to use the “Aboriginal and Torres Strait Islander”, cause it just rolls off the tongue.

I have used dual-naming for locations where I am aware of a local name for a place distinct from its colonial name. As Aboriginal author Tony Birch has written, non-Indigenous naming is related to Indigenous dispossession and white colonisation of the landscape (Birch, 1992: 234). Mick Dodson said in his interview, “I’m from the Yawuru people, from a place we call Rubibi. The whitefella colonisers call it Broome”. Dual naming is increasingly accepted as a way of more accurately reflecting Australia’s history (Maria, 2023, Archibald-Binge, 2025). I have generally followed National Indigenous Television’s suggestions (Verass and Moran, 2023). As Aunty Pat Anderson said of her Alyawarre people, “there are several ways to write it, depending on which linguist actually wrote it down”. Spelling variations are common, and some of the names I have used may become outdated over time. I apologise for any errors.



*Amended road sign showing local place names near Mparntwe/Alice Springs (30/8/23).*

## V. PARTICIPANT DIVERSITY AND REPRESENTATIVENESS

The 73 people I met were extraordinary and had much knowledge to share. They were also diverse. They were of different genders (with a slight majority of women), of various ages (ranging from age 21 to 89), from urban, rural, and remote areas, and from dozens of

different Aboriginal and Torres Strait Islander language groups and nations. Participants were from each of the eight States and Territories of Australia, seven of which I travelled to in person. They had a spectrum of experiences of living on and off-Country: some had lived on their traditional Country their whole lives, some had moved nearby or far away, and some had never lived on their traditional Country. About two-thirds lived far from their traditional Country at the time of interview. Their skin tones and ancestries were also highly varied. Some participants or their relatives had been members of the Stolen Generations, and others had not. Some spoke multiple traditional languages, and many spoke none. Many were highly educated in the Western system, some had not finished school, and others were Elders, highly educated in their traditional system. Each participant and their families had experienced culture, the state, racism, and colonialism in different ways. They came from many career backgrounds, including as teachers, healthcare workers, manual workers, artists, lawyers, consultants, politicians, preachers, writers, farmers, pilots, charity sector workers, businesspeople, public servants, Aboriginal Tent Embassy caretakers, and workers in Land Councils and Aboriginal Community-Controlled Organisations.

Two participants suggested I take a photo of them for the thesis.<sup>14</sup> Megan Krakouer, left, is a Menang Noongar woman who is a suicide prevention and trauma recovery worker and social justice advocate. Sally-Anne Gamble, right, is a Yamatji Ngarlu and Noongar woman and artist who is a specialist Aboriginal mental health worker and was a youth delegate at the Convention.

---

<sup>14</sup> While permission for a potential photo was part of the consent form, I decided that I would only take one if a participant also suggested it, so as not to pressure participants or interrupt conversation.



*Megan Krakouer*



*Sally-Anne Gamble*

My sample was not a randomised representative sample of all Aboriginal and Torres Strait Islander people and their constitutional perspectives. Instead, it was two specific samples: (1) Convention attendees; and (2) people who have been involved in public constitutional advocacy and processes in other ways.

Regarding the first group, I interviewed 43, around one-sixth of those present. They came from different parts of Australia and had played different roles in the process (elected delegate, Regional Dialogue facilitator, Regional Dialogue Co-Chair, invited delegate, logistics team, technical advisor, Council member). There were strong supporters of the Statement, hesitant signatories, and members of the Walk-Out group. I am confident that these 43 were a representative sample of attendees. However, the Council process through which attendees were selected had its own sampling bias, structured as a size-limited invitation-based process. My sample is only as representative as that process, as I discuss further in the following chapters. Land Councils and local organisations with local

community knowledge were prominently involved in drafting the Regional Dialogue delegate lists, and the Dialogues elected delegates to the Convention. But not every community and region was involved, and nation-groups did not choose representatives.

Regarding the second group, this sample of 30 participants was geared not only towards people who were active in civic life, but also who were active in a way I could identify, for example through a government process, a report, or a news article. Many of them were highly educated and had experience working in public life.

These two groups do not represent all Aboriginal and Torres Strait Islander peoples. In accordance with my ethics approval, I did not interview people under the age of eighteen, and most participants were middle-aged or older. I only conducted interviews in English with people who had carried out advocacy in English. While fewer than ten percent of the wider Indigenous population speak an Aboriginal and Torres Strait Islander language at home, this is an important group (National Indigenous Languages Report, 2020: 42). I also met many more Aboriginal than Torres Strait Islander people: 63 described themselves as Aboriginal, four as Torres Strait Islander, and six as both, but all lived on the mainland. So, my thesis does not represent the unique advocacy going on in the Torres Strait. However, as Jay Kickett said of the Convention, “you’ll never have a consultation process in Aboriginal affairs that is gonna answer everything for everybody. But it’s got to be robust enough”. I hope my process has been robust in the context of what I have set out to do.

When discussing the various positions on the Voice proposal and the Referendum, I use three terms for grouping perspectives: “Yes”, “Progressive No”, and “Conservative No”. “Yes” is the largest group and refers to those who indicated they would support, vote for, or campaign for the Referendum, while having a wide range of views about the Voice proposal itself. “Progressive No” is a significant minority group of people who indicated they would oppose or vote against the Referendum on the basis that it was too little, for example because

it did not guarantee any rights or fundamentally change the legal system, or because they did not want to support or endorse a Constitution they disagreed with or saw as colonial.

“Conservative No” refers to those who opposed the Referendum because they thought it was too much, and would be risky, divisive, or give undue rights to Indigenous Australians. The politicians I met came from a range of Australian political parties: Liberal (centre-right), Labor (centre-left), and independent Lidia Thorpe (left, formerly of the Greens). But among all participants, none supported the Conservative No case. This position, although prominent in non-Indigenous Australia and the main influence on the Referendum outcome, was very rare in Indigenous advocacy. None of those at the Convention took this position. Of the 378 potential participants I identified in my spreadsheet, eight (2.1%) were identified as Conservative No supporters, and although I sought to contact them, none took part in an interview. While it would have been valuable to meet someone from that group, it was a small minority position. The main differences at the Convention and in wider advocacy were between the reasoning of the Yes and Progressive No groups, and that is what I prioritise in the thesis.

## **VI. CONCLUSION**

Uncle Ossie Cruse was right when he told me that three years for this project “seems short”. I gave it the time I could: over four years. While there are limitations to what I can say and know from my non-Indigenous position, I can also do something useful, and participants kindly recognised that. Shane Sturgiss generously commented at the end of our interview:

And thank you for taking the time to actually focus on this topic for your thesis. It’s a huge – I mean it’s a huge job anyway writing a thesis – but to do one on a topic where you’re not First Nations Australian, so, to choose that, I think is, you’re quite brave. And I’m quite thankful for you in doing it.

While these meetings were short in the context of life, they were meaningful. I learned to treat them as two-way discussions, in forming relationships, because that is how participants engaged with me. Many spoke with humour, openness, and kindness. As Rod Little joked, “this table, we’re lucky they’re steel legs, or I would’ve talked them off already”. Some gave me a gift, or a piece of their art. Others wished me well in a traditional language or welcomed me to their Country. Participants were encouraging of my learning and travel. As Peta Braedon asked, “been real lucky, hey? ... And you’ve changed by it, hey?”.

The relationship aspect was clear when several participants asked about my age and gave life and career advice. When discussing our ages, Ross Williams called me a “young chook” and said he was “more interested in your future and where you fit in the world” than in the PhD thesis itself. June Oscar said my work is “much needed” and encouraged me to keep going: “you must always remember, you have to have a purpose”. Gwenda Stanley prompted me to get back and do human rights work with Aboriginal Legal Services: “you finish that degree, brother, we need you”. I return to this theme of Indigenous and non-Indigenous people working together in the final chapters. As Robbie Thorpe urged when we parted, “keep with us”.

**CHAPTER THREE**  
**HISTORICAL BACKGROUND**

## **I. BEFORE COLONISATION**

Aboriginal and Torres Strait Islander peoples in pre-colonial Australia developed “a mosaic of communities and groups”, each intimately connected with their own Country (ATSIC, 1995: 1.8). Distinct Countries formed a multipolar network where each is independent, but also “no country can live without others” (Rose, 1996: 38). They formed complex trade, knowledge, and ceremonial networks, sometimes extending to peoples in modern-day Indonesia and Papua New Guinea (Kerwin, 2010, Clark and May, 2013, Lawrence, 1994). Some groups also integrated foreign castaways or runaways into their communities (Maynard and Haskins, 2018, Anderson, 2009, Larkins, 2020).

While each group was different, many shared common features. Ian Keen (2004) compared commonalities across seven Aboriginal case study groups from different regions at “the threshold of colonisation”. These groups accessed food across all seasons using various technologies of hunting, gathering, elaborate fish and eel traps, cultivating, seed-grinding, and fire management (see also Pascoe, 2018, Gammage, 2011). Population structures and movements depended on regional and seasonal conditions, sometimes with differences between large sedentary gatherings and ceremonies in more abundant seasons and small mobile groupings at other times. Language, locality, totem, and kinship groups formed “shifting webs” of social networks (Keen, 2004: 205). Individuals belonged to Countries, which determined their rights to use and access certain Land. Communities described creator ancestors, responsible for law, who left traces in the Land. Resource sharing depended on kinship obligations and relations of reciprocity, including trade relationships (Keen, 2004).

Among others, Gammage (2011), Pascoe (2018), and Rose (1996) have catalogued how Aboriginal Land was carefully managed and adapted. Groups used fire to control the growth and movement of plants and animals, in order to ensure abundant food supply and manage what Bill Gammage said was not “wilderness” but rather “the biggest estate on

earth” (2011: 1-3). Conflict and fighting were generally “controlled by elders and senior adults... according to social rules” (Memmott et al., 2001: 23). Elders exercised authority and gender determined some division of labour (Keen, 2004: 330). The role of Elders was and is important, their authority derived not from their age but “contingent upon their knowledge and skills, including their capacity to extend relatedness” (Graham et al., 2011: 86).

## II. BRITISH COLONISATION

In 1770, on a mission jointly commissioned by the British Government and Royal Society, Lieutenant James Cook led the ship *Endeavour* along the eastern coastline of what is now Australia (Cook, 2014). The crew first landed at Gamay/Botany Bay on 29 April 1770. According to Cook’s journals, locals “seem’d resolved to oppose our landing” and Cook “fir’d a musquet” at them three times (2014: 242-3). Cook stole items including around 40 Gweagal spears from the area, some of which were returned in 2024 (Prickett, 2024, Diss and Wilson, 2024).

On 22 August 1770, Cook landed on Bedanug/Possession Island in the Torres Strait and claimed possession of the eastern coastline of Australia for King George III (Cook, 2014: 312). This apparently breached his instructions. The Royal Society’s President had instructed Cook regarding Indigenous peoples, “no European Nation has a right to occupy any part of their country, or settle among them without their voluntary consent. Conquest over such people can give no just title” (in Banner, 2007: 14). The British Government had secretly instructed Cook, “with the consent of the natives to take possession of convenient situations in the country in the name of the king of Great Britain, or, if you find the country uninhabited take possession for His Majesty” (in Banner, 2007: 14).



*The Captain Cook statue in Warrane/Sydney declares:  
“Discovered This Territory 1770” (22/10/2023).*

Arthur Phillip captained the First Fleet, which established a British penal colony at Warrane/Sydney in 1788. His instructions refer to him as “Our Captain General and Governor in Chief of Our Territory called New South Wales”, defined as the whole eastern half of Australia (Museum of Australian Democracy, 2025b: 1). Phillip’s instructions required him to “open an Intercourse with the Natives and to conciliate their affections, enjoining all Our Subjects to live in amity and kindness with them” (at 6). The instructions empowered Phillip to make land grants, which, from 1792, expanded colonial frontiers (Museums of History NSW, 2025).<sup>15</sup> As one of my participants Ray Minniecon observed, the land we met on had been “granted” in 1792: “we’re sitting here in Sydney, looking at the scar tree over here. ... granted by the Crown. Without any reference to the Gadigal people”. The

---

<sup>15</sup> When discussing British-system grants and rights, I use lower-case “land”.

Crown issued further Letters Patent in 1825 and 1829 which extended its claims over the whole of mainland Australia (Museum of Australian Democracy, 2025a, Hitchcock, 1929: 9, Ewers, 1971, Museum of Australian Democracy, 2025c). The British later annexed the Torres Strait Islands to their Queensland colony (*Queensland Coast Islands Act 1879*).

No land had been ceded, no treaties made, and no conquest declared. British citizens debated and challenged the Crown's claims (Banner, 2007: 32-3). In 1786, London newspapers had debated the legitimacy of the Government's planned "Botany Bay Expedition". One writer questioned "so much human blood being spilled in such unjustifiable acquisitions" (Atkinson, 1982: 86). Historian Henry Reynolds has described Phillip's instructions as "an astonishing assertion of sovereignty that had almost no credibility in international law" and "an act of theft on a truly heroic scale" (2021: 24; 49).

The British claims were based on the Doctrine of Discovery, a European international law principle describing how unoccupied lands could be claimed by their "discoverer". As Dutch international jurist Hugo Grotius wrote, "discovery applies to those things which belong to no one" (Grotius, 1625: 361). In 1765, English jurist William Blackstone described such lands, "claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother country" (Blackstone, 2016: 75). Occupation was essential to the doctrine. Grotius considered that "the act of discovery is sufficient to give a clear title of sovereignty only when it is accompanied by actual possession" (Grotius, 1633: 12). But the British claims preceded actual possession. Even by Australia's Federation in 1901, large parts of Australia were still not occupied by or under the effective control of colonists (Reynolds, 2021: 81-3). The Doctrine of Discovery, as applied to Indigenous-occupied territories, had apparently been "adopted to regulate the competition between the European Powers themselves, and it had no bearing upon the relations between those Powers and the natives" (Lindley, 1926: 26).

Since the nineteenth century, international lawyers have used the Roman law term *terra nullius*, or “land without owners”, to describe European imperial practices, including the Doctrine of Discovery, of acquiring sovereignty through occupation (Benton and Straumann, 2010). As Justice Brennan summarised in *Mabo (No 2)* (1992), discussed below, “international law recognised conquest, cession, and occupation of territory that was *terra nullius* as three of the effective ways of acquiring sovereignty” (at 32).

The distinction between settlement of “discovered” or “desert” lands and conquest or cession had significant implications. As Blackstone explained, “in conquered or ceded territories, that already have laws of their own... the antient laws of the country remain” unless altered by the Crown (2016: 75). In 1758, international lawyer Emmerich de Vattel observed that when sovereignty changes hands, “the conqueror seizes on the possessions of the state, the public property, while private individuals are permitted to retain theirs” (de Vattel, 2011: 387).

The British legal position in early colonial Australia was confused. The Supreme Court of New South Wales struggled to define the Crown’s relationship with and jurisdiction over Aboriginal peoples. In *R v Ballard* (1829), it acknowledged legal pluralism, holding that it had no jurisdiction where all parties were Aboriginal, since Aboriginal people had their own laws and had not consented to British law (Kercher, 1998b: 9). The Court reversed this in *R v Murrell* (1836), describing Aboriginal peoples as not attaining “such a position in point of numbers and civilization, and to such a form of Government and laws, as to be entitled to be recognized as so many *sovereign states governed by laws of their own*” (in Kercher, 1998a: 415-6). Justice Willis rejected *Murrell* in *R v Bonjon* (1841), but the Chief Justice, Governor, and Colonial Secretary disagreed (Dowling, 1842, Gipps, 1842, Lord Stanley, 1842). It was also unclear whether the Governor’s exercise of absolute power over the

colony's British subjects was constitutionally valid prior to the *New South Wales Act 1823* and *Australian Courts Act 1828* (Shepherd and Gifford, 1819, Bentham, 1803).

The Crown's universal right and jurisdiction were further asserted in the *Australian Colonies, Waste Lands Act 1842* and *Attorney-General v Brown* (1847). Finally, the Privy Council in *Cooper v Stuart* (1889) declared New South Wales "a tract of territory practically unoccupied, without settled inhabitants or settled law, at the time when it was peacefully annexed to the British dominions" (Lord Watson at 291).

In comparable former British settler colonies like the USA, Canada, and Aotearoa/New Zealand, Indigenous sovereignty and treaty-making rights had been recognised.<sup>16</sup> King George III's *Royal Proclamation of 1763* acknowledged, in North America, lands which "not having been ceded to, or purchased by Us, are still reserved to the said Indians" (in Brigham, 2014: 216). The USA has recognised 574 tribes as "domestic dependent nations" (Bureau of Indian Affairs, 2024, *Cherokee Nation v Georgia* (1831)).

There is significant debate about why the British approach was different in Australia. Stuart Banner has summarised some justifications: land purchases would be slow and difficult because of apparent Indigenous sparseness, diversity, and lack of interest in British goods; Cook's crew had incorrectly assumed it was only a small coastal population; and misunderstanding and racism guided colonial assumptions about Aboriginal "primitivity" and understanding of law and property concepts (2007: 17-27). Joseph Banks, who had travelled on Cook's *Endeavour* and advocated for the penal colony, told a House of Commons committee in 1785, "there was no probability while we were there of obtaining anything

---

<sup>16</sup> For Canada, see *Constitution Act, 1982* section 35; for the USA, see *Cherokee Nation v Georgia* (1831), *Worcester v Georgia* (1832), *Johnson v McIntosh* (1833); for Aotearoa/New Zealand, see *Treaty of Waitangi* (1840), *Queen v Symonds* (1847), *Attorney-General v Ngati Apa* (2002). See also *Western Sahara, Advisory Opinion* (1975).

either by cession or purchase as there was nothing we could offer that they would take except provisions and those we wanted ourselves” (in Attwood, 2020: 28).

However they justified their claims, the British were aware of Indigenous peoples’ prior occupation, comfort with their own ways of life, and attachment to their Land. Cook himself observed, “they are far more happier than we Europeans” (2014: 323). Governor Philip Gidley King (1800-06) privately described Aboriginal people as “the real Proprietors of the Soil” (Banner, 2007: 31). Aboriginal peoples resisted colonial violence and territorial encroachment from the beginning (Reynolds, 1982, Reynolds, 1987, Reynolds, 1992). The fighting on the expanding colonial frontier is now described as the “Frontier Wars” or the “Australian Wars”. Several Aboriginal warriors from this time, such as Pemulwuy, Windradyne, Yagan, and Jandamarra became legendary. Pemulwuy led the first resistance war around Warrane/Sydney from 1790 (Kohen, 2006). In Lutruwita/Tasmania, conflict from the 1820s to 1832 saw years of British martial law and hundreds of casualties on both sides (Clements, 2013). The British killed most of the Aboriginal population and forcibly relocated the remainder. Violent resistance continued for over a century.

John Batman and some colonial entrepreneurs had attempted to make two private treaties in what is now Victoria in 1835 (Batman, 1835, Attwood, 2009). However, Governor Richard Bourke proclaimed that all land in Australia was Crown land, and that any treaty or purchase “is void and of no effect against the rights of the Crown; and that all Persons who shall be found in possession of any such Lands... will be considered as trespassers” (Bourke, 1835b). The Colonial Secretary confirmed Bourke’s position (Lord Glenelg, 1836, Bourke, 1835a). Uncle Bill Nicholson Jr, on whose Wurundjeri Country Batman’s attempt took place, explained:

Wurundjeri story, in 1835, our law was disregarded. Because that was the year when John Batman arrived, who was considered the founder of Melbourne, who tried to

acquire land through a land purchase, which was made null and void under the terminology “*terra nullius*”, which his country was founded on. So even Batman himself, who tried to offer some form of compensation from the European law mindset, his own people said, “no”.



*Governor Bourke’s statue in Warrane/Sydney, which lists among his achievements that he “threw open the unlimited wilds of Australia to pastoral enterprise” (23/03/2023).*

After conflict in Lutruwita/Tasmania, Governor George Arthur called it a “fatal error ... that a treaty was not entered into with the natives” (Hobbs and Williams, 2018: 38). He pleaded for Britain to change strategy in South Australia (Select Committee on Aborigines (British Settlements), 1837: 121-2). In 1836, Letters Patent for South Australia acknowledged “the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment... of any Lands therein now actually occupied or enjoyed by such Natives” (Museum of Australian Democracy, 2025d). However, the Colonisation Commission circumvented these rights, permitting a British “Protector of Aborigines” to select “small portions of land” to hold on behalf of Aboriginal people, while distributing the rest to settlers (Banner, 2007: 35-6). Subsequently in Queensland, Letters Patent made no reference to

Indigenous peoples, authorising the Governor to grant “waste or unsettled lands” (Queen Victoria, 1859).

The British thus claimed Australia through a legal fiction of peaceful settlement, since neither conquest nor cession “could have been established at law or fact” (Wood, 2015: 43). It was widely understood that “every landowner in Australia had a vested interest in terra nullius” (Banner, 2007: 44). So, it is not surprising that many Indigenous peoples argue that Indigenous sovereignty has persisted despite the British claims and fact of occupation (Reynolds, 2021).

### **III. GRAVE CONSEQUENCES**

#### ***A. Massacres and Displacement***

In addition to Frontier Wars conflicts, there were many massacres, often on the expanding colonial frontier (Elder, 1998). The University of Newcastle’s Colonial Frontier Massacre Project catalogues 424 known massacres of Aboriginal and Torres Strait Islander people between 1788 and 1930, conservatively estimating that at least 10,000 people were killed (Ryan et al., 2025b). British officers also commanded Native Police units, formed of non-local Indigenous troopers, to carry out summary punishment and violence (Nettelbeck and Ryan, 2018). Historians estimate that tens of thousands of Aboriginal people were killed by Native Police and private citizens in Queensland alone (Evans and Ørsted-Jensen, 2019, Baldry et al., 2015).

One participant, Person TF, described how their ancestors survived the 1838 Myall Creek massacre, where the river “ran red with blood”. After at least 28 Wirrayaraay people were killed, seven of the twelve British perpetrators were hanged for murder, an exceedingly rare outcome (National Museum of Australia, 2025b, Wood, 2009). This elicited support for

the perpetrators from other colonists (Wood, 2009, Withycombe, 2018), and many subsequent massacres were kept secret through a “code of silence”, the use of euphemisms like “dispersal”, and civilian and state complicity (Ryan, 2019). Gwenda Stanley observed to me that after these hangings, “the silent war was declared”. Shane Hoffman described how reprisal massacres “wiped out so many Iman people, and the survivors basically went on to other Country for safety. And even there, there was some massacres there as well”. Several participants also described devastation from diseases like smallpox and the intentional distribution of flour and bread laced with arsenic or strychnine, and poisoned alcohol and tobacco (see Ryan et al., 2025a).

### **B. Displacement, Control, and Discrimination**

From the 1830s, Britain appointed “Protectors of Aborigines” to act as legal intermediaries between Indigenous people and the British system. Protectors were required to “civilise”, supervise, represent, and make decisions on behalf of Aboriginal people (Nettelbeck, 2020). By the early 20<sup>th</sup> century, Australia’s self-governing British colonies, and then states, had each legislated their own more oppressive powers of “protection” to confine Indigenous people to official “missions” and reserves, and control their lives there (Nettelbeck, 2020: 107-8). Many Indigenous peoples were displaced or forced onto missions far from their traditional Country and concentrated with other groups. “Protection” legislation was discriminatory and extensive (Aberdeen and Jones, 2021), and was often referred to as the “dog collar act” (National Museum of Australia, 2014).

Many participants shared family stories of being “under the Act”, or under the control of a state’s protection legislation. Doyen Radcliffe described his first home in an Aboriginal reserve where “we weren’t allowed to live in town” and “anything you did you had to report

to the Native Welfare”. Jennie Gordon explained how “we weren’t allowed to mix”, and her father “wasn’t allowed to attend school” due to being “under the Act”. Many needed a Protector’s or mission manager’s permission to work, move, marry, spend wages, or get provisions. Karel Williams described family “having to write to the Protector to ask for school shoes”. She said that under mission managers, “everything was controlled”, including language. Person RS described how “my uncle [had] stolen pennies. He was a probably a teenager. And he was *whipped* by the [mission] manager”.

This legislation varied widely across States and Territories. Mick Dodson’s family was forced to move after his parents’ marriage because his father “was considered a white man from Tasmania”, and “it was illegal, actually, to cohabit with Aboriginal women”. Person DH’s family “moved en masse in the late ‘50s” to “escape... being under the yoke of the Protector of Aborigines in WA”. Several participants described relatives having been granted exemption certificates, sometimes called “dog licences”, permitting independent living off the missions, but requiring holders to avoid cultural practices and contact with non-exempt Indigenous people (Aberdeen and Jones, 2021, ABC et al., 2017).

Economic development on missions was restricted. Person RS’s family was “prosperous” at Maloga Mission, but “they were put on Cummeragunja Mission” with “mission managers that were cruel”. Uncle Bill Nicholson Jr described his people’s successful farm at Coranderrk, which was “up there with the best farms in the state”. But “they... removed all the community’s children”. Victorian legislation in 1886, later emulated across Australia as “Half-Caste Acts”, broke down Coranderrk’s Aboriginal community by denying the Aboriginality of young people of mixed-descent and removing them (van Toorn, 1999: 341-2, Curthoys and Mitchell, 2012: 194).

While many Indigenous people had been forced onto missions, many were later forced to move off missions and into urban life. Ray Minniecon recalled how after 1967,

when the missions closed, “we had no choice but to move on and move into towns and cities”. Several participants described their communities facing racism and discrimination, and mixing with other marginalised communities. As Sally-Anne Gamble, who has Aboriginal, Chinese, and Afghan heritage, explained, “those communities were pushed out together, and kind of blended”. From the 1860s to the 1900s, a South Pacific labour trade called “blackbirding” and described as a slave trade brought around 60,000 Pacific Islander indentured labourers to north-eastern Australian sugar and cotton plantations (Banivanua-Mar, 2007, McKinnon, 2019, Stead and Davies, 2021). Ray Minniecon described how “my grandfather was taken from Ambrym Island in Vanuatu” at twelve, as “part of that slave trading they called Blackbirding”. Charline Emzin-Boyd said of her Tana Island New Hebrides Kanaka father meeting her Bundjalung mother, “they inter-married. They were just black people, you know. ...they felt safe in that [Aboriginal] community”.

Many participants described segregation and discrimination. Gary Foley remembered being refused service at a pub, being told, “fuck off, we don’t serve blacks here”. Uncle Ossie Cruse remembered how “the government treated Aboriginal people as second-rate citizens”. Aunty Pat Anderson remembered segregation in Garramilla/Darwin, where “I could buy a dress, but I couldn’t try it on. ...We could go to the pictures, but only through the side door. And a special ticket box”. Anderson also recalled how her mother “worked unpaid as a slave, domestic slave”, part of a widespread use of unpaid labour and the systematic withholding and stealing of Aboriginal wages (Banks, 2008). Erica Smits’s family was involved in bringing the 1965 Freedom Ride to Walgett, since “even the Aboriginal people who went to war and fought for Australia, also weren’t allowed to go into the RSL [Returned Services League] club”. Indigenous veterans faced discrimination (Riseman, 2016). When they returned, they were largely excluded from land grants under soldier settlement schemes, some of which distributed land from Aboriginal missions. Gwenda Stanley observed, “my

grandfather went to World War One and Two and still come home to a mission manager. Never got a veteran's pension. Never got his quarter acre block".

### **C. *The Stolen Generations***

The Stolen Generations policy involved removing Aboriginal and Torres Strait Islander children from their families, often forcibly adopting them into non-Indigenous families for assimilation. From 1910 to 1970, between one tenth and one third of all Indigenous children were removed, and almost all families were affected, with devastating intergenerational impacts (National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children From Their Families, 1997: 31; 230-9).

Many interview participants were impacted. Rod Little described how "family moved from one place to another. ... that was the strategy used by my parents to keep us away from the clutches of the Protector". They stopped moving after the 1967 referendum, discussed below. But despite the referendum, "one day, the police came and grabbed us kids off the street. My father protested and was sent to jail". Scott Wilson's father was stolen, and Wilson and his father first met his uncle years later by chance. Aunty Josie Crawshaw explained how, as a result of Stolen Generations policies, "I do not have the language or cultural practices to be in the main parts of ceremony when they happen on Community". She said the policies have caused "generational trauma" and "left many Aboriginal people disenfranchised, trying to operate and live off-Country... where they were removed to".

Several others described Stolen Generations policy informing their fear of police and officials, and family efforts to keep their children. Person RS remembered how "we were targeted. My mother moved six times with us". Gail Beck recalled officials coming to her school when she was eleven, but not being taken because her grandmother and mother had

taught her, “you tell them you’re Italian”. Charline Emzin-Boyd described her mother’s immaculate cleaning practices, developed to minimise the chance of her children being taken during house inspections: “even to the point where my mum passed at 86, you could eat off the floor of her bathroom”. Aunty Pat Anderson described how her mother had been taken “on horseback, by the police”, and how the trauma extended between generations:

[W]e were in the road playing, and the police came. Just a car driving past. The women, all the mothers would run out of the houses. “Get off! Policeman coming! Policeman coming! Hide! Hide!” So, they’d make us jump under beds, or run down the gully in the bush, or open a cupboard. “Get in there, you kids! Because police are here, and they’ve come to take you”.

The government-initiated *Bringing Them Home* report (1997) and a wide range of authors have characterised Stolen Generations policies, and other colonial actions in Australia, as constituting genocide as defined in the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) (Tatz, 1999, Docker, 2015, Lawson, 2014, Haebich, 2023, Gaita, 1997, Bartrop, 2001, Anaya, 2010). Some have proposed that cultural genocide, as expressed in Raphael Lemkin’s (1944) original concept, also occurred in Australia (Haebich, 2023, Lawson, 2014).

#### IV. THE CONSTITUTION

##### A. Origin and Powers

The Constitution of Australia took effect on 1 January 1901, having been passed by the British Parliament on 9 July 1900 as part of the *Commonwealth of Australia Constitution Act*. It was drafted through a series of 1890s Constitutional Conventions and votes across Australia’s six self-governing British colonies (Commonwealth of Australia, 2010). Australians retained British nationality (see *Nationality Act 1920*) until the *Nationality and Citizenship Act 1948* created Australian citizenship. Delegates at the Constitutional

Conventions, all non-Indigenous, had voted against a proposed “equal protection of the law” clause, and discussed how to ensure racial discrimination would be permitted (Australasian Federal Convention, 1898: 664-91).

The Constitution originally made three references to race. Section 25 contemplated that some States disqualified certain races from voting, and specified that if a State did so, then when calculating the number of MPs to represent that State, people of those races would be excluded from its population count. Section 51(xxvi), commonly known as the “race power”, permitted Parliament to legislate with respect to “the people of any race, other than the aboriginal race in any State”. This enabled race-based legislation but left Aboriginal affairs to the individual States. Section 127 excluded Aboriginal people from final census counts.

The Parliament used its new “race power” to pass the *Immigration Restriction Act 1901* (Cth), implementing the “White Australia Policy” of limiting non-British immigration. The last aspects of that policy were only removed with the *Racial Discrimination Act 1975*, which prohibited racial discrimination in several contexts (National Archives of Australia, 2025, National Museum of Australia, 2025c). The Parliament also passed the *Commonwealth Franchise Act 1902*, disenfranchising any “aboriginal native of Australia Asia Africa or the Islands of the Pacific except New Zealand” unless already enfranchised by their state (section 4). Disenfranchisement of Indigenous voters was removed in steps: for veterans in 1949, Commonwealth voters in 1962, and the last of state voters in Queensland in 1965 (National Museum of Australia, 2025a, Lino, 2017).

From 1958, the Federal Council for Aboriginal Advancement, later the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, advocated for legal equality (Foley and Anderson, 2006: 87). It ran a national campaign for constitutional change, resulting in the 27 May 1967 referendum. The proposal was to delete both references

to Aboriginal people in the Constitution: Section 127 entirely, and the exception in the section 51(xxvi) race power (“other than the aboriginal race in any State”). No formal “No” case was campaigned for, and it passed in all states with a vote of 90.77% (Attwood and Markus, 2007). Russell Taylor (Kamilaroi) described this as “a collective historic tipping point” (2017: 49). Indigenous affairs became a national policy issue (Stanner, 1979: 160-1). However, the section 51(xxvi) race power remained. Later, in *Kartinyeri v Commonwealth* (1998), the High Court confirmed that it could be used to detriment or discriminate against Indigenous people (Davis and Williams, 2015: 50-2).

### **B. The Northern Territory Intervention**

In April 2007, the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse delivered the *Little Children Are Sacred* report (2007). The report described widespread sexual abuse of children in Northern Territory Aboriginal communities, making extensive recommendations. It emphasised the need to understand Aboriginal world views, respect Aboriginal law, and empower Aboriginal people with local, community-owned initiatives (at 50-54). Its first recommendation was that “governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities” (at 22). On 15 June 2007, the Northern Territory Government released the report and committed to implementing all of its 97 recommendations. But on 27 June, Prime Minister John Howard and Indigenous Affairs Minister Mal Brough declared a national emergency and announced a federal intervention, considering the matter too urgent to follow the report’s recommendations (Brough, 2007, McRae, 2012: 63).

The Commonwealth Parliament passed extensive emergency legislation, the “Intervention”, without consulting affected communities, and sent Australian Defence Force

personnel to implement it (Williams and Hobbs, 2020: 131, Anaya, 2010). The legislation provided for intervention measures, including taking control of Aboriginal communities, modifying permit access to Aboriginal land, quarantining and restricting social security benefits, banning alcohol and pornography, excluding traditional law from consideration in criminal cases, increasing ministerial control over Indigenous councils and organisations, and the compulsory acquisition of Aboriginal land for five-year leases without compensation (McRae, 2012: 64-7, Anaya, 2010: 28-9).

This legislation suspended the *Racial Discrimination Act 1975*, which prohibited racial discrimination, on the basis the Intervention was a “special measure” for Aboriginal advancement. No human rights bodies supported this interpretation and several, including the United Nations, characterised the Intervention as racially discriminatory (McRae, 2012, Anaya, 2010). Parliament reinstated the *Racial Discrimination Act* in 2010,<sup>17</sup> and the Intervention ended in 2012, but many of its key measures including alcohol bans were extended until 2022 (Park, 2022b). It has been described as “militarised social policy” (Lea, 2020: 129) and a “neoliberal paradigm” which helped shift Indigenous policy “from the sovereign to the governmental realm” (Strakosch, 2015: 103; 129).

### **C. *Mabo, Native Title, and Litigation***

In 1982, a group of Meriam Torres Strait Islanders brought a land rights claim based on their traditional laws. In the High Court’s decision *Mabo (No 2)* (1992), a 6-1 majority overturned the terra nullius doctrine, and accepted that Australia was occupied at the time of colonisation by peoples who had land rights. Justice Brennan, in his lead judgment, stated that upon

---

<sup>17</sup> *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010.*

annexation, the Crown acquired sovereign paramount power over Australia, which could co-exist with pre-existing “Native Title” land rights until they are “extinguished” by exercise of “the radical title of the Crown to absolute ownership” (at 53). This radical title flowed from the feudal doctrine of tenure, “a doctrine which could not be overturned without fracturing the skeleton which gives our land law its shape and consistency” (at 45). Native Title could also be disrupted: “when the tide of history has washed away any real acknowledgment of traditional law and any real observance of traditional customs, the foundation of Native Title has disappeared” and “cannot be revived” (at 60). Justice Brennan still characterised Australia as “a settled colony” (at 43). The Court did not consider the implications for sovereignty, since “the Crown’s acquisition of sovereignty over the several parts of Australia cannot be challenged in an Australian municipal court” (at 69). A 4-3 majority also held that after extinguishment of Native Title, no compensation was payable.

In 1993, a national meeting of Indigenous individuals issued the Eva Valley Statement. They rejected the government’s proposed legislation to formalise Native Title law after *Mabo (No 2)*, stating that any national response “will need the full and free participation and consent of those peoples concerned”, must recognise that Native Title “cannot be extinguished by grants of any interest”, and must meet international law and human rights standards (in Coombs, 1994: 231-2). The government disagreed, however, and limited its consultations to a select group (Foley and Anderson, 2006: 96-7). Parliament passed the *Native Title Act 1993*, creating a process for Native Title applications.

In *Wik Peoples v Queensland* (1996), the High Court extended Native Title by holding that it could co-exist with, rather than be extinguished by, pastoral leases. This created “exclusive” and “non-exclusive” classes of Native Title. The government responded with amendments to the *Native Title Act* (Howard, 1997b), aiming to pour “bucket-loads of extinguishment” on non-exclusive rights (Williams and Hobbs, 2020: 42). A United Nations

Committee found these amendments racially discriminatory (Gardiner-Garden, 2011: 13). In *Yorta Yorta Aboriginal Community v State of Victoria* (2002), the High Court confirmed that if cultural continuity on the Land was broken by dispossession, Native Title rights “cease to exist”, despite any later cultural revival (at [53]). Many participants from urban and south-eastern Australian regions described the heartbreak of extinguishment. As Uncle Bill Nicholson Jr said, “in Victoria, you’re not gonna get no Land back through Native Title”.

The High Court has been criticised for only partly overturning terra nullius, while entrenching extinguishment, British sovereignty, and a lack of compensation (Mansell, 1992, Foley and Anderson, 2006: 96-8, Anderssen, 2021). The system, in a sense, “discarded the doctrine only prospectively” (Banner, 2007: 44). As Irene Watson observed, “the idea of extinguishment of First Nations Peoples’ relationship and connection to the land is an idea that is alien to an Aboriginal ontology” (2014: 8).

Nonetheless, from 1993 to 2025, 647 Native Title determinations were made, with 526 finding Native Title to exist, covering a total of 3,662,745 km<sup>2</sup>, representing around 44% of the landmass of Australia (AIATSIS, 2025c: 6-7). Of the area of successful determinations, around 32% was exclusive and 68% non-exclusive (AIATSIS, 2025c: 6).

Subsequent High Court litigation has made further breakthroughs. *Akiba v Commonwealth* (2013) held that fishing licensing legislation had not extinguished Native Title fishing rights. The *Timber Creek Compensation Case* (2019) held that government acts which extinguished Native Title rights after the *Racial Discrimination Act 1975* were compensable. *Love and Thoms* (2020) held that Indigenous connection to the Land was such that Indigenous people cannot be “aliens” or be deported, even if non-citizens. And *Commonwealth v Yunupingu* (2025) held that Native Title extinguishment by the Commonwealth in the Northern Territory was compensable, dating back to 1911.

The courts have left the sovereignty question unanswered, however. In 1977, Wiradjuri lawyer Paul Coe claimed that Britain had made conquest, and Aboriginal people had sovereignty and land rights, and “were entitled not to be dispossessed thereof without bilateral treaty, lawful compensation and/or lawful international intervention” (*Coe v Commonwealth of Australia* (1979): 404). The High Court did not decide the issue. Justice Murphy, however, stated that there was an arguable case of conquest, and the Privy Council’s decision in *Cooper v Stuart* (1889) about “peaceful annexation” was either “ignorance” or “a convenient falsehood to justify the taking of aborigines’ land” (at 412). In 1993, Wiradjuri activist Isobel Coe brought a Native Title and genocide claim which argued Wiradjuri people had sovereignty either as “a nation of people” or as “a domestic dependent nation” (*Coe v Commonwealth* (1993): 112). Chief Justice Mason rejected the possibility of such a “sovereignty adverse to the Crown” (at 115). In *Thorpe v Commonwealth [No 3]* (1997), Krautungalung activist Robbie Thorpe brought a High Court case seeking an order that the Commonwealth pursue an advisory opinion from the International Court of Justice on Aboriginal sovereignty (Flynn and Stanton, 1997). The Court struck it out as a political issue beyond its constitutional authority.

## V. INDIGENOUS RESISTANCE AND ADVOCACY

### A. Petitioning and Collective Action

Indigenous advocates utilised written letters, protests, and petitions in their advocacy since early colonial times. Early petitions for rights and better conditions included those from the Flinders Island Aboriginal community in 1846, Kulin nation groups at Coranderrk Aboriginal Reserve in the 1870s and 1880s, and Yorta Yorta people at Maloga Mission in 1881 (Curthoys and Mitchell, 2012). At Coranderrk, Wurundjeri leader William Barak organised

written protests against mistreatment by British reserve managers and plans to sell off reserve land to colonists (van Toorn, 1999).



*The grave of William Barak at Coranderrk (25/02/2023).*

In 1924, the first modern Aboriginal political organisation formed, the Australian Aboriginal Progressive Association (AAPA) (Maynard, 2002). The AAPA campaigned for land rights, citizenship rights, cultural identity, and local self-government, such that Aboriginal family life be “held sacred and free from invasion” (Maynard, 2005: 16-7, Maynard and Lacey, 1927). In his inaugural address, AAPA’s leader Fred Maynard stated, “we aim at the spiritual, political, industrial and social. We want to work out our own destiny” (Maynard, 2002: 151). In 1926, AAPA member Jane Duren (Yuin) wrote a letter to the King, protesting against the removal of Aboriginal children from schooling and the proposed sale of Aboriginal reserve land to whites, which was officially received (Maynard, 2002: 201). In 1927, two Wiradjuri men, Jimmy Clements and John Noble, walked approximately 200 kilometres to attend the opening of Parliament House in Canberra and

“reassert Aboriginal sovereignty”, meeting the Duke of York, later King George VI (Daley, 2018: 68, Bouchier, 2020, Tingle, 2019).

From 1933 to 1935, Yorta Yorta man William Cooper gathered nearly 2,000 Aboriginal signatures on a petition to the King protesting the expropriation of their Lands, seeking better conditions, legal equality, and “the power to propose a member of Parliament” (Markus, 1983: 53). In 1937, as head of the new Australian Aborigines’ League (AAL), Cooper presented the petition to the Prime Minister (Attwood and Markus, 2004: 10-1). Cabinet rejected it (Markus, 1983: 51).

In 1938, the newly established Aborigines Progressive Association joined the AAL to challenge the government’s planned sesquicentenary celebrations and re-enactment of British colonisation (Horner, 1974: 61), holding a Day of Mourning (Attwood and Markus, 2004: 19-20). Douglas Nicholls (Yorta Yorta) stated this was about more than seeking adequate rations: “We do not want chicken food. We are not chickens; we are eagles” (The Argus, 1937). On 26 January 1938, after marching through Warrane/Sydney, their conference of around 100 Aboriginal people unanimously passed a resolution demanding “full citizen status and equality within the community” (AIATSIS, 2025a). Later in 1938, they became one of the first groups to lodge a formal protest against racial violence and inequality at the German consulate in Naarm/Melbourne after Kristallnacht (The Argus, 1938, Kohn, 2008).

From the 1930s, Indigenous protestors increasingly utilised collective strike action alongside written petitions. Protests about living conditions and discrimination became platforms for broader campaigns about rights and self-determination. Major actions included the Torres Strait Pearlers’ Strike of 1936 (Wetherell, 2004), the Cumeragunja Walk-Off of 1939 (The Herald, 1939, Davis, 2014a), the Pilbara Pastoral Workers’ Strike of 1946-9 (Hess, 1994, Scrimgeour, 2014), the Darwin Workers’ Strikes of 1950-1 (Foley and Anderson,

2006), the Palm Island Strike of 1957 (Watson, 1995), the Freedom Ride of 1965 (Foley and Anderson, 2006), the Wave Hill Walk-Off of 1966-75 (Lingiari et al., 1967, Hokari, 2011, Anthony, 2007, Tyrell, 1967), and the Noonkanbah Blockade of 1980 (Vassiley, 2016). From the late 1960s, activists also increased Black Power and anti-racism action (Foley, 2021, Lothian, 2007). The long tradition of petitioning also continued, with other prominent petitions including the Larrakia Petition of 1972 (Larrakia Petitioners, 1972, O'Brien, 2019), the Kalkaringi Statement of 1998 (Kalkaringi Statement, 1998, Horne, 2007), and the Yolŋu petition of 2008 (Yunupingu, 2008), in addition to the Bark Petitions and Barunga Statement discussed below.

In 1963, Yolŋu people presented bilingual petitions on traditional bark paintings to Parliament, protesting the government's granting of a mining lease (Wright, 2024). The Yirrkala Bark Petitions stated that "the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial" (Yirrkala Artists, 1963). Another bark petition followed in 1968 and, while the mining lease was granted, the publicity ensured the new mining town retained its traditional place name, Nhulunbuy (Wilkinson et al., 2009). Yolŋu Elders from three clans then brought *Milirrpum v Nabalco* (1971), the first Aboriginal land rights case. Although unsuccessful, the case added pressure for legal and political solutions (Hookey, 1972). Limited land rights followed through an Aboriginal Land Rights Commission (1973), the *Aboriginal Land Fund Act 1974*, and the *Aboriginal Land Rights (Northern Territory) Act 1976*.

On 25 January 1972, after the government refused to legislate for Aboriginal land rights (McMahon, 1972), activists responded with the Aboriginal Tent Embassy (Foley et al., 2014). Wiradjuri playwright Kevin Gilbert called together Billy Craigie, Michael Anderson, Tony Coorey, and Bertie Williams. The four travelled from Warrane/Sydney to Canberra that night and established a people's protest opposite Parliament House under a beach umbrella

and with a sign stating “Aboriginal Embassy” (Dow, 2000). They called for control of the Northern Territory as an Aboriginal State, rights to all reserve lands, preservation of sacred sites, legal title to areas across Australia, and ongoing compensation for lands not returnable, including a portion of gross national income (Newfong, 1972). Protestors clashed with police for months (Robinson, 1994). Although eventually removed, the Embassy returned in later times of protest, and was permanently re-established in 1992 (Dow, 2000).

### ***B. Early Representative Efforts***

Some Indigenous advocates have sought Parliamentary representation. William Cooper’s Petition to the King (1937) sought an Aboriginal representative, and Bill Ferguson stood as an independent candidate in 1949 (Horner, 1974). Prior to 2010, Australia had two Indigenous Commonwealth parliamentarians, Senators Neville Bonner (Jagera) (1971-83) and Aden Ridgeway (Gumbaynggir) (1999-2005) (Richards, 2021). In 1975, Bonner succeeded in passing a Senate motion which urged the government to “admit prior ownership... and introduce legislation to compensate the people now known as Aborigines and Torres Strait Islanders for dispossession of their land” (Senate Hansard, 1975: 367). But he was socially ostracised (Hinchcliffe, 2015). Ken Wyatt (Noongar, Yamatji, Wongi) was the first Aboriginal person in the House of Representatives (2010-22), and remembered Bonner telling him how “I was never invited to anybody else’s office, nor to dinner, nor to any event”. By 2022, eleven Indigenous Federal parliamentarians sat in the Senate and House of Representatives (Worthington and Morse, 2023).

Many Indigenous advocates sought their own representative bodies. In 1973, government established the elected National Aboriginal Consultative Committee (NACC) (Dow, 2000: 13). The NACC renamed itself the National Aboriginal Congress and asked for

control over the Department of Aboriginal Affairs budget, but it was viewed as radical and relegated to ineffectiveness by government (Hobbs, 2020: 124-5). In 1977, government created a new elected National Aboriginal Conference (NAC) (Williams and Hobbs, 2020: 35). At its 1979 national conference, the NAC called for Treaty between the Australian Government and Aboriginal people, limited land rights, customary law recognition, self-government, and dedicated parliamentary seats (Fenley, 2011: 380-1).

This was when the NAC first used the word “Makarrata” instead of “Treaty” (Fenley, 2011). Uncle Ossie Cruse recalled, “I was at the conference, where the word was used. And we agreed it was a good word to use. Because ultimately, it was a word of conciliation we wanted”. Being derived from the Yolŋu word for thigh, Makarrata literally describes “the practice of an opponent spearing the thigh of a wrongdoer in a traditional makarrata ceremony” (Doyle, 2001). It suggests “coming together after a struggle”, and has been used since 1979 to describe relations between Indigenous and non-Indigenous people (Mann, 2017). Some Indigenous people object to this usage, either because Makarrata is Yolŋu-specific and context-specific, or because it can be used to water down Treaty claims (Little, 2020: 43). After the NAC’s proposal, a Senate Standing Committee on Constitutional and Legal Affairs recommended the negotiation of a compact or Makarrata, to be “the formal symbol, denoting the achievement of a sound footing in the relationship between Aboriginal and non-Aboriginal Australians” (1983: 125-6).

On 30 June 1985, after a pivot in government priorities towards national land rights legislation, political hostility from the mining industry, and a negative review process, the government abolished the NAC (Williams and Hobbs, 2020: 36-7, Hobbs, 2020: 126-7). In 1986, after pressure from State governments and a television campaign describing the policy as “an attack on suburban backyards”, it abandoned pursuing land rights legislation (Foley and Anderson, 2006: 93, Dow, 2000: 17). However, also in 1986, the Law Reform

Commission (1986) recommended that Australian law recognise Aboriginal customary laws on a range of issues. The Law Reform Commission of Western Australia (2006) followed with a similar recommendation. Their recommendations have not been systematically implemented.

In 1988, Northern Territory Aboriginal leaders responded to the Australian Government's rejection of land rights legislation and the NAC by presenting Prime Minister Bob Hawke with the Barunga Statement (AIATSIS, 2025b). Like the Yirrkala Bark Petitions, the Barunga Statement mixed written legal claims with traditional artwork and storytelling. It demanded a national elected body to oversee Indigenous affairs, national land rights, recognition of customary laws, an international covenant on Indigenous rights, and negotiation of “a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom” (Barunga Statement, 1988). Hawke replied that there would be a Treaty, but this did not occur (Williams and Hobbs, 2020: 37).



*The Barunga Statement, displayed in Parliament House (21/09/2022).*

### ***C. The ATSIC Years***

In 1989, the Australian parliament established the Aboriginal and Torres Strait Islander Commission (ATSIC) (1990-2005).<sup>18</sup> Although the government had no obligation to consult it, ATSIC had more power than previous bodies, by allocating funding and administering programs. Its sixteen zones, which contained regional councils, each elected a commissioner to a national board. ATSIC was criticised as “imposed” on the Indigenous community (Foley and Anderson, 2006: 94), with Western-style elected representation and bureaucratic management (Williams and Hobbs, 2020: 129), and an average voting turnout of only 20% to 25% (Hobbs, 2020: 147). But at its peak, it was responsible for around half of Commonwealth expenditure on Indigenous programs (Williams and Hobbs, 2020: 129). ATSIC was immediately politicised, with the Opposition planning to abolish it (Hiatt, 1990). ATSIC advocated for Treaty, but government promoted a ten-year reconciliation project instead, establishing a Council for Aboriginal Reconciliation (1991).<sup>19</sup>

In 1991, the Royal Commission into Aboriginal Deaths in Custody (“the Royal Commission”) reported on the high rate of Aboriginal deaths in the justice system, making 339 recommendations. It linked Indigenous incarceration and deaths to wider issues of dispossession, inequality, drug and alcohol abuse, and racism (1991a: 1.7.2). It proposed not only criminal justice reform, but also Aboriginal self-determination, land rights, reconciliation, and the elimination of racism and discrimination (1991b: Recommendations 188-213; 334-9). Governments have addressed many but not all of its recommendations, with limited results (Deloitte Access Economics, 2018). Gary Foley, who worked on the Royal

---

<sup>18</sup> *Aboriginal and Torres Strait Islander Commission Act 1989.*

<sup>19</sup> *Council for Aboriginal Reconciliation Act 1991.*

Commission, said the report identified the problem of “deeply embedded entrenched racism”, but commented, “that’s why it was ignored”.

In the aftermath of *Mabo (No 2)* and the *Native Title Act 1993 (Cth)*, the Keating Government asked ATSIC for its views on additional measures to address Indigenous dispossession. ATSIC produced a comprehensive report, *Recognition, Rights and Reform* (ATSIC, 1995). It asserted Aboriginal and Torres Strait Islander sovereignty and called for self-determination, Indigenous self-government, recognition of customary laws, protection of Indigenous rights, equal human rights, the elimination of discrimination, increased representative power through ATSIC, reparations and/or compensation, Treaty and regional agreement-making, official recognition of Aboriginal and Torres Strait Islander flags, proclamation of a new national day of commemoration, improved inter-cultural education, protection of culturally significant sites and property, Indigenous-led economic development, implementation of the Royal Commission’s recommendations, and constitutional reform including constitutional recognition, discussed below. It went mostly unimplemented. The 1997 *Bringing Them Home* report into Stolen Generations policies similarly recommended self-determination, a social justice package, and the implementation of the recommendations of the Royal Commission, alongside healing, reparation, and apology (National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children From Their Families, 1997: Recommendations 3; 5; 42-3).

The 1996 election of John Howard’s Government saw a shift towards “practical” reconciliation with an “on-the-ground approach” through policy changes in health, housing, education, and employment, rather than “symbolic gestures and overblown promises” (Howard, 1997a: 2; 4). Some criticised it for reducing reconciliation efforts and rights claims to “a new form of assimilation” (O’Donoghue, 1997). Between 1993 and 2003, governments

subjected ATSIC to special auditing, and reduced its budget and discretionary scope (Hannaford et al., 2003: 105, also Hobbs, 2020: 137-50).

The Council for Aboriginal Reconciliation reported in 2000. Its decade of work culminated in “Corroboree 2000”, a gathering which included a People’s Walk for Reconciliation of around 250,000 people crossing the Harbour Bridge in Warrane/Sydney (Reconciliation Australia, 2020). Several speakers supported Treaty (Williams and Hobbs, 2020: 44). The government supported the Council’s recommendation to pursue reconciliation, funding Reconciliation Australia, but it rejected the Council’s substantive proposals (2000: 105-6), including constitutional recognition and a prohibition on racial discrimination, Indigenous self-determination, a Bill of Rights, and Treaty (Commonwealth Government, 2002). It stated that “pursuit of a treaty would be a recipe for ongoing disputation and litigation”, and would “undermine the concept of a single Australian nation” (at 68; 72). Following this, ATSIC and AIATSIS (2003) produced *Treaty: Let’s get it right!*, a collection of essays making the case for Treaty. However, the government criticised ATSIC for “elevating symbolic measures over practical measures” and suggested ATSIC should focus on Indigenous disadvantage (in Williams and Hobbs, 2020: 45, also Davies, 2021).

In 2002, the government commissioned a review of ATSIC. The review recommended that ATSIC should be retained, governments should better cooperate with ATSIC, its under-representation of women should be addressed, and regional council chairs should directly control its governance (Hannaford et al., 2003). Jackie Huggins, a review member, described making a dissenting recommendation:

I said to the two white men on the panel, I want... 50% women, and I want 50% men. Because you know what? That is our cultural imperative. That is part of our culture. We have men’s business, women’s business. And really, I did not believe that ATSIC was listening to the views of Aboriginal women.

ATSIC was not reformed. ATSIC's Chairperson, Geoff Clark, had been convicted of obstructing police (Hobbs, 2020: 151), and controversially stayed on while defending civil rape claims, for which he was later found liable (ABC News, 2007). On 15 April 2004, Prime Minister John Howard and Minister Vanstone announced the abolition of ATSIC, stating:

We believe very strongly that the experiment in separate representation, elected representation, for Indigenous people has been a failure. We will not replace ATSIC with an alternative body. We will appoint a group of distinguished indigenous people to advise the Government on a purely advisory basis in relation to aboriginal affairs. Programs will be mainstreamed...(Pratt and Bennett, 2004: 11).

While acknowledging its challenges, many participants remembered ATSIC positively. Fiona Cornforth was a cadet at ATSIC, and said, "it was self-determination. ... we had our own policies, that we're holding each other accountable to". Gail Beck sat on ATSIC and recalled how "we were kicking goals" until Howard "shut us down". Ian Trust remembered the diversity of views on the Board of Commissioners, with himself being "conservative" while "people opposite me... could have sat in the communist party". ATSIC's abolition left a gap in elected Indigenous representation and distrust in government advisory bodies (Davis, 2012: 78). Ken Wyatt recalled many other advisory committees where, "every time a new minister would come in, if they didn't like the people on that committee, they would abolish the committee". He told me that one Education Minister had suddenly told a meeting of the National Aboriginal Education Committee, "thank you for your work, I no longer need you, you'll be disbanded as of today".

By 2007, the government had wound back "virtually all of the significant advances" since the 1980s, including ATSIC, self-determination, symbolic reconciliation, and the plan to apologise to the Stolen Generations (Gunstone, 2007: 49).

#### ***D. After ATSIC***

On 13 February 2008, new Prime Minister Kevin Rudd made a National Apology to the Stolen Generations (Rudd, 2008). Ken Wyatt remembered this as a “significant healing moment of the nation”. Scott Wilson recalled seeing the impact of the acknowledgement that “their parents didn’t give them away” on “old people, including my Dad”.

In 2008-9, an Indigenous Steering Committee of the Australian Human Rights Commission considered models for the creation of a new national representative body. In 2009, it presented a report, *Our Future in Our Hands* (2009), which led to the creation of the National Congress of Australia’s First Peoples (“Congress”) (2009-19). Congress was independent and narrower in scope than ATSIC, designed to be secure from legislative abolition (Anthony, 2010). Tom Calma chaired the Steering Committee and remembered how it was established “as a company limited by guarantee. Which meant that we controlled our own destiny”. He said, “we were the only [company] in the nation that had a mandated 50% gender in it”, until a new government “determined that they weren’t gonna fund it”. Two participants, Jackie Huggins and Rod Little, were Co-Chairs of Congress. Little said, “it was independent. ...But didn’t have enough for it to sustain itself”, and government let it “wither on the vine”. But he celebrated its achievements, including the 2016 Redfern Statement, which criticised funding cuts, sought measurable targets for Closing the Gap, and called for Indigenous self-determination, national representation, reconciliation, Treaty, and constitutional reform (National Congress of Australia’s First Peoples, 2016). I discuss the Closing the Gap policy in Chapter Seven.

In 2009, the Rudd Government endorsed the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) (UN OHCHR, 2009). Australia had been one of four countries to oppose it in 2007 (United Nations Digital Library, 2007). In Australia’s

legal system, however, international standards only take effect if implemented through domestic legislation. In 2023, Senator Lidia Thorpe proposed a Bill to implement UNDRIP, but it was voted down (Torre, 2023a, Thorpe, 2023).

## VI. THE CONSTITUTIONAL RECOGNITION MOVEMENT

Since the 1990s, a mainstream political movement, including bodies such as ATSIC (1995: [4.1]-[4.18]), advocated for a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

In 1999, Australia held a referendum about adding a new preamble to the Constitution. The proposed preamble referred to many values, including God, democracy, veterans, immigrants, the environment, and “honouring Aborigines and Torres Strait Islanders, the nation’s first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country” (*Constitutional Alteration (Preamble) 1999*). Many Indigenous people opposed this symbolic approach due to its lack of legal effect, and the referendum failed with 60.66% “No” votes (Davis and Williams, 2015: 52-5, Australian Electoral Commission, 2012). Achieving some form of constitutional recognition, however, has had bipartisan political support since 2007 (Davis and Williams, 2015: 58-60).

In December 2010, Prime Minister Julia Gillard appointed an Expert Panel on the Recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution. The Expert Panel sought referendum options which would “be of benefit to and accord with the wishes of Aboriginal and Torres Strait Islander peoples”, contribute to “a more unified and reconciled nation”, and be capable of achieving support “by an overwhelming majority of Australians” (2012: 4). It made five such recommendations: (1) repealing section 25; (2) repealing the

section 51(xxvi) race power; (3) replacing the race power with a new section 51A, which would recognise Aboriginal and Torres Strait Islander peoples and empower Parliament to make laws with respect to them; (4) inserting a new section 116A to prohibit racial discrimination; and (5) inserting a new section 127A to recognise both English and Aboriginal and Torres Strait Islander languages (2012: xviii). The Panel had also considered the recognition of Indigenous sovereignty, agreement-making or Treaty, and increased political participation through reserved parliamentary seats or autonomous representative structures. It noted these options' importance and popularity, but concluded that they would not achieve legal clarity and broad public support (Chapters 7-9). The panel presented draft legislation for a single referendum question to implement all five proposals, recommending this only happen with support from all major political parties and most State and Territory governments (at 227-31).

The Expert Panel's proposals were not put to a referendum and have been considered "too complex" (Wood, 2016: 96). The government instead funded Reconciliation Australia to promote a public awareness campaign, passed the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013*, which recognised prior occupation, continuing cultures and relationships with Land, and called for further consideration of referendum proposals. From 2012 to 2017, Reconciliation Australia ran the "Recognise" campaign. It promoted public education about constitutional recognition and the Expert Panel's proposals (Reconciliation Australia, 2018). Lacking a clear timeline or singular proposal, Person DH called Recognise "a campaign that had no destination". Despite its success at general public education, many characterised Recognise as promoting mere symbolic recognition, something popular with politicians but unpopular with many Indigenous people (Brennan, 2017b, Lino, 2016, Gorrie, 2016). Melissa Clarke remembered "a lot of dialogue happening in community around feeling left out of the conversation; that it wasn't good enough". Sally-Anne Gamble recalled

thinking, “absolutely not. What’s a little statement going to do in the Constitution? That’s not going to help our mob”. Participants Tanya Hosch and Uncle Kenny Bedford helped lead Recognise. Bedford regretted how it became characterised:

Many saw it as a plot to just make it symbolic. Well, we didn’t treat it that way... that was a time we dedicated to educating and raising awareness about what the Constitution is in our communities. And that’s a really important step in how we got to recognition with the Voice. ... the almost unanimous position of people was, “yes, we want to be recognised. But we need to be recognised more than symbolically, in a meaningful way”.

In December 2013, the Abbott Government appointed the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. The Committee’s 2015 report shared the first four recommendations of the Expert Panel, but provided more detailed wording options and recommended they be debated by Parliament, with the best option taken to a referendum (2015: xiii-xvi). The Committee acknowledged strong Indigenous community aspirations for sovereignty and Treaty, but considered them separate to constitutional recognition (at 73). The Committee also recommended that constitutional conventions be held to consider the options, including “conventions made up of Aboriginal and Torres Strait Islander delegates... with a certain number of those delegates then selected to participate in national conventions” (at xvi; 81). Six months later, the Referendum Council was appointed for this task.

During this time, a group of conservative lawyers and Indigenous advocates worked to link constitutional recognition with the need for a representative body. This alternative avoided changes like a prohibition on racial discrimination, which some conservatives characterised as too powerful or legally risky. Sean Gordon chaired the Uphold & Recognise campaign which, from 2015, promoted a conservative case for constitutional recognition (Uphold & Recognise, 2022). Gordon recalled a 2015 meeting about the Voice concept with himself, later Council member Noel Pearson, and non-Indigenous lawyers Julian Leaser,

Damien Freeman, Greg Craven, and Shireen Morris, observing that “the concept of the Voice was a conservative idea”. Noel Pearson’s Cape York Institute and others had submitted a proposal to the Joint Select Committee for a non-justiciable, non-binding advisory body to facilitate an increased say in Indigenous affairs policymaking (2015: 33-8).<sup>20</sup> The Committee considered that the idea needed “wider community consultation” and “a much more thorough examination of the benefits and risks” (at 38).

In response to the Joint Select Committee’s report, the Prime Minister and Opposition Leader invited select Indigenous individuals to meet at Kirribilli on 6 July 2015. The 39 Indigenous attendees released the Kirribilli Statement, stating that mere symbolic recognition would be insufficient and calling for dialogue “via a referendum council, steering committee or other mechanism” (in Referendum Council, 2017a: 89). The Kirribilli Statement noted that proposals for preventing racially discriminatory laws included those of the Joint Select Committee and Expert Panel and also “a role for a new advisory body established under the Constitution” (Referendum Council, 2017a: 90). This was a direct antecedent of the Voice proposal.

## VII. CONCLUSION

The impacts of colonisation and legal control are deep, multifaceted, and ongoing. History was very significant for participants. As June Oscar advised about history, “when you do write your thesis... mention *why* these things are so very important”. The legal questions Indigenous advocates ask are not only about colonisation but the way Britain characterised Australia as “discovered” and denied Indigenous sovereignty. Resistance and advocacy have

---

<sup>20</sup> Constitutional lawyer Anne Twomey (2015) published draft wording of what such a constitutional provision could look like.

continued, and written petitions have been a consistent tool of Indigenous advocacy for almost 200 years. Worimi historian John Maynard stated that Aboriginal advocacy has “not come in waves or stages but since 1788 has been unwavering and constantly flowing in its opposition to dispossession and the abuses arising out of this” (Maynard, 2002: 354). However, successful constitutional recognition would have to balance the need for substantive justice from an Indigenous perspective with the need for feasibility from a non-Indigenous majoritarian political perspective. This challenge underlies the events and attitudes I discuss throughout this thesis. It emerged in the Referendum Council process, to which I now turn.

**CHAPTER FOUR**

**ULURU PART ONE –**

**FROM THE COUNCIL TO THE STATEMENT**

## I. INTRODUCTION

The Referendum Council process ran from 7 December 2015 to 30 June 2017. Its key moment was on 26 May 2017, when the First Nations National Constitutional Convention at Yulara released the Uluru Statement from the Heart. This was the final day of the Council's consultation process, convened near Uluru in Central Australia. The Convention released the Statement to the Australian public mounted on a large canvas surrounded by attendee signatures, with artwork by four women from the local Muṯitjulu Community (Figures 1 and 2). The Statement made a direct appeal to the Australian public in a format and with a set of recommendations unexpected by the government.

It is generally agreed that the Statement had a number of surprising features. It reflected a near-consensus, despite the diversity of delegates and their backgrounds at the Convention. It was published immediately in a simple, direct format, before the Council's Final Report to the government. And of its three core recommendations, now described as "Voice-Treaty-Truth", Voice was the last proposal added to the government-approved consultation agenda, while Treaty and Truth were not on the original agenda at all. As Council Co-Chair Aunty Pat Anderson told me, the Statement was powerful, "because the government and the people didn't think for a minute that we were gonna come out with that".

In this chapter I describe how it happened and what it meant to those involved. My account is generally chronological, describing the formation of the Referendum Council in late 2015, the Regional Dialogues consultation process it facilitated, the Convention, and the creation of the Statement. It is based on interviews with 43 Aboriginal and Torres Strait Islander individuals who were at the Convention, about one-sixth of the total number present. It gives a broad overview of the range of perspectives they brought to and experiences they had of the Convention. In addition to conducting interviews and following news media, I have drawn information from two public documents. The *Final Report of the Referendum*

*Council*, provided by the Council to the government on 30 June 2017, contains a detailed summary of the Council’s processes, outcomes, and recommendations. In April 2023, the National Indigenous Australians Agency released “FOI-2223-016”, a bundle with redacted short records of meeting from each of the Regional Dialogues, along with a document, called “Our Story”, based on those records, which was provided to delegates at the Convention (National Indigenous Australians Agency, 2023a). I have also studied three texts published by proponents of the Statement, which gave some detail of these processes beyond what is contained in the Council’s Final Report (Mayor, 2019, Davis and Williams, 2021, Anderson and Davis, 2023). The more detailed records of the Council were closed to access at the time of my research.

Many people I spoke with described these events in great detail, emphasising their historical importance and the fact that this story has not been fully recounted yet. They felt it important to have it on record.

## **II. THE REFERENDUM COUNCIL**

On 7 December 2015, the Australian Prime Minister and Opposition Leader jointly chose sixteen members, eight Aboriginal and Torres Strait Islander members and eight non-Indigenous members, and appointed them to form the Council (Anderson, 2015, members listed in Appendix D). The Council was to advise them “on progress and next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution”.<sup>21</sup> They gave it government funding and secretarial support from the Department of the Prime Minister and Cabinet and asked it to lead national consultations on the question of constitutional recognition of Indigenous Australians. The Council was to

---

<sup>21</sup> This paragraph quotes from Referendum Council (2017a) 46; 48.

conduct a “concurrent series of Indigenous designed and led consultations” and to report on a referendum proposal by 30 June 2016. The Council was separate from an existing national Indigenous body, the National Congress of Australia’s First Peoples, although its Co-Chairs were invited to observe the Council’s consultations. The Congress, as mentioned in Chapter Three, was created by Indigenous people as a private corporation to avoid government control or abolition, but was marginalised by the government and eventually wound up in 2019.

The many Indigenous language groups or nations, which generally have their own cultural representation processes, did not choose their own representatives on the Council’s consultative process, or make their own recommendations.

On 14 December 2015, one week after it was constituted, the Council held its first meeting in Warrane/Sydney and began discussing options for consultations. The Council noted that there was support, in principle, for constitutional recognition from the Prime Minister and the Opposition Leader, as well as from all of Australia’s State and Territory governments (Referendum Council, 2017a: 48).

The Council’s task was to build on the previous work of the Expert Panel and Joint Select Committee, discussed in Chapter Three. The Prime Minister and Opposition Leader gave the Council four main options for consideration, drawn from those processes:

- a statement acknowledging Aboriginal and Torres Strait Islander peoples as the First Australians (which could be placed in the Constitution or outside it);
- amending the existing ‘race power’, section 51(xxvi) of the Constitution, or deleting it and inserting a new power for the Commonwealth to make laws for Aboriginal and Torres Strait Islander peoples;<sup>22</sup>
- inserting a guarantee against racial discrimination, section 116A, into the Constitution; and

---

<sup>22</sup> As discussed in Chapter Three, the so-called “race power” permits Parliament to make laws for any race, whether beneficial or detrimental. This proposed amendment aimed at limiting the power so that it would acknowledge, and no longer be able to be used to detriment, Aboriginal and Torres Strait Islander peoples.

- deleting section 25, which contemplates the possibility of a state government excluding some Australians from voting on the basis of their race (Referendum Council, 2017a: 6).

The Council quickly decided it should consider more than a symbolic statement. That form of recognition was most commonly proposed by politicians and was promoted by the 2012 Recognise campaign, discussed in Chapter Three. Many Indigenous people considered it would not ensure practical justice. They were cautious about government proposals, having become, as Statement signatory Melissa Clarke said, “used to getting the crumbs” from government. There was also hesitation among some non-Indigenous constitutional conservatives who wondered if a strongly worded symbolic preamble could have unintended consequences, by potentially empowering the courts to engage in more creative constitutional interpretation. Ken Wyatt, who was on the Expert Panel, noted that some were concerned that “if you had a preamble that was ambitious, it could leach into other various sections of the Constitution”. Constitutional conservatives had voiced a similar concern about a prohibition on racial discrimination causing increased litigation. So, the Council decided to consider these options, but to also look at others.

The Council had an open mandate to consult with Indigenous peoples, and the Aboriginal and Torres Strait Islander members of the Council took the lead. They formed an Indigenous Steering Committee (“the Committee”) to ensure these consultations formed the bulk of the Council’s work and budget.<sup>23</sup>

Budget constraints were clear from the start. The Council had to rely on government bureaucracy and secretarial services from the Department of the Prime Minister and Cabinet. Jay Kickett, who worked on logistics at the Department, described the strategy:

The Aboriginal contingent were really focused on consultations and getting out to people on the ground... The whole concept of appealing bit by bit incrementally, and

---

<sup>23</sup> Some participants also referred to this as the “Indigenous Sub-Committee”.

kind of wowing them with the consultation process, I think was purposely designed for that. ... it was really the Aboriginal leaders that designed the consultation process.

On 22 March 2016, the Council wrote to the Prime Minister and Opposition Leader for approval to consult about five constitutional change options: the four mentioned above and one additional one. This fifth proposal was:

- providing for a First Peoples' Voice to be heard by Parliament, and the right to be consulted on legislation and policies that relate to Aboriginal and Torres Strait Islander peoples (Referendum Council, 2017a: 6).

There had been many historical calls for elected Indigenous representative bodies. As discussed in Chapter Three, since about 2014, a small group of constitutionally conservative lawyers and Indigenous advocates had been promoting a version of the Voice idea as a constitutional recognition proposal. Sean Gordon who, from 2015, led the conservative Uphold & Recognise campaign, noted that “the concept of the Voice was a conservative idea”. Two Council members had been involved in developing the idea (see Pearson, 2014, Cape York Institute, 2014, Davis, 2014b, Davis, 2015, Davis and Dixon, 2016).

On 7 April 2016, the Council received approval to consult on the five proposed options (Referendum Council, 2017a: 6).

In mid-2016, the Council held a round of preliminary consultations with Indigenous figures at Rubibi/Broome (28-29 June 2016), Waiben/Thursday Island (12-13 July 2016) and Naarm/Melbourne (18-19 July 2016) (Referendum Council, 2017a: 109). The meetings considered design and scope questions in preparation for broader consultations. Each had a different target group: the Broome meeting targeted leaders of Land Councils representing Traditional Owners and Native Title holders, the Thursday Island meeting targeted leaders of peak bodies representing Indigenous community-controlled organisations such as medical, legal, and housing organisations, and the Melbourne meeting targeted prominent individuals and activists. There were about 150 participants in total (Referendum Council, 2017a: 50).

Attendees recalled robust discussions. Marion Scrymgour, a facilitator for the Council at these meetings, remembered of the Rubibi/Broome meeting:

[I]t nearly turned to shit, cause everyone started fighting! [Laughing]. I just [thought] – “how am I gonna pull this?” [Laughing]. Anyway, we managed to pull it. But it just shows how diverse the views and the opinions and the discussions are.

Following the Rubibi/Broome meeting, the Committee approached various Land Councils around Australia to host most of the regional consultations. Person PX told me regarding this, “everything goes back to a Land base within Aboriginal and Torres Strait Islander cultures”. Karel Williams recalled a debate at the Naarm/Melbourne meeting between attendees about whether to demand recognition of all relevant rights, or to plan strategic incrementalism and small steps to secure rights over time. This debate continued in the Convention.

Preparation for the consultations began after these meetings. Some participants, including at the Naarm/Melbourne meeting, had insisted that ongoing and future Treaty processes be on the agenda along with the constitutional recognition options. Aunty Josie Crawshaw recalled that Victorian attendees at that meeting insisted that none of the Council’s actions hinder their ongoing state-level Treaty process. Some emphasised that Treaty was their priority. After the meetings, the Council wrote to the Prime Minister and Opposition Leader and got permission to work for twelve months longer, until 30 June 2017, and to pursue a more expansive series of dialogues (Referendum Council, 2017a: 7). They also got permission to expand discussions to include Treaty efforts, which they termed “agreement-making”. As Aunty Pat Anderson recalled:

We actually got a letter. We wrote to [Opposition Leader] Shorten and [Prime Minister] Turnbull, said, “look, they’ve already started treaties in Melbourne, in Victoria. We can’t go out, have this, kind of, without talking about Treaty”. So, we wrote them a letter. And they wrote back, a signed letter, and said, “yes, that’s okay to talk about Treaty”. ... we made sure we got the letter from them. Because we said we can’t go out there and pretend that isn’t happening, for God’s sake. Our mob will shoot us down.

It was a strategic decision to use the term “agreement-making” as a proxy for “Treaty”. Some people I spoke with described Treaty as the taboo “T-word” which governments have historically avoided. So, agreement-making was added as a sixth option for the consultations and was allocated its own working group. The proposal to repeal the now-defunct section 25 was retained as an option for information and consideration, but without a working group, given the lack of support for it in the three preliminary consultation meetings. Consequently, the number of working groups remained five (Referendum Council, 2017a: 112).

In October 2016, the Council released a Discussion Paper which explained its processes and provided information and discussion questions for each of the options, to be given to those participating in the consultations (2017: 92-108). The Committee, under the guidance of Council member Professor Megan Davis, decided that the main consultations should be a series of two-day Regional Dialogues. They designed them as deliberative democratic processes, to be followed by a National Indigenous Constitutional Convention near Uluru. Information materials would be given to educate participants on the options. Twelve Regional Dialogues were planned. As Aunty Pat Anderson noted, “we originally were gonna do 32. But we didn’t have enough money”. Indeed, one Dialogue attendee, Person KJ, recalled Davis commenting that “this process has been run on the smell of an oily rag. ... this process is being run despite government, not actually thanks to their support”.

From 4 to 6 November 2016, the Council hosted a Trial Dialogue in Naarm/Melbourne. The Council appointed two Co-Chairs (one male and one female) for each of the twelve Dialogues who, in turn, collaborated with the Australian Institute of Aboriginal and Torres Strait Islander Studies (“AIATSIS”) and the Dialogue’s host organisation (usually a Land Council) to identify five local working group facilitators. These groups of seven people, 84 in total, were invited along with others to be participants in the Trial Dialogue, to test the process and train to facilitate their upcoming Dialogues. The Committee considered

the trial a positive proof of concept, but one major tweak was made. As Thomas Mayo recalled, “we worked out we needed an extra day for truth-telling, for airing grievances, those sorts of things always came out the first day”. The Regional Dialogues went ahead as planned, but with a two-and-a-half-day program instead of two. Several participants described this as a change that was key to the depth of reasoning at the eventual Convention.

### **III. THE REGIONAL DIALOGUES**

The deliberative process the Committee pursued was “modelled partly on the one that was used by the Constitutional Centenary Foundation through the 1990s to encourage debate on constitutional issues in local communities and schools”, aiming for “impartiality; accessibility of relevant information; open and constructive dialogue; and mutually agreed and owned outcomes”(2017a: 109). That Foundation had run 50-person deliberative “mini-constitutional conventions” aimed at local community participation (Kildea, 2011: 28).

The Committee decided on a formula for invitations to the Dialogues. There would be 100 delegates to each: 60% from First Nations/Traditional Owner or landholder groups, 20% from Aboriginal Community-Controlled Organisations, such as legal and medical services, and 20% for “key individuals” from the region identified by AIATSIS and the host organisation (Referendum Council, 2017a: 111). The Council explained:

The Dialogues involved a sample of Aboriginal and Torres Strait Islander peoples from a sample of regions in Australia. The deliberative decision-making nature of the Dialogues meant that the numbers had to be capped and the agenda structured (2017a: 111).

Aunty Pat Anderson explained that this formula was chosen, not only to secure a range of opinions and leadership expertise, but also to link the process culturally to Traditional Owner groups through landholder organisations: “the 60%, we wanted, they would provide the

cultural authority. They would underpin – cause we’re a gerontocracy”.<sup>24</sup> In a later book, Megan Davis contrasted this choice with previous processes like ATSIC:

ATSIC had a traditional Western liberal model of election and representation that was based upon individuals and not culture. This led to concerns that decisions were being made in ways that did not reflect Aboriginal culture, including the fact that it is a collective culture based upon the authority of elders.

... For this reason, the [Committee] decided that during the dialogues, decisions needed to be made by those who had cultural authority (Davis and Williams, 2021: 133).

One Regional Dialogue facilitator, Person SN, described regarding invitations how “my role was to make sure that there was people there with cultural authority. Cultural and political authority”. Invitations also followed a gender balance and included young people.<sup>25</sup> Council member Megan Davis wrote short informative films about the Constitution and historical advocacy, which were produced and narrated by Arrernte/Kalkadoon filmmaker Rachel Perkins, for presentation at each Dialogue. AIATSIS was brought in to deliver the logistics of the Dialogues. Peta Braedon from the Central Land Council recalled working with AIATSIS to contact invitees to the Ross River Regional Dialogue with information “in real non-Constitutional law talk, just in plain language talk” and to answer invitees’ questions, calling that process “a learning exercise *together*”.

In their book about the process, Council members Aunty Pat Anderson and Megan Davis later described the Dialogues as having aimed to be “robust and statistically representative” based on “a statistically significant and country-wide group of Aboriginal and Torres Strait Islanders” (2023: 16-7). They described how the Dialogues “were set up very specifically to prioritise people who ordinarily do not have a voice in the political process” (at 17). The Committee decided not to invite politicians, although Darwin Dialogue Co-Chair

---

<sup>24</sup> Gerontocracy: governance by the rule of Elders.

<sup>25</sup> This paragraph quotes from Referendum Council (2017a: 109-11).

Aunty Josie Crawshaw insisted on inviting Yingiya Guyula MLA, since he had been elected as an independent on a platform of Treaty.

Anderson and Davis (2023: 56) later wrote, “the numbers were capped at 100 because it was important that each Dialogue was run precisely the same way and each Dialogue had sufficient resources on hand, including three pro bono constitutional lawyers”. Megan Davis also later spoke about implementing selection restrictions based on the Trial Dialogue experience (Davis, 2022, from 20:50). She explained that the Committee “banned significant leaders from the movement, because of their cynicism about government and the country changing, and that wasn’t great for a law reform proposal”. She said, “we also wouldn’t allow people with a voice”, such as those who “regularly lobby in the halls of Canberra with politicians” or were “a CEO of really peak national bodies”. She added that “the other group we banned were lawyers. Except for myself”, since “they tend to be know-it-alls” and “take everybody down a particular pathway”.

Some prominent individuals and lawyers did, however, attend as delegates, facilitators, staff, or Council members. The Committee also engaged a national team of technical advisors. A group of these later wrote about their work (Appleby et al., 2018). They listed seven team members, four Indigenous and three non-Indigenous. Six were legally trained and split up to support each working group by briefing working group facilitators “on the necessary technical detail and how to structure the session”, and to “answer any technical questions about the details of the model during the session, and scribe for the group (if required)” (at 2). The seventh, consultant Dean Parkin (Quandamooka), acted as facilitator in the plenary sessions by writing up feedback and, with the other technical advisors, drafting the records of meeting (at 2).

Inevitably, there was some disquiet about the invitation process. Lidia Thorpe explained:

They were invitation-only dialogues. And so a number of grassroots people were left out... And the majority of the numbers were from organisations and corporations, which already have an established network amongst themselves, which created a power base for them to run their agenda, which was to outnumber any grassroots people that came with any alternative suggestions or solutions.

So, from the earliest stages, questions arose about whether and how a government-initiated deliberative process with limited funding was capable of reflecting cultural identity and being representative.

Between December 2016 and May 2017, the Council held twelve Dialogues, as well as an additional one-day Information Session in Canberra. Lawyer and technical advisor Gemma McKinnon recalled that three people attended all thirteen events: Council member Aunty Pat Anderson, Council CEO Geoff Scott, and herself. Among other Council members, Megan Davis attended almost all, and Noel Pearson attended seven (Pearson, 2018 at 19:20), and with Anderson they became the three main drivers of the process.

There was no public record of who or how many people participated in the Dialogues, beyond the Final Report's estimate of 100 delegates at each, making 1200 in total (Referendum Council, 2017a: 10; 109). Participants gave differing accounts of how many people were present. Group photographs on the Council website and in a later book showed Dialogue averages of 62 and 65.<sup>26</sup>

Each Dialogue involved a structured agenda.<sup>27</sup> They started with introductions, informative videos, and an open plenary discussion, which often involved truth-telling. Educational materials followed, focused on Australian legal frameworks, the six reform options, and comparative international arrangements. Delegates then divided into five

---

<sup>26</sup> Referendum Council (2019) published group photographs of six of the Dialogues, depicting 62 people on average with range 41 to 94. Anderson and Davis (2023) published group photographs from nine of the Dialogues, depicting 65 people on average (588 total) with range 41 to 94. For both counts, I included Council members and staff but excluded children.

<sup>27</sup> Referendum Council (2017a: 111-3); Appleby et al. (2018); and interviews.

working groups to discuss the options, excepting the symbolic repeal of section 25. The working groups reported back to the plenary, with a scribe writing up their points. Delegates then had an opportunity to mix into different working groups for a second working group discussion (Davis and Williams, 2021: 139). On the final morning, delegates were presented with a draft “record of meeting” synthesising their discussions. Finally, they chose up to ten delegates to go to the Convention, and “the selection process was determined by each region, but mostly was done by secret ballot” (Referendum Council, 2017a: 113). While the Dialogues were invitation-based, a small number of other community members heard about them and also attended. There were some differences between Dialogues. For example, as Peta Braedon recalled, the Ross River Dialogue in Central Australia used the Aboriginal Interpreter Service for live interpreting in Arrernte, Warlpiri, and Pitjantjatjara languages.

Attendees were generally very supportive of the deliberative process at the Dialogues and spoke of how they engaged in sophisticated discussion of complex issues, that disagreements were recorded, and that the outcomes were built from points of consensus. Gemma McKinnon recalled that constitutional change discussions were complex, despite many delegates not having university education, and commented that “there was a lot of ‘bush lawyers’ that participated in the dialogues”. Their knowledge came as no surprise to Aunty Pat Anderson, who explained that people who have been struggling with legal discrimination are astute at seeking structural change:

So, we know about the bloody system. We know about the big law. Cause that’s what the people said at the Regional Dialogues. That the only way that we can move forward here, we gotta use their big law. And we know that the big law is the Constitution. We have done everything else. We’ve bounced our arses off the moon, in fact. But we were getting no traction.

Many delegates described the Dialogues as important and exciting. David Collard described having initial hesitations about symbolic recognition, but was glad that his Dialogue “also talked about Truth and Treaty” in addition to Voice, calling it “quite an exciting discussion”.

Some described the Indigenous-led process as “unique” or “empowering”. Melissa Clarke said it was “really validating” and “really empowered me”. Sally-Anne Gamble said of her Dialogue that it was “the most united I’ve seen all the different groups come together”.

A large majority of people I spoke with either fully supported the process or supported it in the context of its budgetary constraints, while commenting that it could have been bigger. The fact that the Dialogues were Indigenous-led was central for many people, including Peta Braedon:

My take on it was that it was Indigenous-led. That’s what’s so good about this entire... I’m getting goosebumps thinking about it, and getting really actually quite... there’s been nothing that I can think of like this before that’s properly Aboriginal led. No white policy people were involved, it was completely Aboriginal-led.

Braedon added that the technical advisors “worked with the facilitators” to give answers “when a tricky question come up”. Melissa Clarke remembered how “we all went through” the draft record of meeting at the end to make changes and agree.

Nevertheless, several people I spoke with offered critiques of the process, and many described a general distrust of government-appointed and sponsored processes. One critique was that the process was not culturally or democratically representative. As Lidia Thorpe described, “the Referendum council was established by the government, as per usual, picking who decides for *us*”. A second critique was that the agenda appeared to be fixed and so not everyone was heard. For example, Hobart Dialogue Co-Chair Rodney Gibbins recalled feeling constrained by being told, “no, these are the questions we want you to say, this is the discussion we want you to have”, and considered that “we were being dictated to and given a direction from the very beginning”. Aunty Josie Crawshaw noted the government-appointed Council members and suggested that “it’s been workshopped how the outcome will come”.

Four people present at Dialogues described a presentation by Council member Noel Pearson on strategy. They said he explained his rationale for the Voice proposal, that it was

supported in discussions with non-Indigenous constitutional conservatives and that a referendum proposal had to be aimed at conservative support. Karel Williams said, “Noel Pearson went around to these Dialogues saying, ‘it’s the *conservatives* who are going to support this’”. Yingiya Guyula remembered being told that there were “two doors”, with the Treaty door second. Before being able to get there, the constitutional change door had to be opened through Voice, even if this meant going through a difficult referendum. Aunty Josie Crawshaw described Pearson’s approach:

He argued and sold and cajoled, and beat the hell out of every Dialogue, of selling, “yes, it [referendum] is the harder door”. But he believed that we didn’t have to worry about the rest of Australia and Aboriginal people. That he knew in his heart that we had to corral the conservatives.

In terms of the outcomes of the Dialogues, in most or all, attendees engaged in truth-telling early on, with an open plenary on the first afternoon where they aired grievances and challenged the legal system. Some described it as a day of “venting”, or anger. Delegate Sean Gordon described:

[I]t was robust, there was anger, there was frustration, there was disappointment, there was hurt. A whole range of emotions played out on the first half-day. Because it was the first opportunity for people to come out and vent their frustrations, talk about their problems, try and articulate what they believe is the solution.

Several attendees expressed frustration at non-Indigenous knowledge of or willingness to engage with colonial history, describing it as something that limited the options available for reform and their likelihood of success. Although it was not one of the six constitutional change options, truth-telling became prominent in the records of meeting, and the Council reported that it was supported at every Dialogue. I return to truth-telling in Chapter Nine.

The symbolic statement of acknowledgement, however, was clearly rejected, despite its popularity with politicians and the Australian public. Melissa Clarke remembered it was “overwhelmingly rejected” and “there was no-one who supported symbolism” in her

Dialogue. There was a common view that any constitutional recognition needed to be substantive. The two options with the most support were Treaty and Voice. But most dialogues supported a package of reforms, endorsing several of the options.

The technical advisors prepared a summary of the outcomes from each Dialogue (Appleby et al., 2018: 3-4). This table was presented to Delegates at the Convention and in the Final Report (Referendum Council, 2017a: 15, with letters overlaid for clarity):<sup>28</sup>

### 2.1.3 Outcomes

The reforms that emerged from the Dialogues with the highest level of support across the country were the Voice to Parliament, Agreement-making through Treaty and Truth-telling.

The Dialogues’ responses to the reform proposals, as recorded in the Records of Meeting, are evidenced in the table below. Truth telling is not an option in the table as it was not in the Referendum Council’s Discussion Paper. However it was unanimous at every Dialogue.

	Statement of Acknowledgement	Head of Power	Prohibition on Racial Discrimination	A Voice to Parliament	Agreement-Making
Hobart	NE	E	E	E	E
Broome	I	E	NR	E	NR
Dubbo	NE	I	NR	E	E
Darwin	NE	I	E	E	E
Perth	NE	E	E	E	E
Sydney	I	I	E	E	E
Melbourne	NE	NR	NR	E	E
Cairns	I	I	NR	E	E
Ross River	E	I	E	E	E
Adelaide	I	I	NR	E	E
Brisbane	I	NE	E	E	E
Thursday Island	NE	I	E	E	E
Canberra	NE	NR	NR	NR	NR

- Endorsed
- Not endorsed
- Inconclusive
- Not recorded

<sup>28</sup> Regarding the “not recorded” boxes, not every Dialogue’s record of meeting indicated an outcome on each of the proposals.

Some delegates noted this table was only the Council’s summary, not revealing how far each Dialogue got on detailing, ranking, or voting on each option. As can be seen, Treaty (“agreement-making”) was widely endorsed, although it meant different things to different attendees. When reflecting on it later, a small number of delegates suggested that this table underemphasised their Dialogue’s prioritisation of Treaty and Truth, and that Voice was subsequently over-emphasised.<sup>29</sup> However, Aunty Pat Anderson recalled that a small number of delegates did hesitate about including Treaty, because of their local arrangements already in place, negotiations already underway, or because, as Thomas Mayo said, “it’s exhausting, as well. And they didn’t feel they were ready for a Treaty”.

The Dialogues concluded on 10 May 2017. The Council intended that the Convention would then “bring together the outcomes from the Dialogues in order to arrive at a consensus” (Referendum Council, 2017a: 22). For this purpose, the Council, assisted by the technical advisors, produced a document called “Our Story” for Convention delegates (Appleby et al., 2018: 3-4). This contained a synthesis of the Dialogues’ key themes.<sup>30</sup> It presented a chronology covering traditional law and sovereignty, colonial invasion, resistance, mourning, activism, the land rights movement, and the need for *Makarrata* or Treaty processes.<sup>31</sup> It then listed ten “guiding principles” distilled from the Dialogues, linking them to past statements and petitions and to international legal standards, to be considered at the Convention (National Indigenous Australians Agency, 2023a: 92, Referendum Council, 2017a: 22). It presented the “Outcomes” table above, and the following table, as an

---

<sup>29</sup> See Chapter Five on this and Chapter Seven on Treaty generally.

<sup>30</sup> On 10 March 2023, a 26-page combined document including the one-page Statement, nineteen pages of “Our Story”, and six pages of implementation roadmaps was released along with the Dialogues’ redacted records of meeting after a Freedom of Information request. The “Our Story” part had already been reproduced almost entirely in the Council’s Final Report (National Indigenous Australians Agency, 2023a: 87-106, Referendum Council, 2017a: 16-32).

<sup>31</sup> See Chapters Three and Seven regarding the contested use of the Yolŋu word *Makarrata*.

assessment of the options, assessed against the ten guiding principles recorded in the left-most column (Referendum Council, 2017a: 29, with letters overlaid for clarity):

	Statement of Acknowledgement	Head of Power	Prohibition on Racial Discrimination	A Voice to Parliament	Agreement-Making
Does not diminish Aboriginal sovereignty and Torres Strait Islander sovereignty	I	MP	MP	MP	MP
Involves substantive, structural reform	DNMP	DNMP	MP	MP	MP
Advances self-determination and the standards established under the <i>United Nations Declaration on the Rights of Indigenous Peoples</i>	DNMP	DNMP	I	MP	MP
Recognises the status and rights of First Nations	I	I	I	MP	MP
Tells the truth of history	I	DNMP	DNMP	MP	MP
Does not foreclose on future advancement	I	MP	I	MP	MP
Does not waste the opportunity of reform	DNMP	DNMP	MP	MP	MP
Provides a mechanism for First Nations agreement-making	DNMP	I	DNMP	MP	MP
Has the support of First Nations	DNMP	DNMP	I	MP	MP
Does not interfere with positive legal arrangements	I	I	I	MP	MP

■ Meets principle  
■ Does not meet principle  
■ Inconclusive

“Our Story” then summarised the three reform options most endorsed by the Dialogues: Voice, Treaty, and Truth.

#### IV. THE NATIONAL CONSTITUTIONAL CONVENTION

From 23 to 26 May 2017, the Council held the National Indigenous Constitutional Convention at the “Ayers Rock Resort” in Yulara, a commercial tourist resort, near Uluru in Central Australia. It invited the ten elected delegates, two Co-Chairs, and five local Working

Group facilitators from each Dialogue to attend (2017: 113). A total of around 250 people attended, but most attendees described these seventeen from each Dialogue and the Canberra Information Day as the Convention's "delegates". One document lists 257 people attending, including 201 delegates, of whom up to 123 were elected.<sup>32</sup> Many of the roughly 56 non-delegate attendees were there in various formal capacities, including Council members, a logistics team, technical advisors, Prime Minister and Cabinet liaison, and the National Congress Co-Chairs. A small number of other Indigenous individuals were invited directly by the Council. A small number of non-Indigenous people were also onsite, including Referendum Council Co-Chair Mark Leibler and three of the lawyers invited by the Council as technical advisors (Appleby et al., 2018). Separately, a group of at least twenty Indigenous individuals made their own way to Yulara and sought entry to the discussions, mostly camping at the Yulara campground.

Although not mentioned in the Council's report, many Convention attendees remembered the 23 May 2017 flight to Yulara as a highlight of the process. The Council chartered a Virgin Australia plane to fly all delegates together from Warrane/Sydney to Yulara, which some referred to as the "Black Virgin". Several attendees recalled that the Aboriginal flag was flying in place of the curtains between business and economy, and that the entire crew were Indigenous. Ross Williams said:

Mate, that was the biggest spin-out of my whole entire life. ... It was one of the most beautiful moments of my life. Being in a plane full of blackfellas. You know, we all yakked on, and laughing, and carrying on like chooks. And having the bestest time, you know.

---

<sup>32</sup> A table released in June 2023, titled "National Convention Attendance", defines "Regional Dialogue Delegates" in this way, suggesting that there were 257 total invited attendees, of whom 201 were such "delegates". Of these 201, up to ten were elected by each Dialogue, and three by the Canberra Day, for a total of up to 123 elected delegates (National Indigenous Australians Agency, 2023b: 3-5).

Rod Little called it “one of the magnificent feelings I’ve ever had, you know? Just, flying high with the mob! [Laughing].... It was one of those moments in time that, you’ll probably never see that again. Yeah. But it was pretty awesome”. Melissa Clarke similarly recalled:

I remember us being flown. ... the flight attendant was just like, “you mob are doing us all proud”, and “the hopes for the future of our children and families”, he’s crying around on the speaker there...

Person KJ similarly recalled that one of the crew members on the intercom was “just proper, just talking Aboriginal slang the entire time”, and before everyone disembarked, encouragingly said, “you guys are here for a really important purpose. I just hope you know we’re all cheering you on”. They further commented:

[I]t was just this really emotional plane flight. Also, to have a plane full of blackfellas with the Aboriginal flag was just epic. [Laughing]. So, yeah... that was one of the most fun experiences ever.

As with the Dialogues, there was much excitement about having a space created by Indigenous people, for Indigenous people, to make decisions for themselves. Participants used emotional language, suggesting they were focused not only on the fact of gathering, but who was gathering and how they felt and expressed a shared identity.



*National Congress of Australia's First Peoples Co-Chairs Rod Little and Jackie Huggins on the charter plane to Yulara (supplied: Rod Little).*

The opening ceremony was held by at the nearby Muṯitjulu Community at sunset on the first evening. Muṯitjulu is a closed access Aboriginal community within Uluru-Kata Tjuta National Park, home to Anangu Traditional Owners and about 25 kilometres from Yulara.

Megan Davis later described the ceremony:

At the opening ceremony, held at Muṯitjulu, people from Arnhem Land and the Torres Strait, and Anangu men, the traditional owners of the land that the Convention was to meet on, performed three ceremonial dances (Davis and Williams, 2021: 140).

The first of those three groups to dance, a Gumatj Yolŋu delegation from North-East Arnhem Land, included a Gurtha (fire) dance. Djunga Djunga Yunupingu, speaking for his brother Yunupingu, a Council member who could not attend, explained:

The fire that we have brought to you in our ceremony has the energy and the power to show who we are and where we come from. The tongue of the fire speaks through us and the sparks that fly show us the way forward. It gives us the power and identity of who we are. It lights up the life that is in us. It tells us that, no matter what happens to us, we are in ourselves strong and unbreakable. Our fire was lit by our ancestors and

lives through our song and our dance. And this gives us power and we seek to give that power to you (Gordon, 2017).

Torres Strait Islander dancers followed with a Baidam (shark) Constellation dance, and finally a local Anangu group replied with a Kuniya Liru (snakes) dance, representing a story significant to Uluru, a ceremony Thomas Mayo later described as “the spiritual highlight of my life” (Mayor, 2019: 40). As Mudburra and Wagadagam journalist Natalie Ahmat reported on television that evening, “often, when we think of opening ceremonies, we think of a lot of formality and a lot of speeches. Well, there was none of that... What we did get to experience was three beautiful dances” (National Indigenous Television, 2017 at 0:45).



*Attendees watching Torres Strait Islander dancers at the opening ceremony at Mutitjulu (supplied: Karel Williams).*

Many attendees recalled that some local Anangu people attended the Convention, while noting that Mutitjulu Community, the town beside Uluru which is home to Anangu people, and Yulara, the nearby location of the commercial Ayers Rock Resort, are culturally distinct places. The communities do not always work together and few, if any, Anangu people were directly employed at the resort. Aunty Pat Anderson said that Anangu people were conscious of hosting Aboriginal people from across Australia on their Country, and that “they felt quite a big responsibility for that as well”. One Central Australian delegate, Person

PX, described Muṭitjulu Community member Sammy Wilson as having a significant role, including welcoming the Convention delegates at Muṭitjulu: “he was heavily involved in that whole meeting”. Karel Williams remembered that “we’d worked very closely with the Muṭitjulu Community. They were very happy for the Convention to take place there”. Many attendees described how Anṅangu protocols influenced discussion, including respectful engagement, working together to find a consensus, no swearing, and not walking on Uluru when visiting.

Discussions began on the second day. In the main conference room, “enormous Aboriginal and Torres Strait Islander flags were hung from roof to floor” (Anderson and Davis, 2023: 130). Only those invited to Yulara were allowed into that main room, while a live-stream feed was set up in a secondary room for non-delegate staff and other interested Aboriginal or Torres Strait Islander people (Anderson and Davis, 2023: 130). However, those who had made their own way to Yulara sought entry to the discussions and there was a dispute about exclusivity. Eventually, they were allowed into the main room but were asked not to speak in the discussions. Gwenda Stanley, a delegate, recalled calling them in and exchanging written notes in order to speak for them. Five of the technical advisor team from the Dialogues attended, two Indigenous and three non-Indigenous (Appleby et al., 2018: 4). A few attendees mentioned the presence of the non-Indigenous lawyers. But it was generally agreed that it was very much an Indigenous-led and attended process.

For the bulk of the first days of the Convention, representatives from each Dialogue presented their own Dialogue’s record of meeting to the rest of the attendees. Delegates were given printed copies of their own Dialogue’s record of meeting, as well as the Council’s “Our Story” document. Marion Scrymgour commented that “everyone was given what [record] came out of their state and territory”, and she described the Convention as “two days of wrangling” based on “pulling apart” and discussing those documents. Melissa Clarke recalled

that “our most important mandate was to take those discussions, and the views, and the aspirations, and the challenges, of the Dialogue that happened in Adelaide to Yulara”. Peta Braedon recalled how Northern Territory delegates met in advance so that “we were on the same page”. David Collard remembered that Western Australian delegates coordinated, “respecting each part of the Country but being unified”. During the discussions, delegates broke up into Dialogue groups and other break-out groups to consider the different constitutional proposals. Young people had their own break-out group. Person PX remembered it as “all very carefully considered, with really good communication and transparency in terms of reporting back to everyone who was there”.



*The large Aboriginal flag on the side of the main Convention room (supplied: Karel Williams).*

On the afternoon of the third day of the Convention, a group walked out of the meeting in protest (“the Walk-Out”). Outside, they gave a press conference outlining their concerns to NITV media. Delegate Lidia Thorpe gave a statement she had drafted with the group. However, people I spoke with gave differing accounts of what happened. It began when some attendees, who were not supportive of the Council’s process or the direction things were going in, staged a protest in the main room. They then walked out and left the

Convention. One or two others joined them outside. Among the people I spoke with, estimates of the number of delegates in the group ranged from five to 20, and the total group size from 20 to 40. The most common estimates were seven delegates, along with 20 to 30 non-delegates, comprising most or all of those who had made their own way to Yulara campground.

The Walk-Out group's concerns were both procedural and substantive.<sup>33</sup> They criticised the representativeness of the agenda and said their voices were not heard. They claimed Council members controlled proceedings too much, promoted their own preferred strategy despite being unelected, and limited the time for open discussion among elected delegates. For example, Robbie Thorpe stated that he and others had come with a "Treaty justice" mandate, but "they didn't want to hear it. So, we walked out". Lidia Thorpe said it was Aunty Jenny Munro who made the decision to leave, since "they're shutting us down at every corner".

There had been substantive disputes, particularly about the prioritisation of sovereignty and sovereign treaties. As delegate and Walk-Out group member Gwenda Stanley said, "at the end of the day, if they're not talking about land rights, restitution and reparatory justice, and the genocide of this Country, well, it's irrelevant to us". In her view, this and all government-sponsored consultations were the wrong way around, focusing on how Western systems could acknowledge Aboriginal and Torres Strait Islander peoples, rather than vice versa. Such approaches become "all these little band-aid solutions". I further discuss the group's reasoning and later reflections in Chapter Five.

Some of the Walk-Out group subsequently rejoined the meeting. The small number of people who commented on it thought that a majority, but not all, eventually went back in and

---

<sup>33</sup> These comments are based on interviews and contemporary comments to media (e.g. Blanco, 2017).

apologised, and that some, but not most, even went on to sign the Statement. But some did not go back in. Some reported being threatened outside the Convention. Lidia Thorpe said that after the Walk-Out, “I and another black woman were threatened with tribal punishment. And we were told that we weren’t allowed back to our hotel”. So, they stayed in a tent overnight before leaving Yulara. Gwenda Stanley supported this account, and both of them described their experience as traumatising, threatening, and disrespectful.

When reflecting on the Walk-Out, other attendees mentioned cultural protocols, representation, and safety. On one side, the protest had broken Anangu protocols for the meeting, and on the other side, the Convention’s process had suppressed each nation’s right to speak for itself. Others mentioned divergences of strategy. While there were many commonalities between the group and supporters of the eventual Statement, there were key differences about incrementalism and pragmatism.<sup>34</sup>

The vast majority of attendees stayed, however, understanding Voice, Treaty, and Truth to be the consensus outcomes. Marion Scrymgour viewed the Walk-Out as inevitable, but thought its size was overstated. Peta Braedon saw it as “a robust discussion” and “the typical colour and movement you get with large groups of people coming together with different views”.

## V. THE STATEMENT FROM THE HEART

After the Walk-Out, on the second-last evening, the Convention developed a plan to draft a statement. Some viewed this as a natural outcome, which could reach a wider audience than a government report. As John Locke commented, “there had to be a statement, in my mind”.

---

<sup>34</sup> I return to these debates about the Walk-Out in Chapter Six.

A group formed to help draft a statement overnight for presentation to the main plenary on the final morning. According to Jennie Gordon and Gemma McKinnon, the group included Council members Aunty Pat Anderson, Megan Davis, and Noel Pearson, one person chosen by each Dialogue group, some of the technical advisors, and some youth voices.<sup>35</sup> Anderson described it as a group of about fifteen people, that dwindled as it went past midnight:

[T]here was a core group that stayed from the beginning to the end. And they did work all night. But they put that statement together from what we heard and recorded from the various Regional Dialogues. So, that's how it came about.

Others also described it as an effort to capture the sentiments expressed through the Dialogues and endorsed at the Convention. Some expected it to be quite short or direct and factual, like the Dialogues' records of meeting. Gemma McKinnon said, "I don't think that anybody thought, 'oh yeah, let's send our best poet in there'". McKinnon called it "a rag-tag bunch of people, sitting in there with Noel, Megan, and Aunty Pat", including one unnamed Walk-Out group member.

The document they drafted, reproduced as Figure 1, was a one-page statement with twelve paragraphs, entitled "Uluru Statement from the Heart".<sup>36</sup> It discussed Aboriginal and Torres Strait Islander sovereignty and the need for structural reform. It called for a Voice in the Constitution. It also called for both truth-telling and agreement-making processes, to be overseen by a "Makarrata Commission".<sup>37</sup> It concluded, "we invite you to walk with us in a movement of the Australian people for a better future".

---

<sup>35</sup> The technical advisor team described having facilitated this meeting in Appleby et al. (2018: 4).

<sup>36</sup> While the Statement was titled "Uluru", subsequent debate has questioned whether the name of the sacred place, "Uluru", was used appropriately and with permission (Lindsay, 2017). Person PX described how Muṭitjulu Community member Sammy Wilson "attended that meeting and gave permission for the Uluru Statement. And he worked that through with... his family at Muṭitjulu". Thomas Mayo wrote similarly that Wilson and his family decided "to give the name 'Uluru', to the Uluru Statement from the Heart" (Mayor, 2019: 227).

<sup>37</sup> *Makarrata* had been described by the Council in the "Our Story" document as "another word for Treaty or agreement-making" and "negotiated settlement" (Referendum Council, 2017a: 21; 55).

The Statement contained four italicised quotations.<sup>38</sup> Three are Australian phrases: “*a rightful place*” from a 1972 speech by former Prime Minister Gough Whitlam, “*the torment of our powerlessness*” from anthropologist W.E.H. Stanner in 1959, and “*the coming together after a struggle*” as a definition of the Yolŋu Makarrata process, attributed to Yunupingu’s 2016 essay “Rom Watangu”.<sup>39</sup> The fourth quote, on defining sovereignty, is from Vice-President Fouad Ammoun, of Lebanon, in his separate opinion in the International Court of Justice’s *Western Sahara* Advisory Opinion (1975), and had been referenced by the High Court of Australia in *Mabo (No 2)* (1992).

During discussions on the Convention’s final morning, Thomas Mayo spoke and “sought to inspire solidarity” (Mayor, 2019: 42). Council member Megan Davis read out the Statement to the plenary. Many attendees remembered Davis’s reading and cherished the moment. Several described crying and cheering during a standing ovation. Person DH said, “I can honestly say that that room erupted. ... There was that sense of... unity, and purpose, and elevation, and commitment”. Melissa Clarke used the same expression, “the whole room just erupted”, and described “real celebration”. David Collard recalled that while “I’m a pretty tough old guy”, in that moment, “it was overwhelming” and “I was in tears. That’s what it means to me”, after “being an advocate for so long, trying to change things in Australia”. Doyen Radcliffe called it “magical” and a “very powerful moment” where “the hair stood up on your back”. Jennie Gordon also called it “such a magical place to be” and said, “you could actually feel the strength of the Land, coming through the building” in that moment. Suzanne Thompson described the sense of relief in the room, and how it “captured everybody’s heart, spirit, and soul in that moment”, especially after the tension the day before. There was

---

<sup>38</sup> The Council later provided references for the quotes in its Final Report (2017a: copyright page).

<sup>39</sup> The Yunupingu quote may be a paraphrase, and does not appear in that essay as reproduced by the Council (2017a: 53-64).

universal acclaim among people I spoke with, regardless of their other views, that it was a beautiful statement.

Things moved quickly in the following moments. The late Uncle Sol Bellear called for the group to endorse the Statement in full. Several people remembered there being a show of hands shortly after. Sean Gordon described it:

[T]he most important piece was that the majority of the people stayed in that room [and] unanimously supported the Uluru Statement. There was not one dissenting person... who sat in that room. And so the people sat in that room, they said, “those for?”. Everyone voted in support. “Those against?”. No one.

The acceptance of the Statement was faster than expected. Jay Kickett described the moment as “pretty unified”, and that despite having two hours on the agenda for discussion, “it might have taken fifteen minutes... twenty minutes. Very little time, considering what it was. .... you probably think, ‘never gonna happen’. But, yeah. It came about relatively easy”. Person KJ said, “everyone was just like... ‘yes, there’s nothing we wanna change about that, and it’s awesome””. Person DH described it as a good surprise: “it was like ‘oh, shit, [laughs], we’ve got this free time now’. We’ve accelerated the process. And isn’t that a great thing?”.

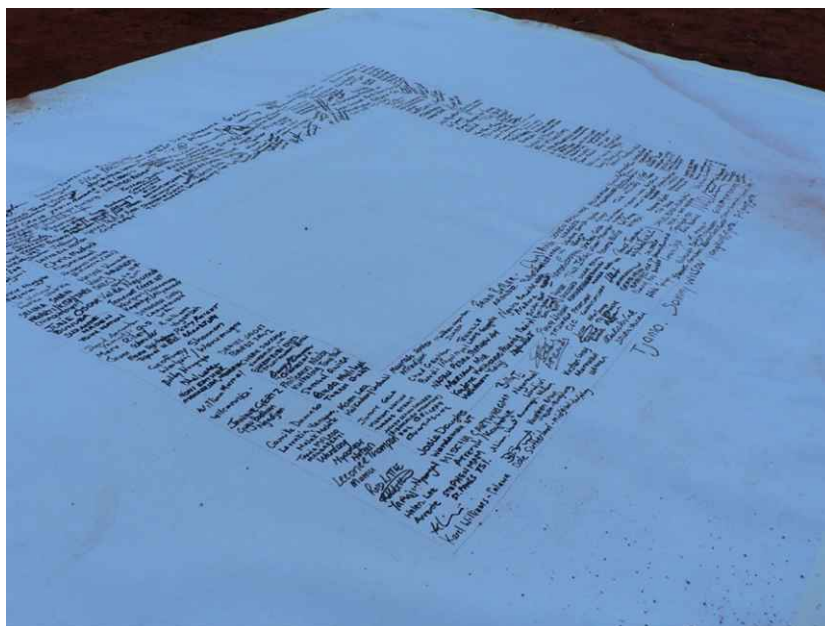
Some delegates later expressed concern that the Statement had not been written or edited by the whole group and thought that its speedy acceptance was a mistake. Rodney Gibbins called it a “rush of blood” and that Council members “shut down the meeting”. Aunty Josie Crawshaw said the Council “didn’t want a debate on the Statement”. Suzanne Thompson considered the move to a show of hands as “classic manoeuvres to get consensus”. Ross Williams liked the Statement, and signed it, but not the process:

I liked the principle of it. I just didn’t necessarily feel comfortable with some of the language, or the way it was – I felt, sort of, in a way, controlled. ... I didn’t have a say in any one of these single words. I had to accept it. ... And it was never facilitated, or never put up, discussed. It was a *fait accompli*. And that really pissed me right off. Cause you’re saying you want Indigenous people to have a voice, in this.

I discuss participants’ criticisms of this process further in Chapter Five.

Nonetheless, most participants fondly remembered the celebrations. A photograph of the full plenary at the conclusion of the Convention shows a large gathering, with many waving, and many more standing with a raised fist – a long-standing symbol of Black Power and solidarity in Indigenous Australian activism (Referendum Council, 2017b).

Although the Statement’s words were agreed that morning, some of the delegates put further work into its presentation. The text was published online and given to media straight away, but a larger physical version, inset in artwork on canvas, was created shortly after. The previous evening, delegate Rachel Perkins had acquired a large canvas and materials from local Anangu corporation Maruku Arts (Mayor, 2019: 8). She marked out in pencil three spaces: a central rectangle for the Statement to go in, space for signatures around that, and a larger space for artwork around that. The decision to present it in this format was a “bit organic”, according to Aunty Pat Anderson.



*The Statement canvas after the signatures, and before the painting and a copy of the Statement’s text were later included (Calla Wahlquist/The Guardian Australia, with permission).*

Attendees were asked to sign their name and their mob or Country. Everyone present was able to sign, including delegates and non-delegate attendees. As Aunty Pat Anderson

said, “well, we would expect them. We couldn’t say, ‘you’ve been working with us, then you can’t sign’. ... Who would say ‘no’ to the staff members?”. Once it was signed, Perkins took the canvas to four local women artists from Mutitjulu Community, led by Rene Kuliṯja, who painted important traditional law stories from Uluru around the canvas. They wrote “Uluru-ku Tjukurpa”, referring to “the traditional stories of Uluru” (Mayor, 2019: 12).<sup>40</sup>

This canvas, addressed to the Australian public, was reproduced earlier as Figure 2. For many, this is the version they refer to as “the Statement”. Many delegates later commented that the use of local traditional artwork echoed the Yirrkala Bark Petitions (1963/68) and the Barunga Statement (1988).



*Rod Little signing what became the Statement canvas (supplied: Rod Little).*

The closing ceremony was held at Mutitjulu Community later that day, and the Statement was read out again there. Some attendees described this ceremony as a cultural highlight. Mutitjulu Community member Sammy Wilson gifted Council members traditional wooden implements, “a Piti, Tjutinyapa and Tjara”, to encourage them to carry forward the

---

<sup>40</sup> “Tjukurpa” has a complex meaning, and I discuss this and the cultural significance of the Statement’s artwork in Chapter Six.

Statement's message (Anderson and Davis, 2023: 146). Walk-Out group member Gwenda Stanley reported that the group did not attend. Thomas Mayo told me the ceremony was spiritually significant:

And then going to Mutitjulu, that community, close to Uluru. And with Uluru in the background in the evenings, you know, changing colours. The different dancers, Torres Strait Islanders as well, the Yolŋu. And then the spiritual endorsement of the Uluru Statement for the cultural endorsement, happened that evening after the endorsement within the Convention hall.

Mayo also wrote of "jubilant celebrations that went into the early hours of the morning", and said while singing and playing music together, "we were all on cloud nine" (Mayor, 2019: 43). Delegate Marion Scrymgour described the closing ceremony and the Torres Strait Islander and Gumatj (Yolŋu) dances: "that's where... your goosebumps and your hair stands on end. ... it was the most spiritual and cultural experience I've ever had".

While I describe delegates' reflections on the process and the substantive issues in Chapter Five, here I elaborate on what achieving the Statement meant to them.

When asked in conversation with me six years later to reflect on what the Statement meant to them, attendees generally recalled excitement and enthusiasm about the Convention and particularly about it being Indigenous-led. Many had been excited to be part of something big, and to have been there even for the disagreements. Several people said they brought a mandate from their wider Dialogue group, from their home community, or both. Many called it a "good", "humbling", or "powerful" experience. Melissa Clarke said, "it was the best thing I've ever been involved in" and was "incredible", being "this massive moment in time that was going to progress this movement". Peta Braedon said, "I felt incredibly honoured, I suppose, to be part of that". Several described simply being present with so many strong advocates and meeting others from different language groups as a highlight. As Erica

Smits put it, “I was just more excited about seeing all the different Countries, like, all the different nations”.

Signatories celebrated finding consensus. They were clear that any constitutional recognition needed to be substantive and empowering. As Karel Williams said, “everyone was very clear that we don’t want poetry in the front of the Constitution”. Aunty Pat Anderson believed the sentiments in the Statement came from the analysis of what attendees had said through the process, “and we just pulled it together”. Person KJ described of Voice and Treaty, “no one really fought hard for anything that wasn’t on the list. It was pretty clear that there were two reforms”. Participants described the various elements of the Statement as a package deal, and almost no-one discussed Voice in isolation. Delegate David Collard warned of the risk of not seeing that whole: “other people who read it, they just want to take bits and pieces out of it and use that. Because they just don’t get it, because it doesn’t mean anything to them”.

Attendees generally agreed the Statement was a good and accessible length, which still managed to contain layers. Many people had specific parts of the Statement which were their favourite, or which they took issue with. It was accepted, even among those who did not sign, that the Statement was beautiful and well-written, and many had strong feelings about it. Peta Braedon’s description encapsulated what several attendees said:

It’s a very moving, and very reasonable, statement and gift. Offering. ... And very skilful. How do you put something that is really complex, but also so very simple, into something that touches, that makes an impact? ... This Statement is a gift, you know. It’s showing a vulnerability, and a willingness, to show part of yourself, and in doing so, inviting somebody else to share something back.

Many delegates spoke of the relationship between the Statement and previous petitions, particularly the Yirrkala Bark Petitions (1963/68) and the Barunga Statement (1988), which similarly framed rights advocacy with traditional painting. They noted, however, that those

petitions were made to government and ended up being stored away. As Jennie Gordon said, “this is our gift to the people of Australia”, a Statement addressed to the public and not handed over to government to avoid the fate of being kept “in glass cabinets”. Several participants expressed deep frustration with having had to make the Statement in the first place.

Many still had deep hesitations, particularly about the process used and the political next steps, which I discuss in Chapter Five. But most were glad to have agreed on a package deal which reflected many of their goals. In terms of the outcome, the most common position was best expressed by delegate Erica Smits. Treaty and the rights of each nation to their own representation and self-determination were the common priority of many delegates. But once reassured that constitutional change through a Voice was compatible with those goals, and it could all be in the Statement, there was widespread support:

So, once I understood that, once I knew that if we go and get ourselves in the Constitution and go we down the Voice [path], it’s not gonna knock us out for treaties, I was like, “yep. I’m, okay, I think we should have everything.”

## **VI. CONCLUSION**

About 90% of the people present at the Convention, and about 97% of those officially invited, supported the Statement. This was a remarkable result. Council member Noel Pearson later stated, “I doubt that any polity in any community in this country has achieved the breadth of unanimity as our people achieved at Uluru” (Pearson, 2018 at 17:45). Anderson and Davis (2023) later described it as a “unanimous”, “consensus”, and “overwhelmingly endorsed” result (inside cover; 22; 146). While I discuss participants’ reflections on this in the following chapter, some things are already clear.

Emotions in the process of collective action were important, as reflected in three aspects of the Convention: the plane journey on the way to Yulara, the ceremonies at Muṭitjulu, and the acceptance of the Statement on the final morning. This was not an outward-facing performance of Indigeneity, because these aspects were not included in the Council's report or put to government, and the flight and Convention room were private. When referring to all of these, many participants described collective feelings. They described the plane journey as “emotional”, “beautiful”, and “fun”. They described the ceremonies as “spiritual”, “cultural”, and giving “goosebumps”. In the moment of the Statement's acceptance, the room “erupted”, with feelings of “elevation” and having “heart”, or in the view of some, a “rush of blood”.

The in-person element was key. Of course, Indigenous peoples have long used new media and technologies for broadening solidarity and advocacy (Landzelius, 2006, Alia, 2010). The Council did conduct parallel consultation with the broader Australian community via online and telephone surveys, which found support for all of the options, and digital engagement through a website and social media channels (Referendum Council, 2017a: 33-5). But they found digital engagement to be polarised and largely unhelpful, “mostly limited to people with extreme views, including those making racist comments, or expressing a singularly pro-sovereignty view” (Referendum Council, 2017a: 122). The bulk of their report, and their constitutional recommendation, was based on what happened at the Convention, an offline process featuring an in-person gathering, paper documents, local organisational knowledge, scribes, speeches, and emotional expression.

These feelings, however, were also related to broader issues. Participants described pressure to get an outcome, given their awareness of the rarity of the event. As John Locke said, “there had to be a statement”. The Convention created a sense of purpose, interdependence, and collective action. “Jubilation” came after that action was achieved. The

overnight drafting group had created a compromise which could be described as an “integrative solution”, an outcome where each side maintains what is most important to them but compromises the most on what is important to the other (Aronson et al., 2007: 302). Council members and those prioritising politically feasible constitutional change agreed to a Statement with a much broader package, while many who prioritised stronger changes, like Treaty, signed up to the Voice proposal and tempered language like “agreement-making” and sovereignty “co-existing” with the Crown.

Psychologists observe that finding integrative solutions is difficult, especially in circumstances of high stakes or distrust (Aronson et al., 2007: 302). It appears that the deliberative process the Council chose assisted in this. The Statement’s emphasis on sovereignty, Treaty, and Truth seems to have resulted from the Dialogue process, which helped to identify their fundamental importance in a way previous processes had not. The extensive literature on deliberative democracy emphasises the benefits of structured deliberative processes with capped-number groups, or “mini-publics”, reflective of the community (Fishkin, 2009, Bächtiger et al., 2018, Lafont, 2020). Such models can help to break through distrust of government representation and find practical reforms on difficult policy matters (Fishkin, 2018b). In fact, the Council’s process did not appear to follow a standardised deliberative model. For example, James Fishkin’s popular standardised model of deliberative polling depends upon elements the Council did not seem to use, including random sampling of a population to choose participants, balanced briefings on the competing arguments vetted by a stakeholder (non-expert) advisory group, the ability to hear and interrogate competing experts for and against proposals in the plenary sessions, and confidential evaluation of final opinions (Fishkin, 2018a).

Even in a standardised form, deliberative processes have been described as exclusive and at risk of being seen as undermining open democracy (Hammond, 2025, Drake, 2021),

underemphasising difference (Martínez-Bascuñán, 2016), and not necessarily facilitating Indigenous rights to self-determination (Hébert, 2018, Wood, 2023: 13). Whether they help improve perceptions of legitimacy also depends upon whether their recommendations are followed (Germann et al., 2024). While the Council had reasons for some of its decisions, the process did attract criticism. Although participants generally did not frame their comments in terms of deliberation, they were sensitive to all of these issues, as I discuss in Chapter Five.

Most delegates wanted to come together despite many having hesitations about the process. Of central significance was a sense of collective identity. The plane was special because it was full of “blackfellas” with their flags. The event was special because of who it was run by and who it was for. The “Our Story” document and the opening of the Statement were clearly grounded in cultural norms and descriptions of relations with the Land. The Statement advocated “walking together”, a key part of Graham’s cultural description of balance and consensus-building. Jennie Gordon said of the moment the Convention accepted the Statement, “you could actually feel the strength of the Land, coming through the building”. The Statement also reflected shared superordinate values and goals like sovereignty, Treaty, and self-determination. But these were often described as aspects of participants’ identity as Aboriginal and Torres Strait Islander people. Emotion in a collective action context helped emphasise this identity. Characterised this way, the Convention exemplified three important aspects of solidarity discussed in Chapter One: a collective identity which transcends differences, collective action in a situation of interdependence, and collective feeling in the gathering. Perhaps one of the reasons the Convention achieved a near-consensus outcome was having the unusual combination of all three.

The impacts of a sense of cultural identity and collective feeling, particularly the latter, do not always outlive the contexts in which they arise and are emphasised. The groups and processes that followed the Statement did not work as well, as I describe next. Some of

the sense of solidarity which facilitated collective action at the Convention dissipated. Operationalising the Statement into a political campaign, aimed at convincing politicians and then the general public to support the Referendum, required a shift to an external-facing political focus, and from a large gathering to dispersed groups. The contrast between the Convention and subsequent activities shows that while some identities may be relatively constant, the collective feelings and actions which emphasise them can be context-dependent.

**CHAPTER FIVE**

**ULURU PART TWO –**

**REFLECTIONS AND THE ROAD TO THE REFERENDUM**

## I. THE AFTERMATH OF THE CONVENTION

### A. The Roadmap Ahead and the Working Group

The endorsement of the Uluru Statement at Yulara and its presentation at Muṯitjulu were not the only things that happened on 26 May 2017, the final day of the Convention. There was still the question of moving forward. According to Aunty Josie Crawshaw, that afternoon, Thomas Mayo presented a “Makarrata Roadmap” document with the Indigenous Steering Committee’s support, which delegates passed by a simple show of hands. The document, publicly released in 2023, seems to have been prepared by the Committee. Across six pages of text and flowcharts, it sets out a complicated series of steps which would lead to Voice, Treaty, and Truth (National Indigenous Australians Agency, 2023a: 107-12).

According to the Roadmap, an elected “Makarrata Roadmap Working Group” would meet with the Referendum Council and jointly convey the Statement to politicians on 30 June 2017, at the conclusion of the Council’s work, before embarking on a two-year program of advocacy. According to this timeline, a Voice would be established first, but Treaty and Truth would immediately follow (National Indigenous Australians Agency, 2023a: 110-2). The working group would lobby politicians to develop a more detailed roadmap towards Voice, including details of legislation and “the specific wording of constitutional reforms”. They would bring this roadmap to the August 2017 Garma Festival for Statement signatories to endorse. They would then lobby Parliament for two bills. The first would be a Voice Bill, to establish a First Nations Voice body after a process of regional dialogues, buttressed by a successful referendum. The second, a Makarrata Commission Bill, would create a Makarrata Commission, also designed by regional dialogues. This Commission would oversee the implementation of Treaty and Truth. For Truth, the Commission would function as a truth and reconciliation commission. For Treaty, the Commission would operate as an “umpire”, supervising two levels of negotiations. At the national level, the new Voice body would

negotiate with the Parliament to establish a Makarrata National Framework Agreement, providing national standards for local agreements. At the local level, each First Nation would make its own local agreement with government.

However, almost no-one I spoke with six years later mentioned or emphasised this Roadmap. Indeed, signatories had differing opinions about whether the Roadmap, and the prioritisation between Voice, Treaty, and Truth, had been discussed or agreed. Nevertheless, delegates did follow the Roadmap's first stage, electing a Makarrata Roadmap Working Group. Delegates from each of the twelve Dialogue groups and Canberra elected one man and one woman to the group, several of whom had been Dialogue Co-Chairs. Two or three youth members were also chosen, making 29 members in total. In addition, Council members Aunty Pat Anderson, Noel Pearson, and Megan Davis attended the group's meetings. Suzanne Thompson recalled that the group was elected "to progress the roadmap forward: these are your voices and your people to move forward". According to Aunty Josie Crawshaw, people generally agreed that they were to "sell the Uluru Statement from the Heart and what those three pillars meant". Thomas Mayo said it was to "report back in all of our regions about what had happened at Uluru" and "be a part of the next steps".

The Working Group first met in Warrane/Sydney in the weeks following the Convention, and later in Victoria. Several members said it went very poorly. There was personal conflict. Some members had personal and ideological disagreements dating back decades. As Jennie Gordon said, some members "had this long history" from ATSIC times and "it was really obvious, they weren't going to be agreeable to anything". She said it was "very uncomfortable" and "the combination of the people who had been elected was probably not good". David Collard regretted the group's fracturing:

[T]here was fractions within that Working Group... it was sad. Because I thought we had consensus when we first joined up. But then those individuals then started bringing their own personal issues to the forums. ...you had, oh, just, leadership woes

as usual. ... we didn't need it at all. We needed to support each other; we needed to accept each other's differences.

Collard considered that "some of the individuals were just – wanted to lead", and "they'd go and do... whatever they wanted to do", regardless of the group's decision. Thomas Mayo thought some members went beyond the Statement, and "had ideas... 'actually we got it a little bit wrong, it should be this'".

These issues fed into disagreements about the group's direction and the ongoing role of the three unelected Council members, heightened by the Council apparently endorsing Thomas Mayo to lead the group. Mayo described, "I was the first chair of that, interim chair, basically. I wasn't one of the Work Group, but I brought the group together as soon as the Convention was over and everyone went home". As Rodney Gibbins recalled, "Thomas declared himself as the chairperson of that group, first up. He wasn't even elected to that group", something Gibbins labelled "the beginning of the downfall of what we had done at Uluru". The group later chose Aunty Josie Crawshaw and Suzanne Thompson as Co-Chairs to join him, after insisting on a vote. Thompson recalled strong disagreements with Council members. Rodney Gibbins reflected that "it was obvious no one wanted us to be there from the hierarchy". Jennie Gordon described the tensions:

[B]y the time we got to Sydney, it was really, really obvious within a short time, probably two hours, that this was a disaster. ...the members of the Referendum Council... really had a vision of where they wanted to go and how they wanted to get there. Some of the people who had been elected... really had an opposite view. And then Thomas was put in... by the Referendum Council, not through election from the Working Group.

I discuss issues of representation and leadership further in Chapter Eight.

Although the Makarrata Roadmap stated that the working group would have "an appropriately resourced secretariat", government funding ended with the Council's conclusion on 30 June 2017 (National Indigenous Australians Agency, 2023a: 107). As Jay

Kickett explained, “from the government’s perspective, there was never going to be an ongoing process. The Council was a short-term process”. Rodney Gibbins said instead of discussing the Statement’s implementation, the group was left asking, “how can we continue our meetings on the smell of an oily rag?”. So, it “was starved of funds and eventually just faded into the night, so to speak”. Thomas Mayo recalled that the group “did its best”, but there “was no money for a campaign”. Uncle Kenny Bedford called the group “a bit of a fizzer”. Auntie Pat Anderson recalled that “there was no outcome from either of those meetings”, and that the group “were never gonna run a campaign” or “raise the money”, so other groups formed, and group members “ended up feeling aggrieved”. Gemma McKinnon explained how these financial challenges cause divergences:

[T]he aftermath of Uluru is a... very interesting study in political movements, and... how on earth does anybody get anything done without any money? ...using volunteers and asking people to volunteer their time when they’re already massively overstretched.

...

[T]here’s been a lot of... pandering to conservative mentalities. And a lot of what I think most blackfellas would see as time-wasting, right, money-wasting, doing stupid fundraising activities... But... the amount of money that has been required to do this has simply put us in a position where we have no choice. Because nobody’s got that cash.

I further discuss resourcing challenges and division in Chapter Six.

### **B. The Council’s Final Report and the Political Response**

In the meantime, on 30 June 2017, the Indigenous and non-Indigenous members of the Council presented their Final Report, after having met twice that month (Referendum Council, 2017a: ii; 4). The Report included the Statement in its inside cover. It did not mention the Working Group. It recommended a Voice referendum, and a declaration of recognition through coordinated symbolic legislation by all Australian Parliaments. It also

noted the importance in the Statement of agreement-making and truth-telling processes, but did not “make a specific recommendation on this because it does not fall within our terms of reference” (2017a: 2).

The Report reproduced the “Our Story” document, the Council’s synthesis of the records of meeting from the Dialogues, almost completely. It presented “Our Story” as the foundational logic behind the Voice, Treaty, and Truth proposals (2017a: 29).<sup>41</sup> The Report’s recommendations on Voice did not perfectly correlate with the logic in “Our Story”, which had noted:

There was a concern that the proposed body would have insufficient power if its constitutional function was “advisory” only, and there was support in many Dialogues for it to be given stronger powers so that it could be a mechanism for providing “free, prior and informed consent” (National Indigenous Australians Agency, 2023a: 103, Referendum Council, 2017a: 30; footnotes omitted).

The Council’s Report stated:

Legislation of the Parliament would deal with how the body is to be given an appropriately representative character and how it can properly and most usefully discharge its advisory functions.

It is not suggested that the body should have any kind of veto power (Referendum Council, 2017a: 36).

Several signatories subsequently told me that they had understood the Statement’s Voice proposal to be stronger than that in the Report. While most signatories accepted the advisory specification as a necessary political reality, several saw it as undermining the Statement. To Aunty Josie Crawshaw, “the sinking feeling of betrayal was enormous”. She added, regarding the Convention, “what I want to put on the record, is that in those days that we were there, and on the final day, never ever was there ever a mention that the Voice would be an advisory

---

<sup>41</sup> It made two apparent amendments to “Our Story”. One was to delete references to some alternative representation ideas for Voice, such as designated seats in Parliament or the creation of a “Black Parliament”. The other was to remove a reference to possible financial aspects of a Treaty settlement (National Indigenous Australians Agency, 2023a: 104-5, Referendum Council, 2017a: 31).

voice”. Gail Beck criticised how “after they’d done more work, there was the fine print – advisory only”, rather than having “our own chamber” making self-determining decisions. She said, “I was at Uluru and I loved the Statement, but it changed. The heart intent disappeared. It became bureaucracy”.

After the Statement’s release on 26 May 2017, politicians gave mixed responses. The following Monday, Leader of the National Party,<sup>42</sup> Barnaby Joyce, labelled the Voice proposal as political “overreach” and “another chamber in politics” that “just won’t fly” with Australian voters (Yaxley and Conifer, 2017). Liberal Party Prime Minister Malcolm Turnbull suggested a Voice referendum would be “very difficult” with a “constitutionally conservative” public but awaited the Council’s Final Report. The Greens immediately supported the Statement. Labor Party Opposition Leader Bill Shorten called for an “open mind”. Labor Senator Pat Dodson suggested the Expert Panel’s work should not be abandoned (Dziedzic and Conifer, 2017). The Labor Party later endorsed the Statement and Voice proposal (Thorpe and Morgan, 2018). Ken Wyatt described how the Council met with the Prime Minister, Opposition Leader, and other politicians to present their Final Report. He recalled a “very interesting dialogue” in which the politicians “indicated it was not what they expected” and would “have to consider it”. This led to a “heated discussion” between Council member Noel Pearson and the Prime Minister.

In October 2017, Prime Minister Turnbull announced the Australian Government’s rejection of the Voice proposal, criticising it for being different to previous proposals, and saying it would be undemocratic and would fail at a referendum:

A constitutionally enshrined additional representative assembly for which only Indigenous Australians could vote for or serve in is inconsistent with this fundamental principle [of equal civic rights to vote and stand for Parliament] (Turnbull, 2017).

---

<sup>42</sup> The then Australian Government’s coalition partner.

Turnbull and Joyce both admitted, years later, that their characterisation of the Voice as an undemocratic “third chamber” of Parliament was incorrect, and Turnbull supported the Referendum after leaving politics (Bolger, 2019, Ferguson, 2022). Rod Little called the claim “rubbish” and Jay Kickett dubbed it “scaremongering”, but conservative voices continued to make the argument until the Referendum (Duong and Davidson, 2023, McHugh, 2022).

Many Convention attendees described their disappointment and sense of deflation at this outcome, having chosen a proposal that had previously had conservative support. Signatory Sean Gordon resigned his Liberal Party membership, describing Prime Minister Turnbull as playing factional politics. Gordon stated, “he didn’t sit down to have a proper conversation with Indigenous people as to why we put this position forward”. Peta Braedon called it “terrible”, “very wrong”, and “just disinformation, deliberate misinformation”. David Collard called it “dirty politics”. Karel Williams described the deflation after being “onto such a high” after the Convention, suggesting that “we should expect the worst all the time, and then we’re not disappointed”. Aunty Pat Anderson called Turnbull “the latest mission manager. All he needed was a bunch of keys swinging off his belt”. She explained:

[T]hey set the terms of reference. They spent all the money. They said, “go out and ask blackfellas how they wanted to be recognised in the Constitution”. That’s number – there’s five paragraphs, if you like, of the terms of reference, and that’s number one. And they come back with this and they said, [whispering] “oh, no, no, no, not that. We’re not gonna do that”. [End whispering]. Well don’t fucking ask us again.

Council member Noel Pearson called the government’s response “egregious dog-whistling” caused by internal factional politics (Brennan, 2017a).

Members of the Walk-Out group continued their advocacy. They gathered at the Aboriginal Tent Embassy on 24-25 June, and on 6 July 2017 released a statement titled “Aboriginal Embassy Statement from the Sacred Fire Walkout Statement: Opposing Constitutional Recognition and Manufactured Consent”. Listing 33 Convention delegates and

supporters as members of the Walk-Out group, they criticised the Council’s process as non-representative and “corrupt”, and urged the prioritisation of sovereignty, treaties, and nation-building for each language group. They stated:

No genuine mandate to make decisions on behalf of First Nations belonged to the majority of participants at the National Constitutional Convention. ... an executive decision was made by the powers that be to stack the National Constitutional Convention with their paid staff and facilitators, whom they called “delegates”.

...

We call on all Sovereign First Nations Peoples across the Country to engage with the mainstream public to establish a national process, which culminates in the rewriting of a new and modern constitution for a Republic. This must be underpinned by First Nations Sovereignty... (Coe et al., 2017: 3-4).

They strongly criticised the Council’s process, stating, “the Government-created Conservative Black Political elite have sold us out in their agreement with the Referendum’s Council’s pre-determined agenda” (at 7).

In late 2017, the Australian Government and Opposition agreed to establish another committee to further consider the options, and on 19 March 2018 appointed a Parliamentary “Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples”. The Committee reported in November 2018 (Joint Select Committee, 2018). Its main recommendation was that the government should initiate a co-design process so that Indigenous people could be directly involved in defining the local, regional, and national aspects of Voice, and the government would then consider “legislative, executive and constitutional options” for establishing that Voice (at xvii-xviii). The government deferred its response until after the 2019 Federal Election, but later initiated a Voice Co-Design Process, discussed below.

Submissions to the Joint Select Committee revealed ongoing divergences about Voice. Council members Aunty Pat Anderson, Noel Pearson, and Megan Davis, and colleagues of Davis from the Indigenous Law Centre at the University of New South Wales,

provided a submission which proposed referendum wording very similar to that eventually chosen in 2023. They emphasised “parliamentary sovereignty”, stating:

It is not intended for the Voice to have any form of veto power over the legislative process, and therefore it will rely upon political respect from other constitutional institutions (the Parliament and the Executive) to achieve positive influence (Anderson et al., 2018: 5).

The post-Convention Working Group submission, signed by Co-Chair Suzanne Thompson, disagreed:

The [Working Group] contests the Referendum Council’s Advisory Voice model as unsustainable, and not providing the structural change needed to substantively address First Nations’ inequality and inequity in this country. At the heart of our powerlessness is the need to have our sovereignty and self-determination rights recognised, in accord with the international human rights standards set with the United Nations Declaration on the Rights of Indigenous People (Statement from the Heart Working Group, 2018: 2).

They called for Treaty, Indigenous sovereignty, truth-telling, and a “self-determining Voice” with a “culturally appropriate” structure, designed by a “National First Nations’ Assembly Convention” (at 2; 6; 7). The Council members stated, by contrast, that:

[T]he function of the Voice is not described as “advisory” or “consultative” only. The Voice is given a proactive, self-determined function of presenting its views, rather than waiting to be “engaged by” or “consulted by” the Parliament or the Executive (Anderson et al., 2018: 7; footnote omitted).

The Statement had a lasting impact, but the aftermath of the Convention was difficult. It highlighted the challenges of shifting from a deliberative, almost all-Indigenous context to mainstream political advocacy.

## II. REFLECTIONS ON THE STATEMENT AND CONVENTION PROCESS

### A. Representation, Process, and Outcomes

The Walk-Out group complained both that the Council's process was not representative and that the Voice proposal did not demand recognition of comprehensive sovereign rights.

Regarding representation, they made two main criticisms: that the various nations were not represented culturally, and that the process was not open and democratic.

Regarding representation, Gwenda Stanley (Gomerioi) explained, "we never went as a nation, we went as who we are. ...this ain't a Gomerioi decision". Stanley described Indigenous peoples' "right to a nationality", and Robbie Thorpe noted each nation's "right to a voice of their own". Uncle Bill Nicholson Jr said that "we feel that we can't have anyone else speaking on our behalf". This was central to his critique of a Voice to be defined by legislation, since government "can't get its head around our diversity". Nicholson Jr linked this to the original problem of British colonisation:

They never actually gained permission through ceremony to have, to take over the Land and speak on its behalf, with authority from the lore-man in culture, and lore-women, to speak on behalf of their community.

Because of this, he considered the proposal too weak: "I call it the Mission Manager setup. Blackfellas, Aboriginal people, are asking the Mission Manager, which is the Federal Government, for rations".

Regarding process, Gwenda Stanley described "the other 150 delegates" as "government", rather than elected representatives. She explained, "there was a hundred of us, that were chosen as delegates. ... we were all voted, but the others were all government workers". Reflecting on the invitation-based and facilitated process, Robbie Thorpe said, "it was a fait accompli, it was a rubber stamp". He recalled the Melbourne Dialogue where "the

black bureaucrats are up there trying to sell the constitutional recognition thing”. Lidia Thorpe described a sense of “back-room deals and back-room drafting”.

Statement signatories were often more positive about the process, noting how the Council’s Indigenous Steering Committee had shaped it into something more comprehensive than what the government had anticipated. Proxy Council member Denise Bowden expressed the importance of Indigenous Council members leading the design, noting how in Council meetings, “I was just able to bring the reality to the room of where we come from. ... If you haven’t been affected by it, if you haven’t been impacted by it, then you would know very little”. Signatories generally supported the educational and deliberative aspects of the process. A small number linked their support for the process with the involvement of technical advisors and trusted prominent figures because, as Peta Braedon said, “they’re the experts”. Aunty Pat Anderson celebrated the process:

[The Statement is] an expression of our nationhood, it’s an expression of our sovereignty [tapping table]. It’s who we are in the world, that we’re gonna do this now. ... It’s also an expression, a powerful expression, of self-determination. Because the government and the people didn’t think for a minute that we were gonna come out with that. We were supposed to do whatever, come out with a report that says, “oh we’re gonna do one, two, three, four, five” [tapping table on each number].

Many signatories shared these sentiments. Peta Braedon said the Statement made her “completely proud... it is completely Aboriginal”. Doyen Radcliffe remembered that “everyone had a voice there, to express an opinion”. To Radcliffe, the Council had “a small bucket of money”, but “in their best endeavours, got a broad cross-sections of people’s voices”.

Many signatories supported the Voice-Treaty-Truth ordering. Thomas Mayo saw this as reflective of the Dialogues, and said, “it’s logical. Because you always establish a representative body before you can get a good agreement”. There was an incrementalist strategy to this, since Voice was seen as a more politically palatable option, which signatories

hoped could be the easiest to deliver, and which could help facilitate the other elements. Doyen Radcliffe said, “without a Voice, all those other things cannot be achieved”. Ross Williams said, “we don’t have to have everything. We just need to have little stepping stones to get to where we need to go”. Person KJ described this as a start, “what we think Australia is ready for”. Sean Gordon explained, “there needs to be a body that can help inform and help shape the [Treaty] conversation. Which is why we’ve gone Voice, Treaty, Truth”. Thomas Mayo agreed Voice could “negotiate with the Commonwealth about their obligations and set a [Treaty] framework up”.

It became clear in my interviews, however, that many signatories shared the concerns of the Walk-Out group. Some disagreed about the extent to which legal experts in a government process should have been trusted to frame the issues, or whether the process focused too much on the Constitution. John Locke supported the process but noted that “in some ways, it was too legalistic”.

Some questioned the Council’s role. Aunty Josie Crawshaw criticised the lack of debate on the Statement and how the process “was so controlled”. Rod Little thought questions of the Council’s representative legitimacy, as “a handful of nominated people [who] sit on a Council that’s established by a government”, were “glossed over” and the Walk-Out group’s concerns about it were “just dismissed”. He also thought it was “disrespectful” and “a flaw in the process” that Jackie Huggins and himself, the elected leaders of an existing national representative organisation, National Congress, were asked to “observe” and not to contribute. Signatory Suzanne Thompson criticised how Council members were government-appointed, and also how Dialogue delegates were invited:

How come I ended up going? I was chosen to go. ... there was no respect from the get-go. Yeah? Cause we’re conflicting values here. A Western value and a cultural value are conflicting, with process.

Some signatories questioned the invitation of many unelected delegates. As Aunty Josie Crawshaw explained, it was “contentious” that out of seventeen delegates to the Convention from each Dialogue, “seven people, two Co-Chairs and the other five workshop facilitators, they automatically were going to go to Uluru”. Others questioned additional delegates having been invited directly, something Gemma McKinnon called “captain’s picks”. David Collard noted that he “didn’t really endorse the process” because “there was people that were being added on when they shouldn’t have been added on”, something which may be “perpetuating the problem” of representation.

Person AX, who wished to be de-identified on this issue, questioned several different aspects of the Convention process. They observed how the delegates were often “misnamed as representatives when they were actually delegates”. They noted how at the Convention, “there were certainly others who were invited on top of those who were elected”. And they were uncomfortable with the presence of “white lawyers” from the technical advisor team being part of discussions at the Dialogues and the Convention.

Torres Strait Islander signatory Samuel Aniba said he signed the Statement out of respect, remembering thinking, “we are in foreign Country now. I’m a Torres Strait Islander. I can’t really say anything. Vice versa”. He said, “[a] few of us agreed just by sitting there and observing what other First Nation communities have to say”. However, he also noted:

[W]hen I came back, I had mixed feelings after signing the Uluru Statement from the Heart. ...*again*, I think a Torres Strait Islander voice was not heard in a national forum of First Nations people.

Aniba observed that Torres Strait Islanders have unique representation needs, and asked, “are we just the numbers in this Statement? ... Where’s the self-determination? Where the sovereignty for us? Will this actually give us that freedom?”.

Other signatories criticised how the future plans were developed. Rod Little thought the failure to prepare alternative plans for “if this was rejected” was a “let-down”, and said he faced “some pretty aggressive reactions to that ‘what if’ question”. Several others denied that the Voice-Treaty-Truth order was ever formally agreed. Aunty Josie Crawshaw said, “I can honestly say that I do not recall that we had a vote on what pillar would go first. ... They were all equal”. Rodney Gibbins reflected, “it was the thoughts of one or two people that have basically hijacked the whole thing” by prioritising Voice. Suzanne Thompson agreed and suggested that Council members had promoted Voice based on “their personal motivations” rather than “their people’s motivations”.

All of these delegates were still signatories, however, and many advocated for the Statement for years after. Rod Little concluded, despite his concerns, that “I think the Convention, the idea was good. You know, all of this consultation”. Jackie Huggins was “happy with the wording” despite “sitting outside of” the drafting, and called the Convention a “surreal” and “very special” experience. For her, compared to other national meetings, it was the “best process in terms of those Regional Dialogues leading up to this”. Several attendees acknowledged that the process could have been improved, but that it was comprehensive relative to past processes. As Jay Kickett said:

[Y]ou’ll never have a consultation process in Aboriginal affairs that is gonna answer everything for everybody. But it’s got to be robust enough. And I think they designed something that was really robust and could stand up to a few questions. ... Yes, you could [have bigger Dialogues]. But at some point, your money doesn’t spread that thin.

So, participants on all sides had hesitations about the process. They described tensions between Indigenous concepts of representation and a constrained government-appointed process which, although striving to be deliberative, could not provide for Indigenous rights to self-determination. I discuss these issues further in Chapters Seven and Eight.

## ***B. Solidarity***

Despite these concerns, many participants wished to celebrate the near-consensus outcome as an extraordinary achievement of Indigenous advocacy, and as a gift to Australia. As Jackie Huggins said, the outcome was not a given: “I’ve never been to a meeting like that, where they had all the factions in the room. And there were many factions”. Uncle Ossie Cruse said, “one of the things that was really good was the unity”. He added, “we were able to reason together and come up with the best solution”, even though “there was some pretty radical people in there!”. Person DH celebrated “blackfellas through a deliberative process... coming together and saying, ‘this is what we want. We don’t want bullshit recognition’”. Thomas Mayo commented:

[I]t was a political feat that should be celebrated forever. That, being able to reach that agreement, with all the traumas, all of the baggage that we carry, traumas and the lack of trust, not just for government but for each other.

In discussing this outcome, Convention attendees described the emotion and excitement of the gathering, a sense of shared cultural norms, and a pragmatic strategy to make the most of a rare political opportunity in difficult circumstances.

Many signatories spoke of emotional solidarity and a sense of shared purpose. Person KJ said of the Dialogue process and the flight to Yulara, “it felt exciting to be part of a national movement, that was building. ... to think that maybe those of us in the room had some power to influence the Constitution”. As discussed in Chapter Four, many delegates recounted positive emotions on the flight to Yulara. Some also emphasised emotion related to the Convention’s location, and being on spiritually important Country. Thomas Mayo described Uluru as “a really powerful, spiritual place,” where the Convention could be a “coming together of the old and the new”. Melissa Clarke recalled, “you’re here at the centre of Australia, it was like, we were pumped. We had a job to do. And it was so beautifully set”.

Describing the moment when the Statement was first read out, Doyen Radcliffe said, “to come up with that Statement was magical. The hair stood up on your back when they first read it out”. He described the “standing ovation” and how “we knew we hit the nail on the head, because we were thinking with one mind”. He emphasised how “other petitions haven’t included a broad sections of First Nations people. And that’s, I think that’s where the power lies, in walking together, coming together”. Radcliffe added, “everyone talked about creating a better future, a better change. And there was this positivity and energy, that we’re all speaking the same thing, in one voice, almost”. Sally-Anne Gamble remembered fondly how “the groups came together”, and that “a lot of people were teary-eyed”. Several others enthusiastically pointed to their signature on the Statement and described proudly showing it to their families. Jackie Huggins said, “every time that Statement goes up, I always look for my little signature in the left-hand corner and spot it. To know that I was part of that”.

Some participants were more sceptical. Rodney Gibbins thought “all of us as a delegation there made an error, by just being carried away in the moment”, when they could have “firmed up certain things, like the order” of Voice, Treaty, and Truth. Aunty Josie Crawshaw also reflected, “the heart, the red earth, the centre of Australia, Uluru, it was strategic all the way through”. She said people felt “they were part of history, a really history-making thing”, such that “people got caught up with being at such a momentous, and a huge process in the history of Australia”.

Many attendees linked this sense of shared purpose to their culture and shared cultural norms. Person DH described how “it was very much about place, and cultural, primacy of cultural matters and identity”. They participated in a working group encompassing their traditional Country rather than their place of residence, since “your cultural belonging, your identity” was “the building block for the whole thing”. John Locke linked the near-consensus

outcome to how “it was always driven by a bigger knowledge system that was taken into that room”. Thomas Mayo agreed:

[W]e practised our culture to reach the agreement. We listened to each other, we respected each other’s different opinions and perspectives, practised reciprocity. We were willing to reach a compromise amongst ourselves about our common goals.

Person PX added, “Aboriginal society is built on consensus-making, built on diplomacy, built on working through issues, until you reach agreement”. They described a moment when “the debate was hotly contested on the floor” and “things actually felt like they were falling apart”, but one man, a “cultural authority”, drew people together. He “spoke in language, in Luritja... ‘this is what sovereignty means to me’. ...he quietened, he settled that meeting down, and everyone stopped the intensity”.

Delegates also debated the Walk-Out in terms of cultural protocol and authority, as I discuss further in Chapter Six. Person KJ, a younger delegate, explained that for them, to respect the Elders, “it was more around fitting in and supporting the process, rather than actively trying to influence it”. Sally-Anne Gamble described the youth delegation standing up and “saying to the Elders, ‘we want to walk alongside you on this journey’”.



*Participants Sally-Anne Gamble and her grandfather Doyen Radcliffe at the Convention (supplied: Sally-Anne Gamble).*

Signatories also described a shared sense of pragmatism and purpose. They saw Voice as a compromise constitutional option within an acceptable larger package that included Treaty, Truth, and sovereignty. Several signatories explained that shared experiences of colonialism informed these goals. David Collard explained:

[A]ll of the dialogues over Australia pretty much said the same thing. Cause we're all, those Aboriginal people, we experience the same racist, colonial views. So, what was said was very similar across the whole thirteen. So, at the end of the day, it was pretty easy, what came out and what needed to be done.

Person PX agreed this was why the Convention came together:

We've all got a shared lived history that's common. There's a common experience of colonisation, and a common experience across Australia, that's common to language groups across jurisdictions.

Peta Braedon added:

This is a culmination of decades of struggle, work and struggle, for recognition. ... it was bloody brilliant when we was at the, down the rock [Uluru], and hearing of other mobs' work. ...cause it's not just in isolation, is it? ... Yorta Yorta. Torres Strait Islands. Top End. Tasmania. Everybody's been saying very similar stuff for many, many, many decades. And come together at this point, to just, as a collective, to go boom. [Pause]. Over to you, now, Australian Government, Australian people, to decide how you see it.

Supporters wanted to make the most of the opportunity to make a political impact and reject merely symbolic recognition. Aunty Josie Crawshaw remembered thinking of the Council process, "okay, this is going to happen whether we like it or not". Divina D'Anna reflected, "if you're gonna have one go, then let's have a big go". Tanya Hosch argued that "the Constitution requires political will to even create an opportunity for this conversation", describing how "building that momentum is so critical". Thomas Mayo described the opportunity of a national consensus as "extremely rare". Jackie Huggins said of the Convention, "there was some angst. There was some suspicion about the interpretation of this and where it would go. But you know, at the end of the day, we knew we had a job to do". Some signatories cited this in their criticisms of the Walk-Out group. As Denise Bowden remembered thinking, "Australia is watching what comes out of this and we need to have an end result ... [they] upset quite a lot of people because we had too much to get through in that room". Tyrone Garstone explained the Convention majority's reasoning most clearly:

[H]ow do you put the ask to the Australian public? Noting that we're... 122 years into the Constitution, and noting that we're just over 3% of the population, the current political landscape – what is the right ask? Because if we asked too much, it was never going to get up. If we asked too little, it would be symbolism. ... I really do think there was a lot of time and due diligence, about managing that political landscape... You don't go from zero to 100 overnight. ... I left that [Convention] meeting feeling comfortable that we were moving the dial in the right direction at the appropriate speed for what we thought was attainable.

Garstone suggested that the fact the Statement actually led to a referendum "shows that it was pitched at the right level".

Many signatories recalled the difficulty and failures of past advocacy, and the repeated abolition of past Voice bodies. Doyen Radcliffe reflected, “time and time, it’s been taken away”. Sean Gordon said, “the stop-and-start approach is just having too much of a negative impact on Indigenous people”. Jay Kickett said, “you’d seen however many leaders present things to the government across the years and it just goes nowhere”. Person KJ explained the “diplomatic” strategy:

I think this compared to other statements is probably one of the most diplomatic, generous, objective, non-controversial ways that it’s possibly been put before. And in a way, it could be seen as like, not watering down the asks, but watering down how we say it. We’re being a little bit less activist and a bit more diplomatic, and softly influencing and, like, asking politely, is how this feels.

Tania McLeod described how “after decades... we’ve refined the ask to the perfect fit... thinking about not just Aboriginal people, but this is for all Australians”. For some, this meant putting aside personal preferences. Person SN explained:

Me personally, I would just rather us get on with it [Treaty]. ... But I understand that this is an opportunity ... to reform the white people system, so that ours can have a better leverage in the system, in the Australian state system.

Similarly, Karel Williams understood the Walk-Out position, but noted, “it was always said up front, ‘this is our terms of reference’. We’re not here to talk about Treaty or sovereignty or all these other things. We’re here to talk about constitutional reform”.

Delegates chose to present the Statement to the public, rather than government. Jennie Gordon remembered how “we as a whole group in that room elected not to give the document... to the government”. She recalled about previous petitions, “you go into Parliament House, and they’re sitting in glass cabinets. ... so, we all agreed, ‘we’re not gonna give it to the government. This is our gift to the people’”. Thomas Mayo later travelled Australia using the Statement as an educational and campaign tool (Mayor, 2019: 62).

Many described a sense of pressure, given the urgent needs of their people in the face of state power. Person PX recalled the Northern Territory Intervention, describing “the power imbalance, in terms of the power that the government has over people’s lives”, and how the Territory is “heavily impacted by Commonwealth laws and policies”. Melissa Clarke considered that while Truth-Treaty-Voice might have been an ideal ordering, there was no time to wait:

Our children and families can’t wait. We need changes in policy and law. We need to have a Voice ... All of our kids that are sleeping in prisons, and all of our kids that are sleeping in foster care or residential care, they can’t wait for White Australia to lift their game and start learning the truth.

John Locke described delegates’ sensitivity to the urgent needs of their communities:

[T]hey were actually there to provide a voice for all the people who couldn’t be there. ... Those people knew that beyond them there was a bigger group of people relying on the Dialogues that were happening... The common thread was *our people*. Everything that everyone was thinking about was always underpinned by what our people needed. And they were thinking collectively and strategically about that. It was never about me.

Sally-Anne Gamble added:

[W]hen we went to Uluru, the focus for it was on our kids and the future. Cause a lot of oldies cried, broke down and said they probably might not even see the day of constitutional change, but they have hope their grandkids or their great-grandkids and their children will. And it was a big driver; it was a big motivator. I think it was a large part of why so many groups kind of put their differences aside and came together.

I discuss compromise in Chapter Six, and urgent community needs in Chapter Seven.

### ***C. Reflections from Non-Attendees***

I also asked the 30 interview participants in my project who were not Convention attendees about their perspectives on the process and the Statement. Their views largely echoed those

of attendees, with a similar-sized majority supporting, and a minority opposing, the Statement.

The majority of non-attendees supported the Statement, with many describing it as a “gift”. As Ray Minniecon said, “it’s a gift from us to the Australian community”. Ken Wyatt observed, “in many senses, it is a continuation of the 65,000-year-old culture. ... Except, put into Western words”. Jakirah Telfer called it “a very positive and modest invitation to the rest of Australia”, and said, “it’s a piece of paper because it’s a white way of doing things. But it’s the action of the people, with the voices of the people”. Karri Walker said, “it’s a beautiful statement”, and “it’s incredibly clever in the way that it’s structured. Because it’s emotive, and it speaks to both a First Nations and non-Indigenous audience”. Kyam Maher called it “one of the most remarkable pieces of writing Australia’s ever produced”. Fiona Cornforth said in her community conversations, “there’ll be people who say, ‘ohh, these Elders were left out’, or ‘that nation didn’t have a rep’”, but “no one said, ‘I really hate the way that that talks about that’”. Jade Ritchie said, “the idea of the country coming together to address these structural problems gave me great hope”. Charline Emzin-Boyd called it “a gift to all Australians”, which stated, “please help us. Please walk with us”. Theresa Ardler called it a “powerful tool” for advocacy. Rueben Berg agreed it had “assisted in the work we’re doing here in Victoria” since “it’s easy to use as that level” and as “a launch pad” for advocacy.

Those who supported the Statement tended to support the Council’s process. Ngaree Ah Kit said, “I really admired the process behind it. I thought it was a really great example of harnessing Aboriginal voices from the ground up in a very respected and inclusive manner”. Person RS, another non-attendee, celebrated how people “*sat on the ground* and talked together about things”, adding, “it was heartwarming. It was a relief to feel that... it’s not just my thinking ... But it’s... national Aboriginal people thinking the same thing”. Person ZI

described the Dialogues as “certainly in modern times, one of the most comprehensive consultations and development processes that had been driven *by* First Nations people”, and so, “it stands apart from previous consultations”. Kyam Maher said, “there is probably nothing that has been as... thoroughly consulted and as representative of Aboriginal and Torres Strait Islander Australia”. Rick Goode called it “representative, not elected representative, but in scope and breadth of those who participated in it”.

Similar to Statement signatories, however, several non-attendee supporters highlighted process issues. Tom Calma said, “I won’t be critical of that process” during the Referendum campaign, but acknowledged:

[P]eople are still challenging who could go, who couldn’t go. ... So how do you have an open opportunity when you restrict who goes in? ... I think... a closer analysis will show that it was a bit restricted... and there were people in there that had a say, that maybe weren’t part of the Dialogue, in there... quite a number of the very influential people were actually employees of the Dialogues.

Rueben Berg said, “it’s never gonna represent everybody, but it was a fairly broad representation”. Person AB said, “there’s never a process that’s not criticised”, but “it was a process”. Rick Goode said regarding ordering that “there was still a little confusion about what it actually implied should happen”. Karri Walker emphasised solidarity despite these difficulties:

[I]t demonstrates the *power* in all different communities and leaders coming together and standing in solidarity. And, yep, whilst it might not have been perfect consensus and consultation, I think there was really broad consultation.

The minority who disagreed with the Statement criticised its prioritisation of the Constitution, and the concession that Indigenous sovereignty “co-exists with the sovereignty of the Crown”. Person TF said, “if they want to have coexisted with the Crown, well maybe they need to put out a bit of reparations, I think. And maybe a formal apology”. Gary Foley called the concession “nonsensical”, and said, “fucking bullshit. It precedes and supersedes the

sovereignty of the crown. Fuck the Crown”. Person CG distrusted Noel Pearson’s involvement and said, “I just don’t believe in this Uluru Statement” because of its emphasis on the Constitution.

Some people also criticised the process. Gary Foley called it “a fucking farce”, and asked, “who the fuck was at Uluru? A bunch of the fucking elite”. To him, “it’s in no way, shape or form representative of the opinions of the vast majority of Aboriginal Australians”. Megan Krakouer said, “I don’t truly believe that this represents our people”. She described how “it wasn’t done in a democratic way”, it “wasn’t done representatively, where all First Nations people had the opportunity to attend”, and “people were locked out of those rooms”.

Despite these reservations, and often with the pragmatic compromise I discuss in Chapter Six, a strong majority of interview participants supported the Voice Referendum, to which I now turn.

### **III. THE VOICE REFERENDUM**

#### ***A. Years of Advocacy***

Following the Convention, members of the Council affiliated with the Indigenous Law Centre at the University of New South Wales (“ILC”) formed the “Uluru Dialogue”, co-chaired by Megan Davis and Aunty Pat Anderson (Allam and Butler, 2023, Anderson and Davis, 2023). They established the first Statement-related website. Aunty Pat Anderson said, “I think Megan borrowed 300 dollars or something, or someone gave it to her, to set up a webpage. And we did that as soon as we hit Sydney”. The Uluru Dialogue focused on information sharing and discussion about the Statement and Voice. From 2019, through the ILC, it also organised national meetings for young people, the “Uluru Youth Dialogue” (Phelan, 2019).

In October 2019, a combination of former Council members, Statement signatories, and supporters registered a charity called “Australians for Indigenous Constitutional Recognition Ltd” (“AICR”) (ABN Lookup, 2025). AICR ran a referendum campaign called “From The Heart” from 2020, led by Statement signatory Dean Parkin, and its board initially included Council members Aunty Pat Anderson, Megan Davis, and Noel Pearson (From the Heart, 2020). It later split, however, with Anderson and Davis continuing at Uluru Dialogue but leaving From the Heart and AICR (From the Heart, 2022). Resourcing constraints and interpersonal conflict contributed to AICR’s struggle and division, as I discuss in Chapter Six.

From The Heart and Uluru Dialogue advocated alongside an older, smaller campaign, “Uphold & Recognise”. This had been founded in 2015 by non-Indigenous lawyers Julian Leeser and Damien Freeman to promote a conservative case for Indigenous constitutional recognition while upholding the Constitution’s existing functions (Uphold & Recognise, 2022). Statement signatory Sean Gordon was its Chair for eight years and described it as “a structure that supports conservatives and Liberals in having this conversation”. He explained it was critical in developing the early Voice proposal and had “probably done as much... policy development work as any group in the space”. These three groups, From the Heart, Uluru Dialogue, and Uphold & Recognise, lobbied for a Voice referendum.

On 30 October 2019, Ken Wyatt MP, the first Indigenous person to be the Minister responsible for Indigenous affairs, announced a Voice Co-Design Process, as recommended by the Joint Select Committee, although proposing a voice to the Australian Government rather than to Parliament. The Co-Design Process consulted extensively. Karen Milward remembered how “we received just over 9,000 submissions”. Kristal Kinsela described how “our terms of reference were to explore what are the options of what a Voice could look like”, which could “bring some light to dispel the myth that this Voice would be a third

chamber”. The Co-Design Process gave its Final Report in July 2021. It proposed a detailed model for Indigenous representation to all levels of government, with an integrated system of local, regional, and national bodies feeding views into national political discussion (Indigenous Voice Co-Design Process, 2021: 12). It also noted the extensive support, in 88% of submissions, for the Constitution to enshrine the Voice and for the Statement from the Heart (at 14; 202).

The Australian Government deferred legislation on a Voice until after the 2022 Federal Election (Moore, 2021). Marion Scrymgour described how Minister Wyatt “tried three times to get it through his cabinet”, but considered that “it was just window dressing for them”. Ken Wyatt himself remembered how the “Prime Minister got cold feet”:

[W]e were on the verge of having a draft piece of legislation ready to go when I was Minister. But when the PM said “no”, you just cease that. Because you can’t continue doing legislation without the authority of the PM and Cabinet.

Tom Calma, Co-Design Process Co-Chair, said of the delay, “I don’t know what they were doing sitting on it”. Kaylene Malthouse saw it as a case of “we’ll humour these blackfellas”, and that “you’re just playing us along here”. Jay Kickett called it “kicking the can down the road rather than answering”.

During these years, individual States and Territories formulated their own responses to the Statement. Victoria’s was the most advanced, establishing the First Peoples’ Assembly of Victoria (“the Assembly”), which first held elections in 2019 (Dunstan, 2019).<sup>43</sup> The Yoorrook Justice Commission conducted a truth-telling process from 2021, which made 100 recommendations in its final report (Yoorrook Justice Commission, 2025). The Assembly negotiated with the Victorian Government to create a Treaty Authority in 2022 to oversee

---

<sup>43</sup> The Australian Capital Territory, however, has had an Aboriginal and Torres Strait Islander Elected Body advising its government since 2008 (ACT Legislative Assembly, 2025).

negotiations, and agreed upon a Treaty Negotiation Framework, which set out a process for various Treaties, both statewide with the Assembly and with Traditional Owner groups (Statewide Treaty, 2025: 6). The Victorian Government tabled the first Statewide Treaty in Victorian Parliament in September 2025 (Statewide Treaty, 2025).

Rueben Berg, an Assembly member, described its diversity and outreach work, and said of its representation, “it’s never gonna be perfect, but we’re doing as much work as we can, to try and be inclusive”. Another member, Person RS, told me of the Assembly’s efforts to ensure “that it had... input from all our members” and was “outside of... the colonial systems of government”. They described “gigantic” community engagement efforts, since “making sure that we talk to community” is key to “true self-determination”. They emphasised the importance of local Traditional Owner Treaties, “on their terms, in their words, in their language, and however it is that they want to do it culturally”, overseen by a Treaty Authority that was “independent of government” and understanding of traditional law.

Participants also described other legislative processes, which faced various challenges. Thomas Mayo gave an example: “South Australia started a Treaty process under a Labor government [in 2016], and it ended under a Liberal government [in 2018], and it started again with a Labor government [in 2022]”. Melissa Clarke recalled her thoughts when South Australia’s process was suspended: “you’ve fucked us over again. All these hopes”. Kyam Maher was South Australia’s Aboriginal Affairs Minister when the process started in 2016-18, and remembered how, “as is the way with much of advancement of Aboriginal affairs, with the change of government, it all stopped”. Maher was proud that South Australian Labor “announced as our very first policy that we would implement a state-based response to the Uluru Statement in South Australia if we won government”, but said, “contested politics is, I think, what makes it much more difficult”. Although it was delayed to avoid confusion with the Referendum (MacLennan, 2023), South Australia’s First Nations

Voice body was later elected in 2024 (Morse, 2024). As Dale Agius, South Australia's Commissioner for First Nations Voice, explained, "we're going along with Scandinavia, we're going along with legislating our voice... which is almost similar to the Sámi Parliament". Jackie Huggins and Shane Hoffman described progress through bipartisan legislation in May 2023, which initiated Queensland's Path to Treaty and Truth-telling and Healing processes (Palaszczuk and Crawford, 2023).

These State and Territory legislative processes had their critics. Lidia Thorpe said of Victoria's Assembly, "they still don't have 38 nations around the table for the Treaty in Victoria", since only eleven were guaranteed representation. Robbie Thorpe criticised how "the State of Victoria's just assumed that they had the authority to do Treaty business" when "this was a federal issue about the federal Constitution". Rodney Gibbins criticised Lutruwita/Tasmania's process as "government-controlled". I discuss representation issues further in Chapter Eight. But most participants supported these efforts. Jackie Huggins said of Queensland's processes, "getting on with the business, you know, we're not waiting". Karri Walker, a lawyer for the Assembly, described how Victoria had "really pushed the boundaries of what traditionally would be possible".

### ***B. Lead-Up to the Referendum***

In the 21 May 2022 federal election, the Labor Party won government. At the beginning of his victory speech, incoming Prime Minister Anthony Albanese confirmed his party's support for the Statement, including holding a Voice referendum (Park, 2022a). Labor appointed Wiradjuri woman Linda Burney MP as Minister For Indigenous Australians, Yanyuwa Garrwa Senator Malarndirri McCarthy as Assistant Minister, and Yawuru Senator Patrick Dodson as Special Envoy for Reconciliation and the Implementation of the Uluru Statement

from the Heart (National Indigenous Australians Agency, 2022). Interview participants were generally supportive of Labor’s commitment. Jackie Huggins called it “fantastic”, Kaylene Malthouse “humbling”, Divina D’Anna “exciting”, and Marion Scrymgour said, “everyone cried”.

In September 2022, the government appointed a 21-person all-Indigenous “Referendum Working Group” and a further 41-member all-Indigenous “Referendum Engagement Group” to advise it on planning the Referendum. Statement signatories prominently featured and made up about half the Working Group. The government subsequently appointed an eight-member “Constitutional Expert Group” to give legal advice (Dreyfus, 2022). In its October 2022 budget, the government allocated Referendum funds totalling \$75.1m for preparatory work, in addition to \$160m of pre-existing budget (Chalmers and Gallagher, 2022: 107). It also allocated \$5.8m over three years “to commence work on establishing an independent Makarrata Commission to oversee processes for agreement-making and truth-telling” (Burney, 2022). This was about one fifth of the \$27.7m Labor had budgeted for that purpose in pre-election commitments (Chalmers and Gallagher, 2022: 171). In March 2023, in collaboration with the Referendum Working Group, the government announced draft Referendum wording in a Constitution Alteration Bill. The Senate passed the Bill in June 2023, setting up a Referendum vote within six months (McHugh and Kwan, 2023). By this stage, \$364.6m was budgeted for the Referendum, mostly for the Australian Electoral Commission (“AEC”) to manage logistics (Chalmers and Gallagher, 2023: 85).

Convention attendees were part of the leadership of most of the major campaign groups. In April 2023, AICR’s From the Heart campaign rebranded itself as “Yes23”, and launched its campaign on 2 July 2023 (Ferguson, 2023). Yes23 gathered significant donations and recruited tens of thousands of volunteers (Butler, 2023b). Uluru Dialogue, along with Uluru Youth Dialogue, campaigned in parallel with events and educational materials,

including “Start a Yarn” video sessions explaining the history and reasoning behind the Statement (Uluru Dialogue, 2023). Uphold & Recognise advocated the conservative case for a Yes vote, and eventually merged with the “Liberals for Yes” group of supporters (Park, 2023).

A wide range of other Indigenous-led Yes campaigns were initiated by Land Councils, Aboriginal community-controlled organisations, the campaign organisation GetUp!, and many wider civil society organisations (Torre, 2023b). For example, in June 2023, hundreds of delegates from each of the Northern Territory’s four Land Councils, along with delegates from the Kimberley and Cape York Land Councils, supported a Yes vote and the full implementation of the Statement in the Barunga Voice Declaration (NLC, 2023).

Some Walk-Out group members became leaders of the eventual “Progressive No” campaign and the “Blak Sovereign Movement”, which advocated for a No vote alongside the Aboriginal Tent Embassy and Indigenous organisations like “Treaty Before Voice”, “Warriors of the Aboriginal Resistance”, and “Sovereign Union” (see O’Meley, 2023).

Two campaign groups initially advocated a “Conservative No” case. “Recognise a Better Way” was led by Warren Mundine (Bundjalung) and set up by a lobby group called the “Voice No Case Committee” (Huitson, 2023). “Fair Australia” was led by Jacinta Nampijinpa Price (Warlpiri), and backed by major conservative lobby group Advance (Sky News Australia, 2023). These groups merged into “Australians for Unity” in May 2023 to lead the Conservative No campaign (Morse and Bouchier, 2023). This campaign generally did not include Convention attendees or reflect the positions debated within the Convention.

On 30 August 2023, the Prime Minister announced the October 14 Referendum, and issued the writ on 11 September (Australian Electoral Commission, 2023b). If successful, the Referendum would have added a new chapter at the end of the Constitution:

## **Chapter IX—Recognition of Aboriginal and Torres Strait Islander Peoples**

### **129 Aboriginal and Torres Strait Islander Voice**

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

- (i) there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
- (ii) the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
- (iii) the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures. (*Constitutional Alteration (Aboriginal and Torres Strait Islander Voice) 2023*: Schedule 1).

The government stated that the Voice would be a national elected body, supported by local and regional bodies, providing advice but with no power to pass, veto, or implement legislation or policies (Burney, 2022). Under Australia’s Constitution, any amendment requires a referendum vote, triggered by legislation, to be passed by a national majority and also by a majority in four of the six states (Muller, 2023).<sup>44</sup> Of 45 referendums since 1901, only eight have passed, most recently in 1977 (Australian Electoral Commission, 2025). Neither a referendum lacking bipartisan political support nor a referendum proposed by the Labor Party has passed since 1946 (Goot, 2024).

### **C. The Main Positions**

In August 2023, the AEC distributed a booklet to Australian households containing a guide to the Referendum and official “Yes” and “No” cases in 2,000-word essays (Australian Electoral Commission, 2023c). In accordance with electoral law, Members of Parliament supporting each position wrote Yes and No cases by majority agreement, which the AEC published unedited without fact-checking (Australian Electoral Commission, 2023a, RMIT

---

<sup>44</sup> Votes in the Territories count towards the national total, but not towards the majority of states requirement (section 128).

ABC Fact Check, 2023b). The Labor Party and Greens supported Yes; the Liberal and National Parties supported No (Ruben, 2023).

The official Yes case argued for “a better future” for “all Australians” through “an act of unity that will bring Australians together” (Australian Electoral Commission, 2023c: 10; 12). It promoted constitutional recognition, listening “so governments make better decisions”, and “making practical progress in Indigenous health, education, employment and housing” (at 10). It emphasised Indigenous disadvantage, arguing that “to close these gaps... we need to listen to advice from Aboriginal and Torres Strait Islander people about issues affecting their lives and communities” (at 10). It said the proposal came from Indigenous consultation, which would improve government policy and outcomes, and would “bring our country together” by “becoming reconciled with our past and moving to a better future” (at 16). Many supporters also hoped Voice would help progress longer-term goals like Treaty, Truth, and sovereignty (Janks, 2023, Roberts, 2023).

The official No case characterised the Referendum as “the biggest change to our Constitution in our history” and described it as “legally risky”, “divisive”, “permanent”, and having “unknown consequences” (Australian Electoral Commission, 2023c: 11). Given the perceived risks, it advocated, “if you don’t know, vote no” (at 11). It proposed that the Voice “means permanently dividing our country”, “will divide us by race”, and “creates different classes of citizenship” (at 11; 13). It said it would lead to High Court challenges, too wide a scope of influence, and “more bureaucracy” which will not “help Indigenous Australians in disadvantaged communities” (at 15). It argued that “it opens the door for activists”, as “a first step to reparations and compensation and other radical changes”, including Treaty and truth-telling, and would increase calls “to abolish Australia Day, change our flag and other institutions and symbols important to Australians” (at 17). Opposition Leader Peter Dutton told Parliament it was “an overcorrection”, had “democracy-altering implications”, and will

“undermine our equality of citizenship”, “re-racialise our nation”, and “have an Orwellian effect, where all Australians are equal but some Australians are more equal than others” (Dutton, 2023: 3237).

Progressive No was a prominent minority position among Indigenous advocates (Brennan, 2023a, Farmilo, 2023, Giannini, 2023, O’Meley, 2023). MPs supporting Conservative No excluded Senator Lidia Thorpe, who supported Progressive No, from contributing to the official No case (McHugh, 2023b, Vikhrov, 2023). As part of the Blak Sovereign Movement, Thorpe and others published their own pamphlet responding to the official cases (Blak Sovereign Movement, 2023). They said, “we don’t want either”, dismissing Voice as “nothing but cheap window dressing to constitutional recognition” and “just another powerless advisory body” (at 2-3; 8). They dismissed Conservative No arguments as “racist” and “baseless fear mongering” (at 22-3). Instead, they advocated for truth-telling, Treaty, and recognition of the unceded sovereignty of “350+ nations across the continent, who hold the right to speak for themselves” (at 10). They also criticised the Council process as “not representative”, having “failed to consult with each Indigenous Nation” (at 5-6). They stated that “we do not recognise the legality of the colonial constitution and do not want to be a part of it”, raising concerns that Voice “will be used to demonstrate that we have acquiesced to the colonial system” (at 8).

#### ***D. The Outcome and Aftermath***

On 14 October 2023, 15.9 million Australians cast Referendum votes, out of 17.7 million registered voters and a total population of 26.8 million. Nationally, 39.94% voted Yes and 60.06% voted No. The Referendum failed overall and in seven out of eight States and Territories (Australian Electoral Commission, 2023b: 6-8). One survey indicated most

Australians supported symbolic recognition, reconciliation, and reducing Indigenous disadvantage in principle, but that many No voters thought that “the change was too risky” and “I was concerned about dividing our country” (Biddle et al., 2023: 77-8). Another survey concluded that “the perceived risks of constitutional amendment was the decisive factor”, with only 29% agreeing with the general proposition that “the constitution needs altering to reflect our modern nation” (Hasanakos, 2023: 12; 15).

Aboriginal and Torres Strait Islander voting in the Referendum was not separately recorded, but it appears a strong majority voted Yes, and a significant minority voted No. Most communities with majority Indigenous populations voted Yes, including remote communities visited by the Electoral Commission’s Remote Mobile Teams (Wright, 2023, Beazley, 2023). These teams recorded Yes votes averaging between 70% and 80% (Charles and Knowles, 2023). The limited pre-Referendum opinion polling indicated support ranging from 57% to 83% (Crowe, 2023, RMIT ABC Fact Check, 2023a). Among Aboriginal community-controlled organisations and Land Councils, there was widespread endorsement of Yes (see Houlbrook-Walk, 2022, Brennan, 2023b, Coalition of Peaks, 2023). In June 2023, hundreds of delegates representing the Northern Territory’s Land Councils had endorsed the Barunga Voice Declaration (NLC, 2023). In my interviews, and with Indigenous people I met at events and cultural festivals, there was a pattern of majority support for Yes, but also some support for Progressive No arguments.

Many Indigenous Yes advocates mourned the Referendum outcome (ABC News, 2023, Cross, 2023). Some stated that “reconciliation is dead” (Langton, 2023, McHugh, 2023a, Pelly, 2023), although others disagreed (Cross, 2023). Political parties reduced their Indigenous policy ambitions and the Labor Government abandoned promises of Truth and Treaty (Karvelas, 2024, Butler, 2024). The \$5.8m allocated for national Truth-telling and agreement-making processes went mostly unspent and the proposed Makarrata Commission

was never established (Tariq, 2024, Staszewska, 2025). Opinion polling saw a collapse in mainstream support for Voice, Treaty, and Truth (Butler, 2023a, Karp and Hurst, 2024, Brennan, 2023c). Legislative processes at the State and Territory level, which had previously been bipartisan, became contested (Boltje, 2024). Victoria and South Australia's processes progressed, as discussed above. Changes of government, however, saw the Northern Territory's Treaty process dismantled (Brennan, 2025, Garrick, 2025), Queensland's Path to Treaty legislation repealed, and its Truth-telling and Healing Inquiry cancelled shortly after commencing (Brennan, 2024, Creamer, 2024).

### ***E. Participant Reflections***

My interviews largely took place during the Referendum campaign and participants made extensive comments on the arguments and their experiences.

Participants were universally dismissive of Conservative No arguments. Person AB said that conservatives were motivated by “winning at all costs”, and “it doesn't have to be truth”. Jakirah Telfer said, “the No [campaign] have been talking about everything but the Voice itself”. Many described the Constitution and legal system as racially divided already, including because of the race power. Fiona Cornforth said, “the Constitution is racist as it is right now”, and the Referendum is “not even going to address the racism in the Constitution” with the race power. Samuel Aniba stated, “the system actually still divide us. But would the Voice divide us? No. [Laughs]”. Given this, Scott Wilson said racial division arguments were “just lying” and “these politicians... they're just bullshitting”, since “they know that it's not that a dramatic change really, at the end of the day”. Wilson said since politicians would be in control through legislation, the conjecture that Voice might be overpowered was “out-and-out lying to the Australian public”. Karri Walker described race-based arguments as “a way of

denying our inherent rights” and “of denying our sovereignty”. Dale Agius said, “if there weren’t race connotations, we’d just focus on the actual problem”. Jennie Gordon said of Peter Dutton’s suggestion of “an Orwellian effect”:

He is just so wacko. ...it comes straight from Orwell’s *Animal Farm*. “Some Australians will be more equal than others”. All I could do was sit there and say, “oh, for fuck’s sake, what Australia have you been living in?” [Laughs].

Aunty Pat Anderson said of racial division, “we’ve lived there all our lives”. June Oscar said, “division is already present in this nation. ... it is time to end division. And call on all Australians to support our inclusion in this nation-state”. Denise Bowden said of the “we’re one nation, don’t divide us” argument, “mate, that horse bolted years ago. It’s just that you haven’t been ensconced in it”.

Many participants considered the Conservative No campaign as divisive. Person KJ regretted that politicians “made it really political when it wasn’t meant to be, and it was designed specifically not to fall into that category”, peddling “the oldest racist things that you could think of”. Uncle Kenny Bedford said Dutton was “putting divisions and wedges in between people”. Scott Wilson explained:

I reckon the No campaign is the one that’s created the division. ...if you look at a lot of their rhetoric, and then go back to the *Mabo* case, which led to Native Title – the same. “Oh, they’re going to steal your backyard, you’re going to have to pay rent, ra ra ra ra, oh, they’re gonna change Australia Day”.

Several participants especially criticised the “if you don’t know, vote no” argument. Ross Williams said, “it relies on a lot of fear and a lot of laziness on behalf of the electorate”. Aunty Pat Anderson called it “absolutely disgraceful... Promoting ignorance”. David Collard called it “idiocy” and “mediocrity”, since “this is affecting people’s lives”. Ngaree Ah Kit said, “people will always be risk averse”, and “if they don’t know enough, most of them will err on the side of caution”.

Participants often disagreed with the Conservative No campaign leadership of Jacinta Nampijinpa Price and Warren Mundine. Some suggested they had been promoted for political purposes. Marion Scrymgour said their arguments bring “no solutions”. Sean Gordon suggested Price “would like all Aboriginal and Torres Strait Islander people to just assimilate”. Participants were especially critical of Price’s campaign claim that colonisation had a “positive impact” on Indigenous people (Price, 2023 at 59:00). Megan Krakouer called it “going with a populist view” which “is so not true”. Scott Wilson lamented the political prominence of Price, Mundine, and Progressive No leader Lidia Thorpe: “you got *three* prominent Aboriginal people, amongst *thousands* of other prominent people, and the media focuses on them, as if they’re speaking on behalf of all Aboriginal people. Which is bullshit, right? They’re not”.

Although usually supporting Yes, participants were more understanding of Progressive No arguments, and often described deciding between Yes and Progressive No. Scott Wilson said that in his network of South Australian Aboriginal community-controlled organisations, “we have eighty odd peak members... and there are a couple of those members who don’t agree with the Voice. They want Treaty”. Participants were also sympathetic about confusion in Indigenous communities. Megan Krakouer said, “there should have been more consultations. ... to get more First Nations views in terms of what it should look like”.

Yes supporters most often diverged from Progressive No supporters due to strategic differences. Person PX said, “it’s just wishful thinking to say, ‘well, we don’t want the Voice to come first, Treaty has to come first’. ... I’m a very pragmatic person”. It was a difficult decision for many. Aunty Josie Crawshaw said she was “sad” that Conservative No was leading, and felt compelled, despite “my principles”, to support “a pissy-arsed advisory Voice that they know doesn’t have any powers”, to counter “racism” and “those far right extremists”.

Participants had mixed views on the way the Referendum had been run, including the decision not to detail a Voice model in advance. Many supporters understood the logic of a Referendum on the general principle and referred to the Voice Co-Design report for details of a possible model. As Kristal Kinsela said, “we did the back work, right?”. But others criticised the strategy. Aunty Josie Crawshaw criticised the campaign, saying, “they went for six months being arrogant, ‘we’ll tell you the detail later’”. Ian Trust explained, “you’re almost building the bridge as you walk on it”, and “there’s probably some trust... involved in trying to vote for that”. Rodney Gibbins called it “very dangerous”. Ken Wyatt said, “I always held the view that we should have legislated [first], and spelled out what the legislation was”.

Some participants supported the Referendum Working Group and Referendum Engagement Group. Jackie Huggins described being on the Working Group as “quite incredible”. Tom Calma said they had “well and truly debated” the Referendum’s wording. Fiona Cornforth called them “credible people” with “quality analysis in everything”. But others criticised the groups’ representation. Megan Krakouer said, “it was just handpicked” by the Minister. Person TF said, “they’re not actually being transparent... they just want to have these secret meetings”.

Many participants were disappointed with the media. David Collard said, “the lies that’s been peddled by the media is just atrocious”. Scott Wilson observed, “obviously, the mainstream media are absolutely against it”. Fiona Cornforth said, “they’re really trying to ruin things for everyone”. Tom Calma called the media “pretty irresponsible”, Uncle Kenny Bedford “dangerous”, and Kristal Kinsela “really so biassed”. Kinsela described how “a real

challenge in Australia, is that big corporations can own media and can sway what gets shared”.<sup>45</sup>

Many participants described the difficulties of contending with social media. Tanya Hosch reflected that “this will be our first referendum in the age of social media”, and said, “I hope we learn some important lessons from this process”. Ngaree Ah Kit said, “there are a lot of people who, they rely on social media”. Person ZI said, “you need to combat misinformation” online, which “has its own set of rules, or lack thereof”, creating “a confused environment, where people can have these different messages swirling around”. Doyen Radcliffe said, “it’s a new type of thing that we’re dealing with now, with social media spreading quite quickly, that you can turn a lie into a truth”. David Collard described the combined effect of reliance on social media and commercial traditional media:

[Voters] are listening to what’s being said in the social media. *Sky News*, *West Australian* here in WA, *Channel 7 News*, where you’ve got journalists that just can say what they like, and there’s nobody making them account for what’s being said, and what’s not being said.

Many participants criticised misinformation in the campaign. Person ZI said, “you need to combat misinformation, there’s a lot of it around the Voice”. Ngaree Ah Kit observed that the official booklet cases “do not have to be based in fact” and suggested the No case was “actually misleading you with this information”. Aunty Josie Crawshaw said, “those cunning strategies of running a campaign on untruth and fear, which is that populist way of doing politics and corrupting democracy, has actually made its way into Australia”. Doyen Radcliffe said, “it’s untruths, they’ve been using the Trump techniques based on misinformation”. Like several others, Melissa Clarke linked it back to “Howard in the back of the head going, ‘they’re going to steal your backyards’”. Many participants criticised

---

<sup>45</sup> Australia has a highly concentrated media market, dominated by a small number of major companies (Flew et al., 2024).

hyperbolic arguments conflating issues, which Denise Bowden called “deliberate nonsense” about how the “sky’s gonna fall”. Mick Dodson observed, “why be afraid of this? It’s an advisory body [laughs]. ... It can’t enact legislation; it can’t repeal legislation. ... And you’ve got scaremongering going on”.

Several participants lamented a lack of voter awareness of the issues. Doyen Radcliffe said campaigns “have been using people’s ignorance”. When I told David Collard a poll indicated 12% of Australians had read the Statement, he said, “that’d be about right. I would’ve said it’d have been about ten. But twelve, that’s a plus”. Others, however, said the campaign had been important for public education and truth-telling. Melissa Clarke said truth-telling “has just been accelerated ginormously leading into the Referendum”. Megan Krakouer said, “it’s been really positive”, since “this has actually got them to engage in the conversations around First Nations people”. Gemma McKinnon commented, “maybe I’m the Pollyanna, but I’ve just really enjoyed people just learning and talking about us. [Laughs]. I like, just a little bit of recognition about our existence”. But, as Shane Sturgiss observed, “for so long, we’ve said, ‘there should be no conversation about us without us’. And now we’re very openly saying to all of Australia... please start opening up a conversation about us as a people”.

Reports of racism increased during and after the campaign (Knowles, 2024, Torre, 2025, Allison et al., 2025). Many participants described this. Stacey Ketchell said, “we see the increase of racism throughout this Referendum campaign, which is not good for us”. Ross Williams said, “it’s gone down... into the pits of the swamp, in terms of the negativity against Indigenous people. It’s brought out all the evil, the haters, the racism”. Participants emphasised looking after others in this context. Shane Sturgiss called it an “intense” and “invasive” time where “the whole of community across the country gets to determine elements of our lives and purpose and existence”, and so there was “a lot of emotional care

that needs to be provided”. Tanya Hosch described “the fundamental toll” of the process, and the need for “wellbeing infrastructure” in future processes. I discuss racism and violence further in Chapters Six and Seven.

Yes supporters had differing levels of hope about the outcome. Tania McLeod said, “I have real faith in the average Australian to understand”, but Karel Williams said, “I dare not hope”. Some described plans to move or recede from civic life if Conservative No won.

Regardless of their Referendum position, participants expressed widespread frustration that because of the nature of the debate between Yes and Conservative No, Voice had been over-emphasised, and other important issues were not being discussed and could become sidelined. Rodney Gibbins said, “neither side has really listened to the Aboriginal community as a whole”. Person YV said neither the Makarrata Commission proposal nor the Referendum question itself were “being talked about enough”. Suzanne Thompson said because of this, “I’m disgusted. Very saddened. And very afraid of the future for our people”. Many feared the consequences of a Conservative No victory. As Uncle Bill Nicholson Jr said, “I haven’t heard of any Plan B... I’m worried that if No gets up, that it’s just going to be, ‘oh, well at least we tried, move on’”. Scott Wilson said of the Labor Government, “the amount of political capital that they’ve expended on this, they won’t be up for another fight... the issue won’t reoccur in my lifetime”. Person AB predicted that “if it’s a failure, there will be continued protest, the reconciliation agenda will be shot”. Shane Hoffman said, “the Voice has basically swamped everything else”, while “the Treaty and the truth-telling has sort of taken a back seat”. Hoffman expressed concern with both possible Referendum outcomes in that context. If Yes succeeded, “the government might say, ‘well, we’ve done that, that’s it. We’re not doing anything more’”. But “if it goes down, will there be any political will on the part of the government to start negotiating a Treaty? I don’t know, and I don’t think so”.

#### IV. CONCLUSION

When reflecting on the Convention, many attendees described the outcome as extraordinary. Statement signatories described solidarity as a group, based on the emotion and excitement of the gathering, a sense of shared cultural norms, and a collective strategy to make the most of a rare political opportunity. This solidarity was expressed in terms of a sense of “us” and acting for “our people”. Despite widely shared reservations about representation and process, the Convention managed to survive difference and come together.

However, the solidarity experienced at the Convention did not fully hold as advocates pivoted to contend with mainstream politics. The excitement and sense of collective emotion dissipated. The Working Group dissolved through factionalism and under-resourcing. The pivot to a non-Indigenous-facing political campaign for a referendum saw disputes, fractures, and diverging political strategies. In the Referendum campaign, many participants lamented the marginalisation of Indigenous perspectives and of Treaty and Truth, as well as the weakening of Voice compared to how some Statement signatories had envisaged it.

Despite the challenges of the mainstream political context and the passing of the years since the Convention, forms of solidarity were nonetheless evident in the Referendum campaign. A strong majority of participants chose to vote and campaign for Yes, despite their often serious doubts about Voice and its strength. Here, pragmatism and compromise came to the fore, as participants sought to achieve change. They strove to progress their shared justice goals, which I discuss further in Chapter Seven, and to stand together against Conservative No arguments in defending those goals and their identity as Indigenous people with Indigenous rights. Through all this, as I discuss in the following chapters, participants continued to emphasise their culture and unique contribution to Australia. Their identities, shared cultural norms, and minority political experiences continued to bind them with a sense of “us”, providing shared visions for a just constitutional future.

The themes that emerged in my interviews and discussion of these events, including difference, solidarity, justice, representation, self-determination, visions for the future, and truth-telling, are the subject of the chapters which now follow.

**CHAPTER SIX**

**STRATEGY AND SOLIDARITY**

As demonstrated at the Convention, its aftermath, and the Referendum, Aboriginal and Torres Strait Islander individuals advocating for constitutional change are highly diverse. They face several challenges in coming together, including having layers of underlying diversity, as well as having different approaches to strategy which informed their divergence into opposing Referendum positions, particularly Yes and Progressive No. This chapter describes how large numbers of participants nevertheless formed common strategies and expressed overwhelming pragmatism and a strong sense of shared identity and goals.

## I. CHALLENGES

### A. *Diverse Cultures and Differential Impacts of Colonisation*

Pre-colonial Australia was highly plural, with many different languages, cultures, and traditional Countries. Many participants emphasised these differences as ongoing and important. For example, John Locke explained how coming from different Countries means having diversity of thought:

I'm from rainforest Country, and all those different thinking processes. ...when we get to talk to other people, from different parts of Country, from the desert or wherever else... they think a very different way about [how] time and space operates for them.

As also discussed in Chapter One, widely varied experiences and impacts of colonisation have created “a multiplicity of Aboriginal identities” (Taylor, 2003: 93). Participants described their peoples as having experienced colonisation differently. Gwenda Stanley gave an example:

The Makarrata and the [Yirrkala] Bark Petitions, they only represent them people up there [in the Northern Territory]. They do not represent us. ... These people have their Land, they have their culture, they have their songs. But – yeah, they got all the medical issues, just like we have – but yeah. I'm not going to be speaking on their behalf, like they shouldn't be speaking on our behalf.

...

My people were the first impacted... They [colonisers] never went in their Country till a hundred years later, practically.

Kado Muir, from a region colonised much later, acknowledged this: “I suppose I’m lucky to have been coming from a background where we have ...very firm and strong foundations, that have not been shattered by the onslaught of colonisation”. Reflecting on the diversity of colonial experiences, Jay Kickett asked, “what’s the concept of traditional law now, and what do we think about that? I know you could talk to twenty different Aboriginal people, and they’d all have a different view of it, to a certain extent”.

For some participants, describing cultural loss was the most solemn part of their interview. A wide range of participants emphasised the challenges of cultural loss. As Samuel Aniba said, “from the day one, since 1770, when this east coast was colonised, culture was lost”. Divina D’Anna explained, “the systems in previous years have always taken the ability to practise your language, practise your law, practise your culture”. Sean Gordon described “cultural genocide, the loss of language, the loss of connection to Country, the loss of ceremonial practice”. Some groups, particularly those first colonised, have lost more than others. Erica Smits described:

[In New South Wales] we were the first colonised. We’ve lost so much culture. Like, I don’t know my Aboriginal language, Gamilaroi. I know words, but I don’t, I can’t speak it. ... culture too, like... knowing the Dreamtime stories, and knowing our sites, and knowing what to do.

Smits explained, “our culture is talking, and stories, storytelling. That’s the way our culture was passed down. And because we were made to stop that, we’ve lost it, it’s lost. We do have little bits, but not much”. For this reason, “it’d be hard to lock down, New South Wales, exactly what our laws are. ...especially for each Country. And say, ‘yes, that’s what that Country did, and that’s what that Country did”.

A few participants described challenging moments when they or their children visited other parts of Australia and, witnessing cultural practices of another group, reflected on what their group had lost. Gemma McKinnon, from New South Wales, recalled from attending one Regional Dialogue:

I really took a lot from the Darwin Dialogue... I felt very seen, by a man who sort of said, "if Captain Cook had landed here, we'd be like that". Like, I'd never... had somebody kind of acknowledge the fact that as the first contact state... that the impacts of colonisation are [pause] far, far deeper, and far more difficult to come back from here than they are elsewhere. But it also highlights, I guess, that need for regional, local kind of nuance. Because we just have a different experience.

One of the greatest cultural impacts participants discussed was movement towards living "off-Country", creating what several called a diaspora, with people living away from their traditional Country. For many, living off-Country resulted from colonial violence and government policies, while for others it resulted from later movements, such as for employment. Sean Gordon's people were forcibly removed:

The... greatest impact on our people occurred in 1938 when... 117 Wangkumarra people were forcibly removed from their Country on the back of three cattle trucks, and moved 500 kilometres to the Brewarrina Mission, where I was then raised.

Gemma McKinnon described the challenges for people who "find themselves in the black diaspora, like many of us, who aren't living on-Country, maybe have never lived on-Country, and don't have as strong ties to their local community". One of the largest off-Country groups is Torres Strait Islander people living on Aboriginal Land. Samuel Aniba, one such person, described how "we are minority within minority", such that sometimes, "we're just the meat in the sandwich. Contemporary world, and Aboriginal world".

The ongoing, intergenerational impacts of the Stolen Generations added to this displacement. Karri Walker said, "my mother was taken when she was a baby, and so I've grown up living away from my culture and community". Aunty Josie Crawshaw shared her experience:

As a result of that history and those [Stolen Generation] policies, I do not have the language or cultural practices to be in the main parts of ceremony when they happen on community. It is part of the history of wiping out the Aboriginal race as they thought it would be. Which was a huge failed experiment. But the effects and the generational trauma that they have, that has occurred because of that policy, has left many Aboriginal people disenfranchised, trying to operate and live off-Country. Because that's where they were removed to, and they have lived out their lives on other people's traditional Country.

Fiona Cornforth described these impacts as a crisis, saying, "if I had my way, there'd be cultural healing hubs... as many as there are McDonald's restaurants".

### ***B. Resource Limitations, Lateral Violence, and the Toll of Advocacy***

The differential impacts of colonisation have also caused competition for and different access to resources. Participants were especially conscious of the competing claims and differing outcomes under Native Title law.<sup>46</sup> Sean Gordon said, "Native Title has created tribalism, or increased tribalism". Sally-Anne Gamble described how iron ore mining company Fortescue Metals Group set rival Western Australian Aboriginal representative groups against each other using money so that "a lot of families are fighting" (see Maxwell, 2025). Gail Beck said, "collectively, we're very powerful. ... and they've done everything to divide all that".

Erica Smits described division:

[I]n the '90s, it was called "one mob". And I remember... it was making sure that we're all together, all united. And now with this whole, "this is my Country", "this is your Country", and "you're living off-Country", it's divided the community. ... That's why we're not getting as far as we should be.

Many participants described the challenges of competition for advocacy resources with limited government funding, limited intergenerational wealth, and poverty. As Uncle Bill Nicholson Jr said, "community just doesn't have those resources. I can barely name an

---

<sup>46</sup> See Chapters Three and Seven.

Aboriginal millionaire that isn't linked to sport". Person KJ noted, "it's a bit hard to advocate while you're broke". Some participants cited disagreement about control of limited campaign resources as a reason for the division of Australians for Indigenous Constitutional Recognition (AICR), incorporated as a charity in 2019, into different campaign groups. Several participants involved regretted that division. Gemma McKinnon said, "splitting... because nobody wants to work together" is "gonna be our downfall".

Several participants described conflict between Indigenous people in this environment as "lateral violence". Jennie Gordon said, "lateral violence is really the blackfellas targeting the blackfellas. The blackfellas saying, 'well you're not black enough', 'you're too black', 'you're not white enough'". Gwenda Stanley described experiencing this at the Convention:

They call us "whitefella", they call us "yellowfella", them people up there [in the Northern Territory], you know? So, we have our own mob discriminating against us. Like, no disrespect to any of them mob up there. They want to fight for what they got, that's fine. But understand, we were the first impact here on the east coast.

Tanya Hosch described how lateral violence had impacted her advocacy, saying, "[if] you could equate lateral violence to how much blood was spilled, I think it would shock people, how many lives would be lost as a consequence". She said that many Indigenous people withdraw from "re-traumatising" advocacy processes, since "it's how they protect themselves".

Many Indigenous people link lateral violence to settler colonialism and its ongoing impacts (Whyman et al., 2023). Thomas Mayo said, "First Nations [have been] purposely divided for a very long time. Very little resources". Person TF added, "we've been pushed into fucking fighting for resources and things like that... we've been put in a constant flight or fight situation". Jennie Gordon commented, "it is about their whiteness showing. Whiteness not being people-orientated, whiteness being a culture. ... So, the lateral violence is based on whiteness". Gemma McKinnon said some non-Indigenous people take advantage:

“we have non-Indigenous people weighing in on what makes a real blackfella. They’ve seen the crack”. Several women participants also identified a gendered aspect of lateral violence. Aunty Josie Crawshaw described having “had to deal with all of the men, and the misogyny... and the lateral violence that comes”. June Oscar criticised “the patriarchal structures that govern mainstream society”, calling for “a fundamental shift in the way that our women, and our knowledges, and our experiences, is valued in this country”.

In addition to these challenges, participants also discussed in detail the demands and personal tolls of their advocacy. Many described their exhaustion, particularly during Referendum advocacy. Fiona Cornforth described “managing energy” and how “it feels like there’s no real downtime... you’re always on”. Person KJ described the fear when deciding to put up a “Yes” sign, which was soon stolen: “what if it makes our house a target? What if someone vandalises the house?”. Several participants described their cultural load. As Kristal Kinsela said, “we already talk about cultural load that First Nations people carry. I think this [Referendum] has just like, it’s like tripled it”. She described how “people are coming at me in all different ways” with questions, even in her gym class, because she is Aboriginal.

Participants made different decisions about managing these personal demands. Some emphasised safety and self-care. Doyen Radcliffe explained, “you’ve got to look after your own mob and protect yourself and your family, in fighting that fight. Cause it is very tiring, mentally draining”. Person ZI said it “does take a bit of a personal toll at points. So, you do need to be mindful of your own self-care”. Melissa Clarke described “knowing when to sort of cut your losses. ...[with] the opposition that are never gonna change their mind, that are gonna hold inherent racist values”, something which has “really kept me safe”. Gemma McKinnon said advocating principled positions without compromise would be too difficult:

[T]o kind of go through life thinking, “no, I reject the concept of the concept of the Constitution, I reject white settlement here, and... I just want my Land back”. ... I couldn’t handle that level of disappointment.

Gwenda Stanley described her commitment to protest despite the personal struggle:

[W]ith this comes a lot of heartache. ... I get attacked by not only my own mob but non-Indigenous Australians as well. ... Every rally I do... I'll have a breakdown; I'll have a cry. The deaths in custody ones, for me, it's, like, I'm broken. Like, and every rally I do, it reminds me of the last one. Because we've been fighting Eddie Murray's case for forty something years now. ... sometimes, I just cry, and break down, and want to walk away from it. But then it's like, I never asked for any of this, Marcus. And it's like, well if I don't do it, who else is going to do it, you know?

For many participants, the pressure of facing constant crises with limited resources meant having to make decisions. Lidia Thorpe explained:

[T]here's always a fight. I mean, what we have to prioritise... is which fight we wake up to every day – is it protecting the child from being stolen, or is it dealing with a death in custody, or a suicide?

In this context, people reasonably differed on how to prioritise multiple important issues.

## II. DEVELOPING STRATEGIES

In addition to those differences of background and experiences, participants developed diverging political strategies. These differences played out throughout the Council and Referendum processes. Karel Williams described a debate at the Council's first consultation meeting at Naarm/Melbourne in mid-2016:

[Y]ou had Lidia [Thorpe], who stood up and said, "oh, we have to go for the top"... And then you had Pat Turner who says, "well I've always believed in incrementalism. And that we don't get anywhere when we demand this [gesturing a high bar]".

Participant Megan Krakouer's choice to change her Referendum position illustrates these strategic divergences.

### **A. Megan Krakouer's Choice**

Menang Noongar woman Megan Krakouer, from Mount Barker in Western Australia, is a well-known social justice advocate and activist. She was recognised at the National Indigenous Human Rights Awards in 2018 and as Boorloo/Perth's Citizen of the Year in 2023. Krakouer is Director of the National Suicide Prevention and Trauma Recovery Project, where she does outreach and provides psychosocial support to families who have experienced the trauma of a suicide. She described suicide as “the crisis of our time” and “the leading cause of death for First Nations people under the age of 40”. She said, “no parent was put on this Earth to bury their child. Yet too often that they do”. She linked the high rate of suicide to other inequalities: “I think the most important thing to me is that human life inequalities very much exist, and when you're at the coalface, you see it front and centre. And you see the tears, and the agony, and the pain, and the suffering on families' faces”.

For most of 2023, Krakouer advocated against the Referendum. She told me her reasons for being “a hard No”, many of which other Progressive No advocates shared: the government could not be trusted, given it had “done nothing but hurt and oppress our people continuously”; the proposed Voice was too weak and “couldn't compel the change”; there was no confirmed model for the Voice's structure (“who is the Voice going to be made up of? How are you going to do it? What's the construction of it?”); the Referendum Working Group and Engagement Group had been “hand-picked” by government with a “lack of consultation”; the Constitution still had unaddressed “racist clauses” (sections 25 and 51(xxvi)); constitutional recognition and advisory group representation was “not making any difference” at the Western Australian state level; the Referendum was too “symbolic” and not substantive enough; the Referendum Council process “wasn't done representatively, where all First Nations people had the opportunity to attend”; many thousands of incarcerated First

Nations people were excluded from voting; and there “should have been more consultations... to get more First Nations views” before a Referendum.

Two months before the Referendum, however, in the heat of the campaign, Krakouer publicly switched to advocating for Yes (Kaur and Bourke, 2023). She explained her decision to me in September 2023:

So, it was only about six, seven weeks ago that I changed my mind. And that was after two little fellas had passed away to suicide. That’s what done it. ... when those two little fellas, rest in peace, passed away, I thought, “okay, well, if this is an opportunity here to have the voices of the people heard”. I’m not sure if it will work. I know that the bar’s so low that you could walk over it... and not even notice that you’ve walked across it. That’s the reality. And now I have said “Yes” for it. Because [pause] of the suicide rates. It’s not – Australians should not be proud that we have the worst suicide rate in the world. [Pause].

And what I want to see, if this gets across the line, an opportunity for remote, regional, to take pressing issues, burning issues of our people to the highest level of government on ways forward to address issues in terms of incarceration, deaths in custody, child removals, suicides, homelessness, domestic violence, heritage. Right now, there is no central body across the country... they can make strong representations to government, and it could be an influential body if done properly.

... I’ve been at the heart and soul of the grim reality, and there is no other way forward at this point. We could turn around and wait for another year or two years for something else to be developed in terms of like a Treaty or so forth. But more people will die. That’s the reality. So, I thought, “okay, I’m not gonna stop a process from happening, or not support a process”. My reasoning in relation to the Referendum still very much exists today when I turned around and said “No”. They’re still my concerns. But in terms of “Yes”, that’s why I’m voting. To give some hope, some kind of dignity, and to allow more voices other than the ones that we already hear to be at the table in a centralised way, to make strong representations to government on issues that impact on us.

So, Krakouer made a pragmatic choice to support an imperfect solution. All participants faced similar challenges. Most, but not all, eventually decided to support the Referendum.

### ***B. Adapting Advocacy Strategies to the Political Reality***

Many participants described the necessity and challenge of adapting their advocacy strategies to political realities. All participants, to varying degrees, used English language, Western

concepts, and mainstream political narratives in their advocacy. As Tom Calma commented, “if we didn’t utilise the Western system to challenge the Western system, we would get nowhere”. Thomas Mayo said of English words like “sovereignty”:

[T]hey’re necessary. To communicate with, not just non-Indigenous Australia, but also amongst each other. Because we do have different languages. And also, because many of us don’t know our own languages.

Rod Little described his role as Co-Chair of National Congress as requiring “that collusion with the rhetoric. ... You’ll play along, and have that relationship, so that there is an opportunity”. Person DH said, “there’s a lot of translational stuff in this”.

Some, like Gwenda Stanley, disagreed with advocates adapting too much: “they just want to use the wording and the terminology... that suits government”. Others described the importance of being constructive, building relationships, and setting goals within the mainstream political context. Tyronne Garstone described this as “due diligence, about managing that political landscape”. Dale Agius called it “tactful engagement” using “a very particular skillset”.

Several participants described “code-switching” or “code-shifting”. Karel Williams said that “in certain environments you act and behave and talk in certain ways, and then in others, you shift, you code-shift”, as part of “living in those two worlds”. Person KJ described “walking in two worlds” as how “you are a certain version of yourself when you’re with Mob, and you’re a certain version of yourself when you’re in a boardroom. ... And knowing how to do that proficiently”. Gemma McKinnon explained:

[I]t’s sort of accepted amongst blackfellas, amongst white people, that if you can’t do code-switching well, then you’re not going to get a lot of traction.

... [H]ow I would define code-switching is being able to selectively assimilate when required. [Laughs]. ... it’s not just acting white when you’re around white people, but sometimes it’s like... trying to act like a – oh God, I can’t believe I’m gonna use this term, but – like a “palatable black”.

McKinnon said the discomfort helps explain why advocates diverge:

[E]verybody has a line. Their own personal decision about where I draw the line in my code-switching activities. ... when everything revolves around – “how much money can we get conservative white people to give us, to help us with this? How much support can we get from politicians who are inherently conservative?” – that’s then going to create a divide amongst blackfellas, because some people are gonna be willing to sort of take it a bit further than others.

These differences played out in the Referendum campaign, which saw intense advocacy aimed at non-Indigenous voters. Melissa Clarke described “tailoring... the context around that messaging, for the audience”. Tom Calma emphasised the need to avoid confusion and to “stop talking about the Uluru Statement from the Heart, and talk about the Referendum. And be very specific... Nothing to do with Treaty”. Karri Walker noted the difficulty:

I definitely do find it harder advocating to a non-Indigenous audience, because you’re often forced to explain what is the benefit for them, and that’s not really the point of the Uluru Statement from the Heart. ... you have to appeal to conservatives, and you have to speak that language, and you have to outline how this will benefit them, and outline how this proposal is somewhat watered down, that it won’t affect their rights.

Many participants described adapting their style and tone of advocacy to relate to non-Indigenous voters. Peta Braedon described “soft influence”. Kaylene Mathouse aimed “to engage people, on a humane level and a relational level”. Ross Williams explained:

I’ve learnt how to adapt my language, my body language, my speaking language, around bringing people on a journey, so that they feel a part of the journey, and understanding what that journey looks like. And always show that there are parallels to *their own* life, and to their own existence. So they’re walking beside me. Rather than behind me, or in front of me. They’re walking with me.

...

People are people. People will always have vulnerabilities. And look, some people have had hard lives, as much as Indigenous people have. So, we’ve got to understand that all people have a backstory.

For Jade Ritchie, “my approach to advocacy is an educational approach”, since “most people out there are well-meaning. But there are very big gaps in people’s understanding on what goes on outside of their own bubbles”. Person KJ said that answering non-Indigenous voters’

questions often required this, since “you’re starting from such a low base of understanding that it’s just about helping them to feel confident and comfortable with what they’re talking about”. Melissa Clarke described the personal challenge, at Referendum community forums, of overlooking some voters’ negative comments which were “some of the most racist stuff”. She said, “sometimes it feels a bit dirty. ...I feel like I’m compromising some of my integrity to maintain dignity in those conversations”. To her, “it is ‘softly, softly’, to a large degree”.

Participants on all sides expressed frustration with having to ask for change in this way. Karel Williams said, “I get sick of it. That we have to ask Australians for us to be recognised as the First Peoples. Give me a break”. Mick Dodson characterised it as like “beggars coming to the table for a feed”. Gwenda Stanley said of the Yes campaign, “we’re like Oliver... can we have some more, please?”. Participants understandably differed on how much they were willing to adapt their advocacy for non-Indigenous people and political narratives.

### ***C. Principle and Pragmatism***

These issues of strategy and adaptation raised tensions between principle and pragmatism. Participants often spoke about three and 97, the rough percentages of Australians who are Indigenous and non-Indigenous.<sup>47</sup> Ray Minniecon said of the Referendum, “we know it’s a David and Goliath thing, it’s 97 to three”. Tyrone Garstone described reflecting on this at the Convention:

I think one of the biggest challenges for me is: how do you put the ask to the Australian public... noting that we’re just over 3% of the population, the current political landscape – what is the right ask? Because if we asked too much, it was never going to get up. If we asked too little, it would be symbolism.

---

<sup>47</sup> These percentages were 3.8% and 96.2% at the 2021 census (Australian Bureau of Statistics, 2023).

For this reason, most participants prioritised advocacy aimed at non-Indigenous voters. Sean Gordon described how “when you’re a minority in the country and you’re dependent on the 97% to support what it is you do, then you’ve got to be clear on your strategy and your approach”. Jade Ritchie said, “it’s got to be done together. ... if we’re going to see better outcomes for Indigenous people, we need non-Indigenous people to be part of that change”. Yingiya Guyula, whose main election platform has always been Treaty, said he chose to support Voice as “one step” first, since voting is “3% of us against 97%”. Doyen Radcliffe said about activism and getting outcomes as a minority, “we have to band together, become stronger in ourselves. ... But also, bring in like-minded people with us on the journey, other Australians, white Australians”. Ken Wyatt described the critical importance of relationship-building: “we will only get this by walking with people... I’ve always said, ‘don’t headbutt somebody and expect them to help you. Shake their hand, and engage’”.

Many participants described their advocacy as “pragmatic”. Gemma McKinnon reflected, “I’m a very pragmatic person”. Person PX said, “I think most Aboriginal people are very pragmatic”. Doyen Radcliffe said that for negotiation, “at the end of the day, it’s First Nations people that will have to compromise... we can’t have everything”.

Participants on all sides recognised this tension. But their responses spread along a spectrum between the poles of principle and pragmatism. As Tanya Hosch said, “even with all the many, many times that we agree on where we want to go, we don’t agree on how to get there”. This spectrum was reflected in participants’ Referendum positions. Progressive No voters prioritised principled positions. Lidia Thorpe called the Voice a “little tick-a-box” and a “trinket”, “compared to... what we should be fighting for and what we can potentially get”. Gwenda Stanley similarly defended the Aboriginal Tent Embassy’s position: “we’re not compromising nothing. There’s a left and a right wing, but we’re the bird. We’re the body. So

again, I will focus it back on Aboriginal sovereignty in this country”. Some Progressive No supporters also rejected the binary choice. Rodney Gibbins said:

I won't vote “Yes”, I won't vote “No”. I'll be voting for truth-telling and Treaty first. I know that it'll be treated as an invalid vote. But it's my way of issuing my thoughts, and dealing with my rights as a blackfella to say what I want. ... I'll put my own little box in.

Some participants supported Progressive No logic but felt forced to support Yes in order to counter the dominant Conservative No campaign, which they saw as a worse outcome.

Auntie Josie Crawshaw said, “I'm hoping I will stay true to... being ‘No’”, but was concerned about racism and “far right extremists”. Suzanne Thompson felt compelled to support Yes in Barcaldine, a town with a very strong Conservative No presence, after hearing racist slurs in public and receiving “horrible letters in the mail”. She described being “the only person in town with a ‘Yes’ ad”:

I was a No voter, because I don't trust the people that are leading this. I should have stuck to that. But now I have no choice but to be “Yes”. Because I don't want to wake up with “No” in the morning. So, I'm a No voter in the Yes camp, if that makes sense.

Many participants, like Megan Krakouer, decided to support Yes for pragmatic reasons, despite having deep reservations or a different order of priorities. Mick Dodson said, “the Voice is a vehicle to transport the other things that we're concerned about, Treaty and truth-telling. I would've preferred it the other way, but... I'm cool with either way”. Of course, compromise was accompanied by hesitation. Karri Walker captured feelings many participants shared by stating, “when advocating on First Nations issues, you do have to make a lot of compromises. Like, of course, we would like the Voice to go further than it does. ... It is incredibly watered down”.

Several Yes campaigners saw Voice as the only practical option in the circumstances. Uncle Kenny Bedford called the Voice “a generous compromise” but still “a big improvement”. He commented:

[Y]ou'll hear some people say, "oh, it's bullshit, it's got no power". It's like, well... we understood that it needed to be palatable. It needed to be conservative. It needed to pass the pub test for all Australians. Cause that's the only way it's gonna come in.

Some Yes supporters expressed openness to alternatives. As Person EO said, "we tackle the Voice first, if we can't have the Voice, then we go with... the sovereignty mob".

Most Yes supporters focused on the positive spirit and future opportunities a successful Referendum could bring. Charline Emzin-Boyd called it an opportunity "to be together, walking together", and said, "I'm busting with the enthusiasm, and the hopefulness of what this country's going to look like, for all of us". Jade Ritchie said:

We need to *all* be on this journey. So, again, I don't think that the right thing to do is just to rip up everything and start again. I think that we actually need to go on this journey together, to make incremental steps, where we as a country have more empathy, understanding, connection, and unity.

#### **D. Incrementalism and Trust**

At the heart of this tension between principle and pragmatism were participants' diverging views on incrementalism and trust. More pragmatic participants tended to be more prepared to trust and work within "the system". Ken Wyatt said he "always found it easier to become involved on the inside, and influence". Divina D'Anna commented, "the only way to really change the system is to get in the system and try and change it from within". Person RS explained, "I *know* that we have to work within those colonial governance structures. And we do. That's what we live by, all of us in Aboriginal affairs. That's all we've ever lived by".

These more pragmatic participants commonly favoured an incremental strategy. Sean Gordon explained:

[W]e are three percent. And that... never leaves my mind in regards to how I advocate... I believe that our people have been very successful, over the many years. We've gone for incremental change. Our process has been about evolution, and not necessarily revolution. I think our numbers are too small to conduct a revolution.

Karel Williams agreed:

I can see the rationale for it. You do it incrementally, and then everyone else sees that the sky hasn't fallen in, so maybe they'll accept something that it's a bit more demanding, or nuanced. So sometimes you just have to, even though you're aiming for this [gesturing a high bar], understand that – let's take the small wins as we go.

Rueben Berg said of incremental advocacy across generations, “we're all just trying to get one step further ahead each time. ... You can't give up what you've got right now to go for some aspiration that's unattainable, you've got to just keep chipping away”. This was especially important in moments like the Referendum:

[T]here's often these kind of cycles, of where there's momentum, where there's that goodwill, where they actually want to achieve something, that political capital. You want to try and harness that... It might not be everything we want, but we can then leverage what we are able to secure, to continue to push for even greater things.

Rod Little said regarding the Statement:

I get it, like, it's kind of a Trojan Horse kind of approach. ... here we are, fighting for our rights, for a very long time, and advocating for change. And then all of a sudden, we're seeking permission to be included in the framework [the Constitution] that we resisted for so long. But I get the strategy! Yeah [laughs]. So, you've gotta try each [strategy].

Almost all Yes supporters had pragmatic logic about the Referendum, and about Voice as the easiest starting point out of Voice, Treaty, and Truth. Jade Ritchie called it “tangible, incremental progress”. Jay Kickett called it a “once in a lifetime opportunity... It's dead and buried once this happens”. Rueben Berg said a successful Referendum would give “political capital”, explaining, “we can leverage that to then have conversations around Treaty... And I would hope that any treaty-making process led to a Voice that was stronger than the current one being proposed”. As Tanya Hosch said of this incremental advocacy over a lifetime, “you really have to stay the course”.

Some Yes supporters described the Progressive No position as impractical, given the dominance of the Conservative No campaign. Aunty Pat Anderson asked, “you think this

same mob that say ‘No’ are gonna negotiate treaties? ... Oh, forget it”. Karri Walker said a “No” vote will be reported as a damaging Conservative No victory: “it’s not a ‘no, asterisk... we want something more than the Voice’. ... It’ll be that Aboriginal people don’t matter. And that we don’t deserve recognition of our inherent rights”. Person PX explained:

[O]f course I support a Treaty, I just need to make that clear – but I’m a very pragmatic person. And I think most Aboriginal people are very pragmatic. ...if we cannot get the Voice up, how in hell will we ever get a Treaty in this country? ...opponents to the Voice – what are they putting on the table? What practical steps? What’s their solution to achieving a Treaty?

Scott Wilson said:

I know some of the opposition... sixteen or seventeen percent of Aboriginal [people] – “oh, we don’t want a voice, we want Treaty first”. Well, unfortunately, the government of the day said in their election promise said that they would introduce Voice.

Not everyone, however, was comfortable with incrementalism. Lidia Thorpe said those who compromise “silence our voices”. Robbie Thorpe disagreed with “slotting us in the back of your racist Constitution. How offensive and insulting do you think that is?”.

The most significant point of divergence was about trust. Many participants distrusted the government, often including individuals funded by or working closely with government. Person TF said, “they’re always gonna be the government, man, they’re not gonna try and give us a fair go”. Rodney Gibbins explained:

[T]hat’s the biggest thing I think missing out of all of this. There is a lack of trust from the Aboriginal community towards white politicians. ... There is no part in Australian history where I think the black man and the black woman can turn around and say, “we can, have, and will always trust a government”. You can’t do it. But I wish it was a lot different. I wish we could trust government, and trust their word.

Trust influenced participants’ positions. Person DH acknowledged, regarding the design of the Voice being left to Parliament, “we’re kind of giving Parliament a lot to sort through

...there's a lot of trust in that". Rodney Gibbins said that to support Yes, "I would want to know, what is it actually going to do? How is it going to represent us?". Gail Beck explained:

I'm really quite cynical. I've been an advocate, an activist, for over forty years. And *everything* government has come up with... was not for our benefit. And I, in my bones, I'm feeling this is trickery.

For many, this distrust could only be offset by substantive guarantees and transparent, Indigenous-led processes. Gwenda Stanley said, "unless this Voice is talking restitution, reparatory justice, genocide, and Treaty, clan treaties, that will actually, we can see some sort of outcome instead of being drip fed all the time, it's still a 'No'". Gary Foley criticised a Voice where, as with past Indigenous advisory bodies, "there's no obligation on any government to take the slightest bit of notice". When I asked Foley what he would say to Aboriginal advocates who agreed on the long-term goals but sought incremental change, he responded:

What do I say to 'em? I say, "you poor fucking deluded fools". That's what I say to 'em. Simple as that. Because that's what they are. Where are the incremental changes that have come? ... there's more blackellas in jail now than there was at the time of the Royal Commission [in 1991]. So, the poor fucking deluded fools. If they want to drink the fucking Kool-Aid, then let them drink it themselves.

Despite this distrust, some participants were willing to prioritise immediate change in a time of necessity. Ian Trust explained:

[W]e're actually talking about Closing the Gap, not so much about... ideological, sort of things, like treaties, and sovereignty, and so on. I mean... I'm not saying that they're not important, maybe they are, down the track. But this process here is about, what do we do about our people on the street that are suffering? ... some of my colleagues over there probably wouldn't agree with me, they'd say, "oh, we've got to do both". But what do you concentrate on first, though?

Most agreed to some extent with this logic, but not all. As Gwenda Stanley said of those who call Aboriginal Tent Embassy activists "too radical", "that's okay, because I don't want to be in that circle, because I don't belong in that circle. I belong on the green grasses of the Embassy [laughs]".

### III. SOLIDARITY

#### A. Respect for Difference

One of the most striking aspects of the interviews was how much participants acknowledged and respected others' different experiences, choices, and strategies. Despite their many divergences, most participants emphasised Indigenous solidarity, resilience, and strength. Gemma McKinnon said, "we're all working towards the same outcome. We're just all skinning the cat in a different way". Suzanne Thompson similarly acknowledged there are "many ways to skin a cat". Doyen Radcliffe commented, "I know each mob will all have their own different challenges". Divina D'Anna remembered people questioning how she would fare in Western Australian Parliament, and responding, "look, I got 20 years doing black politics. Coming down here to this little white politics system is *easy*. They have rules of engagement. Our mob don't".

For example, many Convention attendees were sympathetic to the Walk-Out group's views on Treaty and sovereignty, or acknowledged their right to leave, despite disagreeing with their decision. Tania McLeod said, "that's *okay*... They walked out... and people still went up and talked to them later". Person PX said, "that was their every right to walk out. That's their right". Person YV said, "it was good, you know. She [Lidia Thorpe] provided that other context. And there was a bit of disruption, but that was fine... people are able to have different views". Divina D'Anna noted the regional mix of the group and acknowledged that some groups from the south-east have been impacted differently by colonisation and may be "a bit more passionate in some of their views cause of the different experiences that they've felt". And Gwenda Stanley, a Walk-Out group member, said of Northern Territory groups she had disagreed with, "no disrespect to any of them mob up there. They want to fight for what they got, that's fine".

Many Yes supporters were sympathetic to Progressive No reasoning and distrust of the system. Stacey Ketchell explained:

[S]ome of our families shut out anything government. Because government has caused so much hurt and pain for our people, that anything government-associated they will reject and shut out. So, that's important that we acknowledge and respect those, because they're valid points.

Jackie Huggins also explained:

[W]hen people say to me, "why are people voting 'No' for the Referendum?", I always say, "I do believe it's because we have been so humiliated, disappointed, and neglected by governments over decades... because of this, it is no wonder there's a huge mistrust, people just do not want anything to do with government".

Charline Emzin-Boyd acknowledged, regarding her decision to work within the system;

I understand some of the issues with some of our Aboriginal people that *don't* feel comfortable in the white construct. And that's okay. There's lots of fears, lots of hurt. And we've just got to let people move forward in their own pace. For me, we live in this world of white construct. We have to then try to put ourselves in a position that we can manage that as well as keep cultural, spiritual... connections.

Melissa Clarke sympathised with those who disagree:

[W]hen some of our mob get really angry, and they're like, have no regard for police, or authority, or systems, or whatever – [I] *completely* sympathise with that. ... I really get the pain that fellas sit in, always just trying to be the Michelle Obama and go the higher ground. Yeah, it's hard.

Person KJ acknowledged that their views were more pragmatic because of the long resistance of others: "I'm a younger generation, and I haven't had to fight for fifty years to get to this point". They also acknowledged the diversity of Indigenous people who joined the Yes campaign, calling the Referendum "the first time in my lifetime that I've seen so many people and groups actually come together on a single cause".

Several participants described reconciling differing Referendum positions within their own families. Erica Smits said:

[W]e might not all agree... but that's fine. Like, we're still family. We're not cutting ourselves out. ...that doesn't take away from anything. It doesn't mean anything. Whereas we're all there for each other, and our family, and our culture. It's just politics, really [laughs].

A few participants also sought to understand or explain the small number of Indigenous advocates in the Conservative No campaign. Theresa Ardler said of Conservative No spokesperson Jacinta Nampijinpa Price's focus on crime reduction:

[S]he's gone through a lot, herself and her family in Alice Springs, so I can understand that... but sometimes you got to think... what's the real thing that all First Nations from around Australia need, you know?

This respect for difference was exemplified in how some participants prioritised my capturing the overall picture more than promoting their own positions. For example, like several participants, former Liberal Party minister Ken Wyatt gave me advice on people I should try to speak with. He advised me to take an external view of things, seeing the broader picture from the outside, like a "helicopter view" from above. He explained this as seeing the landscape like when viewing a traditional painting depicting a landscape's key features. Despite being opponents in politics and the Referendum, Wyatt encouraged me to meet independent Senator Lidia Thorpe:

Ken Wyatt: ...the other group to look up is, look at the sovereignty groups of Australia, cause that'll give you a sense as well.

Marcus Dahl: Yeah. I've done a few interviews with some of the sovereignty people, to hear that side of things as well.

KW: Yeah. There's some good people amongst that group. [Pause]. Did you get to interview Lidia at all, Thorpe?

MD: I did.

KW: Good. She's a fascinating person.

MD: And also her uncle, Robbie Thorpe.

KW: Oh yeah, yeah. No, when I was in there [in Parliament], Lidia used to come around frequently. And she'd always come in and say, "Uncle, can I see you?". And then we'd have a conversation. So, she was good.

This solidarity and respect despite individual differences reflected a shared superordinate identity as Aboriginal and Torres Strait Islander people, to which I now turn.

### ***B. Identity***

Participants expressed a strong sense of Indigenous identity, and of difference from non-Indigenous Australia. For many, a sense of exclusion and injustice reinforced this. Mick Dodson described how many Aboriginal people have a “deep sense of being excluded. Where’s our place in the nation?”. In this context, participants maintained their sense of difference and resisted assimilation. Kado Muir described how colonisation’s impacts are also psychological and cultural, and some young Indigenous people have “fallen prey to ongoing processes of... colonisation of the mind and the spirit”. A small number described a pressure to “assimilate” when non-Indigenous people characterise Indigenous people, as Denise Bowden put it, as “only just Australians” like everyone else. David Collard criticised government promotion of “mainstreaming”, rather than Indigenous-specific programs:

“No, you’ll all be mainstream. We want you to go and do these things. ... We’re not going to talk about all of that stuff that happened back then. We stole your Land; we’re not going to talk about that. No, no, no, no. That’s all gone. This is our Land now. This is our water, this is our forest, this is our wood. Your sovereign rights, we’ve taken all that away”.

Given this Indigenous identity, some participants did not identify as Australian. Person TF explained of the word “Australia”, “it doesn’t really mean nothing. It’s just a word to me, really”. Gwenda Stanley emphasised, “I’m not Gomeri Australian. I’m just Gomeri”. But most participants still considered themselves Australian, while also having a distinct Indigenous identity. Uncle Ossie Cruse said that “if my forefathers sought the integrity to die for this country, then I must respect this country”. Rueben Berg explained:

I recognise the value of the society that we have as Australia. ... But I think we need to... recognise the rights of Indigenous peoples through things like the UN

Declaration, and actually be able to enact that. And if we have that sense of mutual recognition and respect of these two forms of governance and these two forms of sovereignty, then I think we'll be able to move forward pretty comfortable.

This approach was not always comfortable. Jackie Huggins said of the word “Australia”, “I have always felt a bit uncomfortable about that. Because I think...what was this place called before whitefellas got here and it was ‘Australia’?”. She gave the same reason for using an Aboriginal term of reference for women’s advocacy, “Tiddaism”, rather than using “feminism”.<sup>48</sup>

At the heart of this collective Indigenous identity, participants described a shared sense of cultural identity, and an intergenerational project of cultural survival and revival. Participants on all sides described their advocacy as a cultural duty inherited from their Elders and their ancestors. Jakirah Telfer said of the Statement, “it’s not just these signatures but the voices of the Ancestors that we’re carrying as well”. Stacey Ketchell said, “it’s an inherited responsibility. We’re born to continue the fight”. She added:

Our people are so smart. And they know, my Elders know what we need. And for us young people, we’re ciphering this information, to go, “okay, I understand what you’re, what we need to do”. ...they’re our guide, and they’re our wisdom, and they do it for a reason. So, we must follow that, and carry out our sort of, inherent birthright, really. Gotta continue that. Yeah. Yeah. It’s not something that we can reject.

Many participants linked their advocacy to historical efforts, including William Cooper’s 1937 Petition to the King, the 1963 Yirrkala Bark Petitions, and the 1988 Barunga Statement. Person KJ said of the Uluru Statement, “still asking for the same *things*, in different *ways*, on different *artworks*”.

Many participants drew cultural links between their ancestors, themselves, and their current and future descendants. As Person TF said, “not just doing it for the past, our

---

<sup>48</sup> From “Tidda”, used widely by Aboriginal women to mean “sister” or “woman” (Huggins, 2022: 7).

ancestors, but the future people coming along as well”. John Locke explained the transmission of the “responsibility of sovereignty”:

We are custodians of the landscape. The “spiritual notion” is about giving that. I’ll pass it on to the grandchildren’s line coming up. And it’s then them that’ll be the next set of custodians and the knowledge of Country, and the way we are as a people.

Person PX said of the Statement:

For Aboriginal people, it’s a moral imperative, and a moral obligation, to keep things strong for future generations. ... And that means ensuring that future generations have a strong identity. They understand their Country, they understand where they’re from, they understand their language, they understand their kinship connections, they understand the Tjukurpa [Law/Creation], they understand who they are as an Aboriginal person. And that’s such an overriding moral and cultural imperative. ... So, the Uluru Statement from the Heart fits into the history of resilience, it fits into the history of worrying about the future generations, it fits into the history of keeping Aboriginal identity and language and culture and everything to do in terms of who you are as an Aboriginal person strong. And it’s about the survival of culture and the survival of a people.

Ken Wyatt agreed, “in many senses, it is a continuation of the 65,000-year-old culture”.

A wide range of participants described their ancestors, or “old people”, as a driving force behind their advocacy. Tyronne Garstone said, “I’ve always felt like, we’ve got standing orders from all our old people that’ve gone before us”. Fiona Cornforth said, “our old people, what they think of what we’re doing matters most”. Kaylene Malthouse described cultural obligation as driving her leadership:

[T]hat obligation is stronger than the fear, or the sense, I reckon, sometimes! [Laughing]. Cause you’ve just got to do it. You have to. And I think that’s where we get our braveness and our tenacity, is that the mob behind [ancestors] watching you’s the one. Not them one in front [facing you], it’s them ones behind!

Many participants said their ancestral connections gave them strength and resilience. Jackie Huggins was inspired by “the ingenuity of our people, never giving up, their resilience”. Ross Williams commented, “we all have built resilience inside of us, so we’re able to protect ourselves from the atrocities and the hate”. Lidia Thorpe said her connection to her ancestral

Country has “enabled me to do what I do today with that grounding and that cultural strength”. Aunty Pat Anderson explained:

[T]his resilience has served us well. And the strength, resilience, and, ingenuity, to live for so long on sometimes a hostile environment. That too. We’re used to opposition. We’re used to trials and tribulations. They’re part of who we are. We’re tough! ... They can do their darndest. We ain’t going anywhere. We’ll just continue. There’s, here [gesturing behind] – generations piled up behind us. And we know that.

Many participants described centring their cultural identity. Politician Divina D’Anna explained:

[Y]ou wear a Kimberley [region] shirt, you wear a WA Government shirt, you wear a neighbour shirt, you wear a whatever, Broome girl shirt. But under all those t-shirts is my Aboriginality. So, no matter what shirt I’m wearing that day, it’s always gonna be on me, and have that cultural lens through me.

Sally-Anne Gamble showed me a tattoo which named her Yamatji and Noongar peoples around an Aboriginal flag. Emphasising the importance of her community, she said, “that’s why it’s around the Aboriginal flag on my chest, cause that’s where my heart is”.

Many participants emphasised that this cultural identity persisted despite differing appearances. Robbie Thorpe said, “we don’t really care what colour you are. It’s what law you got”. Tania McLeod described how “my sisters are a darker colour than me” and “we look very different”, but that the important part was, “we never went anywhere. Still here, all different types, different colours”. Several participants described taking pride in both their Indigenous cultural identity and their mixed ancestry. Erica Smits explained:

I identify as Aboriginal, but I also identify as English and Irish. ... I always recognise both my sides of my family. ... I would never not say I’ve also got English and Irish in myself. So, I think to myself, what am I gonna do? Am I gonna cut myself in half and take half [laughing], and take half of myself away?

Participants resisted mainstream political narratives that reduced Indigenous affairs to questions of race or racial appearance. Karri Walker said when she thinks about First Nations

rights, “I’m thinking about Country, and culture, and community, and cultural authority...

I’m not at all thinking about race”. Suzanne Thompson said:

It’s about staying true to my identity. Because if I don’t, my granddaughter, who is as lily white as they are, the bluest of eyes, is going to have to have her granny’s photo up there, to justify her existence as an Aboriginal woman.

Participants’ advocacy therefore formed part of an intergenerational cultural project. Several used the phrase “not in my lifetime” when describing their long-term goals. Several honoured advocates who had passed away. Tania McLeod described Voice as part of “generational change”. Ross Williams said, “I hope in reality, that things will change, slowly. ...the glaciers are melting quicker than change is happening. So, you can’t say it’s glacial!”.

Kaylene Malthouse said, “each time over the last 200 plus years, we’ve had petitions and we’ve sat in hope. We’ve *always* sat in hope. And I have to say, that is a real Indigenous thing. That handing something over, and just waiting”.

Many participants spoke about doing advocacy to benefit their children and grandchildren. Uncle Ossie Cruse explained, “we always focus on our children’s children. What are we gonna leave them? What are we gonna make better for them?”. Kristal Kinsela similarly said, “this is not about me. This is about... what does this place look like for my children?”. Charline Emzin-Boyd spoke of a possible successful Referendum as “the start of a ripple effect”. She added, “it’s so inspiring and emotional to think that my great-great-grandkids are not going to have to *fight* to be Aboriginal”.

As discussed earlier in this chapter, participants solemnly described cultural loss and the impacts of colonisation. But when doing so, they also emphasised adaptation and change for cultural survival. Ian Trust noted how Australia’s largest cities “have all got a sizeable Aboriginal middle class”. He saw this “as being a positive thing”, reflecting “being able to adapt yourself to the environment that you’re living in”. Uncle Bill Nicholson Jr explained

how for his Wurundjeri Woi Wurrung people, “the modern context of an Elder is a little bit different than traditional Eldership”, since “you are nominated and voted in as an Elder at AGMs” of a corporate governing body. Melissa Clarke advocated for “being innovative” in how to “go back to our basic cultural ways of networking and supporting each other and collaborating”.

Despite significant displacement and loss, participants prioritised cultural survival, adaptation, and revival, emphasising their shared cultural identity. As Shane Sturgiss described, “we’ve lost too much, to Constitution and government, and colonisation. What we can do is grow and build from what we have... and hopefully try and build back some ground over time”. Jakirah Telfer encouraged “revival and reclamation” to keep culture alive. Several participants promoted language revitalisation and other cultural projects. John Locke showed me a project which used modern technology to integrate traditional spatial mapping concepts with digital maps of his traditional Country. Suzanne Thompson described developing a self-drive tour app to trace Creation sites for visitors, “so then they’re becoming more custodians of that ancient law story too”. She described cultural revival as an opportunity: “trust us enough, to show you how to do it again. But it’s not going to happen overnight. Cause we got stopped. And we’ve got to reset something that has been annihilated for the last 230 years”. Kado Muir described an internal cultural recovery project:

I come from outside the frontier, so, in my desert communities, we are lucky to still have our traditional education systems intact. And our legal systems intact. But inside the frontier, it has been decimated, and so the other intergenerational project is to recover. And re-align with the spiritual and intellectual traditions of the Land. ...that’s our internal project that we need to do: re-establish our institutions.

Tyronne Garstone explained that, because of the loss of senior people and because of new cultural questions arising in contemporary contexts:

[A] lot of that real strong traditional values around decision-making is not there anymore, or it’s been adapted. And that does create a little bit of uncertainty for some

groups around how they navigate decisions. Because every society has a right to progress and evolve, but we're always challenged by trying to maintain our integrity and our connection to say that we shouldn't have to continue to compromise too much in order to identify who we are and get the outcomes that we feel that we deserve.

Many described this ongoing process of survival and revival as very difficult. Person TF said, "I'm all about rebuilding my own nation, bringing back my people", but this is challenging with new technologies, where "everyone's walking around with their face in their phones". Jakirah Telfer said, "we're still on the journey of removal and reconnection with culture and family". Yingiya Guyula commented, "it's a bit like picking up the pieces! Putting it back together, and look, it's a chair. This is what we're doing now".

The Convention revealed both this critical importance of cultural identity and the challenge of adaptation in complex contemporary settings. As discussed in Chapter Five, many delegates described culture as having played an important part at the Convention. Person DH joined a break-out group not for their region of residence, but the region "where my ancestral connections and obligations lay", since "for me, that was the building block for the whole thing". Samuel Aniba said being a Torres Strait Islander visitor influenced his quietness and support for the Statement: "the culture came in and play a core part of it. This is their Land. Don't say anything. Respect their opinions. Respect their voice. And if they do ask us, then present [our views]". Person PX described how when things felt like the meeting was "falling apart" with heated debate, a senior delegate intervened:

[H]e stood up, and he said, "can somebody tell me what sovereignty means?". And everyone went quiet. Cause he was a cultural authority; he was from Desert Country... And then he spoke in language, in Luritja... "this is what sovereignty means to me". And he went on to explain, what sovereignty – it's Tjukurpa. Which is connection to Country... And he quietened, he settled that meeting down, and everyone stopped the intensity.

Many participants also described the Statement canvas as an expression of culture. Most signatories indicated their mob or Country alongside their name. Person PX said Sammy Wilson from the local Muṭiṭjulu Community was "heavily involved in the whole meeting"

and “gave permission for the Uluru Statement”. Four women artists from Mutitjulu, Rene Kulitja, Charmaine Kulitja, Christine Brumby, and Happy Reid, painted the canvas surrounding the Statement’s signatures. The painting depicts two important local Anangu traditional Law/Creation stories, or “Tjukurpa”: the Kuniya and Liru story, and the Mala and Kurpany story (see Mayor, 2019: 11-5, Parks Australia, 2025a, 2025b). Tjukurpa “refers to the creation period when ancestral beings, Tjukuritja, created the world as we know it. From this, the religion, law and moral systems were formed” (Parks Australia, 2021). They are depicted on the canvas like an aerial map of the Uluru landscape, something Ken Wyatt called a “helicopter view”. Rene Kulitja later told media, “this painting shows all the stories of Uluru and the statement is placed at the centre where the power resides” (Chrysanthos, 2019). Several participants described the painting’s significance. Kaylene Malthouse explained, “it shows our culture and spirituality in the Statement. It’s laying us bare”. Aunty Pat Anderson said Tjukurpa were “infusing it with the spirit of the Land”. Most participants who commented on it said they appreciated the painting, which linked the Statement back to other historic petitions presented in this format.

The way participants discussed their disagreements at the Convention also revealed the ongoing importance and challenge of centring culture in contemporary political settings. As discussed in Chapters Four and Five, several participants criticised the Convention process as not being sufficiently culturally informed or culturally representative. Suzanne Thompson said, “we forgot our cultural protocol when it come to engaging and immersing our own people in the conversation. We’ve gone Western way”. She found comfort in refocusing on local cultural advocacy, and when she made “a decision to look after my own mob and my own patch, was when things changed for the positive and better”. Thompson and others also criticised the limited role of the local Mutitjulu Community at the Convention, and its commercial location, Yulara Resort, which Thompson said is “very separate to

Muṯitjulu community”. Lidia Thorpe reported that Muṯitjulu people disagree with “Uluru” being used on the Statement, because Yulara is a different place to “Uluru”, a name which “only belongs at the rock”. In late 2017, Anangu Elders had requested “Uluru” be removed from the Statement’s title (Lindsay, 2017).

Those who criticised the Walk-Out group made cultural arguments, suggesting the group breached Anangu cultural protocols for the meeting. Karel Williams recalled how they were asked to leave by the local Traditional Owners because they had no permission to protest or display banners. Uncle Kenny Bedford said, “I didn’t care if they [the Walk-Out group] didn’t support it, but they were quite rude and didn’t respect the Anangu peoples, the way they behaved”. Thomas Mayo called the Walk-Out conduct “more of a break away from culture” rather than protecting culture. Sean Gordon explained how some came back:

So, they chose to step up and walk out. ...when they wanted to come back in, the old people up in that community said, “sorry, you’ve walked out. ...it’s not how we do business, you can’t just walk back in”. And they said, “well, what do we need to do to come back in?”. They said, “you need to get up on the stage and you need to apologise to everyone for your behaviour for walking out”. And they said, “the way in which we do business here, even when we disagree, we stay in the room until we get to a point of either agreement, or that we accept that we just can’t agree”. ...no one kicked them out; no one made them stay out. They made a decision and everyone had to accept that decision.

Some participants, however, defended the Walk-Out group’s approach. Aunty Josie Crawshaw suggested using Anangu protocols to restrict dissenting speech was a strategy “to disenfranchise” people who have the cultural right to speak for themselves. Lidia Thorpe said she had been wrongly threatened with tribal punishment for her actions, and that local senior lawmen later found her and the Walk-Out group to acknowledge their arguments for Treaty and sovereignty, and to make peace. So, cultural arguments were used both to criticise and defend the Convention, and to criticise and defend the Walk-Out group.

### ***C. Shared Goals***

Alongside acknowledging their differences and emphasising cultural identity, participants frequently drew connections between their long-term goals. Rod Little suggested most advocates were playing the same long-term game, and different approaches would be important after the Referendum:

[I]t's not a one side, "it has to be this way", or "it has to be that way". Cause you've got to be able to adjust your strategy, if you're not winning the game. So – I look forward to this PhD coming out.

Gemma McKinnon observed, "we all want the same thing. We're all heading in the same direction. It's just that they have different ways of going about it". Gary Foley drew connections to advocates through generations:

[I]f you look at... all the different generations of fucking activists who have been fighting the fight. You strip away the bullshit, and what it boils down to in the end, they've always been about self-determination, fucking political and economic independence. ...they're the essential fucking elements that are the same today as they were in 1924 when the old AAPA was set up.<sup>49</sup>

Participants expressed resilience. As David Collard described:

Our philosophy hasn't changed. Our principles haven't changed. Our ability to use contemporary programs, the different ways the government want to present stuff – we have had to adapt. ... Indigenous people, adapting on a daily basis, to survive. The resilience of our people is absolutely amazing.

Doyen Radcliffe characterised the Referendum as a necessary battle:

It's one step at a time, and this is just one more step. ... It's like a battlefield. You win one, and then you've got to fight the next one... it's always a struggle. ... and activism is always gonna be part of our lives. And if you don't stand up and fight for what is right and decent, and for fairness, and for rights, we're always going to be pushed down to the bottom.

---

<sup>49</sup> See Chapter Three.

Others spoke of skill and persistence. Kaylene Malthouse said, “we have been under government rule for that long. All our lives, and our parents and grandparents... and we’re all sort of bush lawyers, to a degree”. Melissa Clarke said of juggling multiple roles across Indigenous and non-Indigenous communities, “whitefellas can make leadership courses about how we conduct ourselves as blackfellas”.

Despite the challenges, many participants maintained confidence that their people would always survive and fight for change. Sean Gordon commented, “everything that we have today, we’ve had to fight for”. He added:

I think it’s going to take at least another [sighs], hundred years before we even look like catching up to you fellas. [Laughs]. We’ve got to understand that this is a marathon and not a sprint in regards to empowering Indigenous people.

Uncle Kenny Bedford acknowledged, although his time in leadership was finishing: “your turn now, young one’. ... Someone else is gonna come and stand there, and it’s not gonna go away. They won’t deny us out of existence”. Kaylene Malthouse said of the Referendum, “we never give up! That’s our resilience. ...it’s either tick that box for ‘Yes’, or tick that box for ‘No’. But I don’t think we’re going away”. Ray Minniecon said, “if it didn’t succeed, we’ve been there. Been there, done that. [Laughs]. We still know who we are. And we’re confident in our identity and our dignity”. Person SN responded to my question about advocacy as a colonised minority group, “it’s kind of existential... I don’t know anything else”. Gary Foley shared a sense of inevitability, hoping for the independence of his Gumbainggir people in the long-term:

The sort of the things that I’m talking about will not occur in my lifetime. But I think inevitably there’s gonna come a day of reckoning. And it won’t be all Aboriginal groups that fucking survive that, or come out of it in the long run in a position that will enable them to assert their own independence. But there will be some who do, you know. I just hope the Gumbainggir are among them.

Participants' underlying sense of solidarity and shared goals arose throughout the interviews. Despite their different backgrounds and experiences, and their sometimes very significant political disagreements, they continued to face their challenges as "us", as "blackfellas".

#### **IV. CONCLUSION**

Aboriginal and Torres Strait Islander advocates for constitutional change are diverse in their experiences and their political strategies. They come from many distinct groups which face various impacts from colonisation, including cultural loss and resource limitations. They each face personal decisions about the personal burdens of their advocacy and of lateral violence. And they make strategically diverging choices about how to confront difficult political realities as a colonised minority, including how to balance principle and pragmatism, whether to pursue incrementalism, and how much to trust Australia's mainstream legal and political systems when doing so. Megan Krakouer's choice was a difficult one, which every participant had to make at some stage. Most participants eventually supported Yes in the Referendum, but not because they were all similar or held the same views.

In this context, the degree of alignment shown at the Convention, the Referendum campaign, and in my interviews was remarkable. All understood the challenge of the situation, and a significant majority agreed on what to do about it. Participants expressed an overwhelming sense of "us", as people working and facing challenges together. They revealed this in comments about their respect for difference, shared cultural identity, and common goals. It was clear in how participants discussed their differences that a sense of solidarity and shared goals superseded immediate practical questions like the Referendum and the divergent strategies they chose. In acknowledging their differences, participants

expressed respect for contemporary forms of autonomy and balance, described in Chapter One as core concepts of Aboriginal relationality.

Some of this togetherness can be explained in terms of external-facing shared identity based on what I described in Chapter One as unity in the face of an outside element. Many participants expressed the necessity of working and compromising together, despite their differences, in order to achieve results as a colonised minority facing systemic challenges. Participants spent significant time emphasising, however, the importance of an internal-facing sense of shared cultural identity to this sense of “us” working together. Culture clearly played a prominent role at the Convention. Participants regularly described their advocacy as an inherited cultural task of primary importance, linking it to their culture, identity, relationality, ancestors, descendants, and connections with Land and Country. As Erica Smits said of family disagreement, “we’re all there for each other, and our family, and our culture”, with differences beyond this being “just politics, really”.

Participants solemnly described the displacement, cultural loss, and adaptation challenges resulting from colonisation. Yet their attachment to and identity in their culture, including hard-won cultural survival and revival, remained strong. Some described what Gemma McKinnon called “the black diaspora”. The concept of diaspora can help us to understand Indigenous collectivity (Burke, 2018), especially since roughly two-thirds of participants lived far from their traditional Country at the time of interview. James Clifford called diasporas “forms of community consciousness and solidarity that maintain identifications outside the national time/space in order to live inside, with a difference” (1994: 308). In marginalised and colonised conditions, diasporas can inform collective life where “a common history of colonial and neocolonial exploitation contributes to new solidarities”, despite not necessarily sharing the same place of origin (at 312; 322). By

centring shared aspects of cultural identity, participants revealed constitutional change efforts to be just one part of a larger intergenerational project linked to cultural identity and survival.

The following chapters explore these aspects of collective identity, and how they inform participants' views on justice, representation, self-determination, and the long-term possibilities for Australia's constitutional future. These chapters help to further explain why, despite significant underlying differences and divergent strategies, Aboriginal and Torres Strait Islander advocates for constitutional change find solidarity nonetheless, and indeed find strength and autonomy in collaborating through their differences.

## **CHAPTER SEVEN**

### **JUSTICE**

## I. A BIGGER STORY

During the interviews, I sought to get a sense of why participants had taken part in constitutional advocacy, and what justice looked like for them. Participants understandably covered a wide range of complex and interconnected topics. These can be placed broadly on a spectrum between collective Indigenous rights and general human rights. The remaining chapters of this thesis concern these issues, which I have listed in Figure 4 below.

Most participants framed their thoughts on justice and fairness in terms of history. Even when discussing the Referendum, many asked: what would justice mean for dispossessed peoples? People consistently explained that justice was part of a long story. Most addressed it explicitly and repeatedly, while others were more subtle, using words, passing references, or short questions to make sure I was hearing the bigger story.

This bigger story had six main elements. First, Aboriginal and Torres Strait Islander nations were sovereign in their respective parts of Australia prior to colonisation, with their own traditional laws, and their own legal systems and relationships with their Land. Second, the British invasion and claim to sovereignty breached those laws and may have also breached the international and British laws of the time, and therefore required some lawful resolution, such as treaties. Third, the colonial expansion was a series of unlawful invasions and occupations of each traditional Country, and, since the formation of the Commonwealth of Australia in 1901 was based upon those unlawful principles, the British-approved Constitution did not establish a state based in justice. Fourth, the priority remains the recognition and implementation of pre-existing inherent rights, including through Treaty. Fifth, Aboriginal and Torres Strait Islander rights have persisted both independent of the state, based on traditional laws, and within the state, through certain High Court judgments and Australia's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). They need proper recognition. Sixth, Aboriginal and Torres Strait

Islander peoples need improved human rights outcomes and equality, and while a wide range of urgent policy challenges require immediate action, their causes and resolution can be linked to the bigger story of colonial injustice.

At the heart of this bigger narrative was a relationship issue. Participants considered that they formed distinct peoples, or polities, and sought recognition of that fact. They reflected on their long-term constitutional situation, describing a strain between Indigenous and non-Indigenous Australia. This was frequently expressed in terms of “recognition”. Only rarely was this a reference to “symbolic” approaches to “constitutional recognition”, an approach with bipartisan support often reduced in non-Indigenous politics to the idea that the Constitution should recognise the mere fact that Indigenous peoples existed in Australia first. Many participants used “recognition” as having a substantive dimension. They sought a reckoning, and in turn, a relationship reset based in respect. Aunty Pat Anderson said:

Almost every generation has had a go, at something or other, to formalise the relationship. And, I don't want to get into the word “recognise”, you understand it more than me. But recognise, we don't, we're not talking about the dictionary form of “recognise”. We're talking about a legal framework, a very important legal imperative, in fact.

Person DH distinguished this sort of recognition from symbolic constitutional recognition:

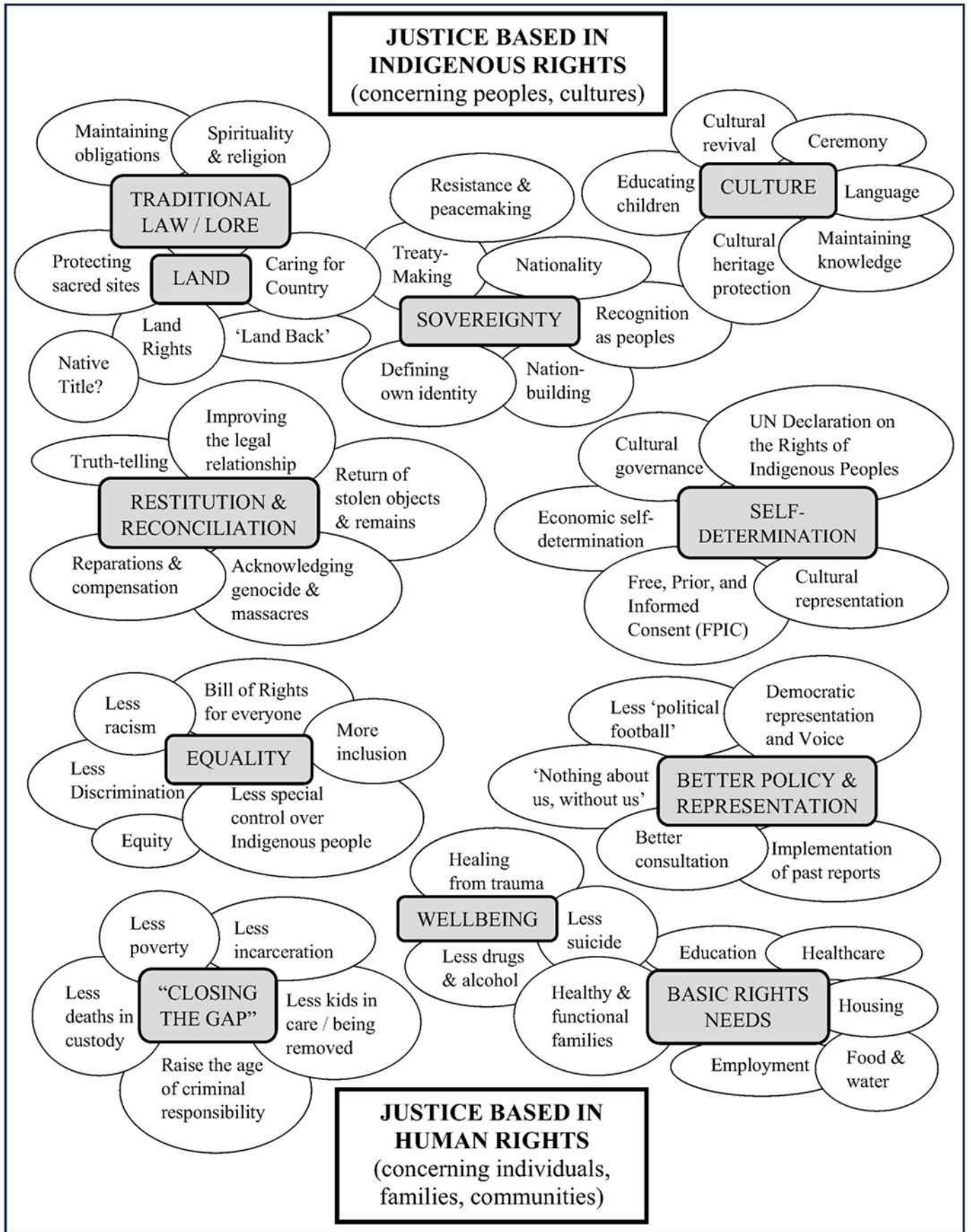
Otherwise, we'd end up in this bullshit kind of space that Howard wanted, and others have wanted to put forward, which is just, “we recognise you blackfellas were here before colonisation. Now, isn't that great?”.

Rodney Gibbins promoted “strong recognition”:

I think if you're going to give strong recognition to Aboriginal people, then you've also got to give them some authority over culture, and over themselves. They must have the right to be in charge of their own destiny... where you give that recognition power is through Treaty.

This overarching sense of justice informed how they engaged with fundamental issues like sovereignty, the Constitution, Treaty, and rights.

**Figure 4: Issues participants raised regarding justice**



## II. PRE-COLONIAL LAW AND CULTURE

The first element of this bigger story concerned the legal importance and ongoing role of pre-colonial law, culture, and norms. Participants described an ancient culture which informed their advocacy and gave them distinct cultural identity. Jakirah Telfer said, “we’re the oldest living culture on the planet and the longest human thread in history”. Person ZI said, “it’s unique to Australia. That is what makes us *uniquely Australian*”. Kaylene Malthouse described pre-colonial culture:

[W]e had song, we had dance, we had food. We had specific cultural structures... we had our own communities, our own laws... And the uniqueness of us was that there’s 300 different communities, and more at that time, that were set up across Australia. We had intricate trading routes; we had communication with each other... we were structured.

Participants described many specific features, including the oral character of their culture. Theresa Ardler said, “I come from storytellers”, and Aunty Pat Anderson said, “that’s how we’ve survived all these years... is through the power of storytelling”. Participants generally shared positive views of traditional culture. As Fiona Cornforth said of her ancestors, their culture “always kept them safe and well”. Participants emphasised two broad topics at the heart of how they conceived of justice: relations with Land and Country, and traditional norms of peace and order.

Participants overwhelmingly emphasised a connection to Land and obligations to care for their Country. Several, like Aunty Josie Crawshaw, said, “we don’t own Country, the Country owns us”. Stacey Ketchell said of Lands and waters, “they are our governors. ... That’s our law”. Samuel Aniba explained, “if you would ask a Torres Strait Islander or an Aboriginal person, ‘what is your system of governance?’, it’s the Land. Because we don’t own the Land, the Land owned us”. Kado Muir described a Land-based relationship as common across groups:

[T]here's a lot of talk about the diversity of Aboriginal people, but at the core, the people were effectively the same. We held similar institutional structures. We might have named them differently, labelled them differently, had particular ways of enacting those institutions within the ecosystems and the environments that we occupied. But effectively, the institutions that we held were the religion, which [in Central Australia] is Tjukurpa, and the laws associated with that. The moral codes that are sourced from the Tjukurpa. The expression of that Tjukurpa on Country in the form of places, sites, Dreaming stories, songlines, those sort of things. The interpretation of the ecosystem processes, that was, so the science of the Tjukurpa on Country. And then of course the occupation and use of that Country by Aboriginal people, for all forms of sustenance, whether it's economic through to spiritual, emotional, physical, etcetera.

Theresa Ardler said, “everything evolves out of” Aboriginal spirituality. Ray Minniecon reflected that “we have never lost our voice in this Country. From an Indigenous perspective, the Land always hears us. ... Because we've been here, we can speak to our Land and the Land can speak to us”. Minniecon, a pastor, observed of Christianity:

Indigenous peoples look at theology... not from Genesis 3, where most of Western Christianity starts. We prefer to start in Genesis 1. Where everything was good, everything was in harmony. Everything was a part of each other, and serviced one another.

Participants connected Land with cultural obligations extending to all beings on that Land.

John Locke explained:

I *always* hear a lot of Elders talk... [about how] they now have responsibility for the whitefellas who live in Country now. And so, there's a bigger remit about the way that custodial responsibility, that sovereign type of approach to a landscape now encompasses others that live in that landscape. ... I remember one guy saying, he remembers someone being hurt. ...that affected him, because someone's getting hurt on his Country.

Several others emphasised this concurrent relationship with people and Country. Melissa

Clarke described “looking after Country, looking after each other”. This resembled Mary

Graham's custodial ethic, mentioned in Chapter One: “look after country—look after kin”

(2023: 14). Many participants also emphasised sustainability in relations with the Land.

Person TF described the pre-colonial environment as “sustainable” and “manageable”, and

added, “this place would've been *pristine*. ... this would've been the Garden of Eden”. When

participants engaged with justice and constitutional questions, Land and Country were at the forefront.

Most participants emphasised traditional law. They described this law as being recorded in the Land and transmitted orally. Person TF explained, “Creator... gave us the law, to live by. ... The story is a part of the Land”. Person EO said, “our law stays – you inherit it... from birth”. Ross Williams said of traditional law, “it supersedes everything”. Fiona Cornforth explained, “our law is absolutely at the centre of what we know and how we know it”. June Oscar said traditional law gave her “knowledge”, “strength”, and “groundedness”, explaining:

I have been raised to understand and appreciate who I am as a Bunuba woman. And the law and practice of the Bunuba people, and the Lands upon which we come from. And what is held in that Country, by us, for our time of being here. And what we must continue to share with generations of people who will hold that knowledge and those practices and protect our Country and our kin and all our non-human relatives. And continue to support ecosystems of support and reciprocity, and connectedness and kindness for us all. So, I’m very clear about what is held within the universal custom and law framework of the Bunuba. So that’s the Constitution I live by.

Kado Muir described traditional law’s authority:

[Y]ou, having gone to Uluru, will know that Tjukurpa is the source of authority. And the jurisdiction is within the practice of Tjukurpa-based laws. And people continue to do so in those communities, beyond any assertion of the Crown to manage and control it.

...my authority comes from my Tjukurpa, my Dreaming, my law.

A core principle which participants consistently emphasised was respect for the Country and autonomy of other groups. Samuel Aniba said, “we don’t own all the Australia. We own – the Land own us in portions, in a group”. Karri Walker explained that “at its core, cultural authority recognises that only Traditional Owners of that Country have authority to speak for that Country”. Then within each group, “specific people... have authority to speak on certain issues”. This autonomy principle involves equality between groups. Yingiya Guyula said the

thirteen Yolŋu clans “are all equal to one another, separately”. This echoed the concept of “clan multipolarity” described in Chapter One. Person TF explained:

Black people have lived with each other for so long... we’re very multicultural and diverse, because we’re living with that many nations in this country. ... You can’t just walk onto someone’s else Country without permission, because that could cause you to be speared. You’ve got to ask permission first before you come onto someone’s Country. ...if you want to hunt on someone’s Country, you’ve gotta ask them for permission, and whatever you get, you’ve got to give them a cut out of it, too.

Some participants described how autonomous groups maintained inter-group relations through large seasonal gatherings. Aunty Pat Anderson explained:

[S]ome of us do, in times of business, and other times, do come together. So, you’ll get four or five, maybe seven groups, seven language groups... who would in times of, seasonal times, when they would come together to hunt, but also arrange marriages, and all that sort of stuff.

Divina D’Anna expressed the autonomy principle in a modern context when discussing how fellow politicians ask her to provide an Aboriginal perspective:

[M]y colleagues, it’s like, “phone your black friend”. ... but I also make it very clear that I’m not a token blackfella. I’m not here to be consulted to talk on people in Kalgoorlie, because that is not my mob. ... my words will always be, “you need to go and *ask* them mob from back there”. ... it’s like, “well I think this from a Kimberley perspective, but every nation is *different*. You need to lock into and have those grassroots conversations with those mob”. You know? No blackfella likes another blackfella going to their Country and making decisions for them. Just saying.

Every participant who spoke about these issues endorsed this general principle of respect for others’ Countries. No participant suggested that all decisions can be made at a national Indigenous level, or by individuals on behalf of their group. One Uluru Statement signatory, Person SN, clarified, “I signed it as an individual. I wasn’t signing on behalf of any group... I did put [two nation-groups] underneath my name, as a cultural identifier, not representation”.

Several participants commented that the principle of autonomy historically led to a remarkable degree of peace. Uncle Kenny Bedford contrasted Aboriginal culture with his own Torres Strait Islander culture:

[T]here's never been any war here. No record of war in Australia when it was just First Nations people here. There were disputes. ... Never a war. Nobody ever conquered anybody else's place. Over thousands of years. There was discipline in a group – you got speared if you did something wrong. There was still violence, to an extent. But nobody took on another tribe to take over their place. ...there's something about that that doesn't happen anywhere else in the world, any other culture, any other civilisation. There's no record of it here. Just connection to place... Oh, "you didn't settle, you didn't build the wheel" – we didn't need the fucking wheel. We just lived as Mother Earth. But that's the – [I'm] Melanesian, see, that's not my thing. I appreciate that about the Aboriginal cultures. We warred. We got – we were a different race again. We had canoes, and we went and [fought] – not here. Didn't happen.

Several participants described autonomous and consensus-based conflict resolution and decision-making processes. Person PX explained, "Aboriginal society is built on consensus-making, built on diplomacy, built on working through issues, until you reach agreement". Kado Muir compared traditional decision-making to Ancient Greek direct democracy, "where you have the right or the opportunity to speak to an idea, and engage in a debate around the merits of that idea, with a view to creating consensus". Several others said something similar. Some participants explained how traditional conflict resolution, such as single combat or punishment through spearing, helped avoid warfare. The most prominent roles were played by Elders, who were treated with deference by all. Ross Williams said, "in cultural way [representation], you've got Elders. Wise counsel. ... Underneath that, you have your community leaders". Participants described Elders as authority holders, not rulers. Robbie Thorpe said, after describing social structures, "at the top of all that was the Elders. But at the back of them was the spirits". Sally-Anne Gamble called the guidance of Elders "a part of who I am, my identity".

Some participants highlighted reciprocity and collectivism as also being central. Kado Muir said, "the fundamental institutions or the drivers of our society is around sharing, around reciprocity, around looking after your own people". Jennie Gordon explained:

One of the most important parts of traditional law is reciprocity. Payback. Payback is important. Now that payback is in good and kind, or in not good and kind. So,

whatever is delivered to me is returned. And that to me is a really important part of traditional law. So, that is everything from – when you’re born on Country, and you’re provided with a totem, and it becomes your job for life to care for that totem. You don’t have to go out and pat the bird, but you do have to make sure that Mother Earth is well enough for that bird to survive.

On collectivism, Kristal Kinsela said, “everything was more about a collective, and a collective doing well and succeeding”. Robbie Thorpe said, “we’re the pure communists. If there ever was. We were a community-based people, who shared and understood the beauty of that”. Jakirah Telfer described having “community at the centre”. Kado Muir explained, “the fundamental nature of Aboriginal culture, is not to hoard and not to engage in greed. That is the most fundamental cardinal sin, beyond anything else, is greed and hoarding. ... A rising tide... lifts all the ships”.

These participants described a legal and cultural framework of norms, continuing from pre-colonial times, which included several of the concepts raised in Chapter One: relationality, Land, caring for Country, autonomy, balance, and clan multipolarity, as well as the norms of reciprocity and collectivism.

### **III. SOVEREIGNTY**

The Statement begins by asserting sovereignty. Many Convention attendees viewed this as non-negotiable. Several said they would not have supported it if it did not do so. One delegate, Person YV, pointed to this section when summarising the Statement, commenting, “that’s what everybody agreed to. ... Aboriginal people’s sovereignty needs to be recognised, in the Constitution”.

Participants’ comments about sovereignty often began with British colonisation, particularly Cook’s arrival in 1770, Phillip’s arrival in 1788, or British arrival in their particular region. They generally described the British claims to sovereignty as illegitimate

and based on lies or misrepresentations. Robbie Thorpe called the British claims “the greatest lie of all time”. Some mentioned Cook’s secret instructions, discussed in Chapter Three, and his apparent failure to follow them. As Jackie Huggins noted:

The basic lie was that Captain Cook was to come – Lieutenant Cook, at the time – to Australia... “with the consent of the natives”. Did he get the consent of the natives? No. So this whole country is founded [on] a lie.

Participants focused on the European Doctrine of Discovery, the concept of *terra nullius*, and the idea that Australia was legally “uninhabited” prior to colonisation. They described these doctrines as “illegal”, “illegitimate”, “racist”, “genocidal”, and “greedy”. Rod Little said they were used for “smashing civilisations around the world”. Robbie Thorpe stated it was clear to “the round table in England” that “this was a occupied Land”, but “the greed got the better of them”. Many commented on how Indigenous occupation was clear from Cook’s diaries, prior European exploration, and subsequent British contact. Several participants emphasised how Aboriginal people often helped early British colonists survive. Two South Australian participants, Kyam Maher and Dale Agius, referred to the Crown’s Letters Patent for founding South Australia in 1836, which for the first time explicitly accounted for Aboriginal rights, but were not followed in practice (Museum of Australian Democracy, 2025d). Uncle Bill Nicholson Jr described colonist John Batman’s attempted land purchase from his Wurundjeri people in 1835, which was immediately overturned by Governor Bourke. Nicholson Jr explained, “his own people said, ‘no. Because we’ve come up with this thing... called *terra nullius*’, which means we don’t own the land”.

For many participants, the British claims were based on a sense of superiority and a misunderstanding of Indigenous law and culture. Kaylene Malthouse explained:

[W]hen Cook had come along, there was a law that was in place. But they were looking for a law that was representative of the country they came from. And there was no acknowledgement or respect of a law that was already in place. ... Right from

the word go, when Captain Cook came, he was having an identity crisis with a new country, a new land, a whole new people, a whole new culture.

People explained this misunderstanding in different ways. Rodney Gibbins referred to racist biological theories and “the context of us being the closest relative to the ape”. Robbie Thorpe said, “we weren’t human enough, apparently”. Kado Muir described “the framing of the agrarian society” and an apparent lack of centralised authority figures “that they can access and manipulate and control”. Aunty Josie Crawshaw described the British as “just totally ignorant of all of those social, political, and economic structures”, because they did not see recognisable buildings like courts, churches, and jails. Ray Minniecon said that under *terra nullius*, “we didn’t exist, we didn’t live here”, since “Social Darwinism was the major focus of the British invasion”, and that “the Doctrine of Discovery... has had the most significant impact upon Indigenous peoples globally”.

Given this, every participant who commented on it held that Indigenous sovereignty survived colonisation. One of the most common phrases participants used was “sovereignty never ceded”. The Statement itself asserts, “it has never been ceded or extinguished”. It was the first thing Doyen Radcliffe said in his interview: “I never ceded my sovereignty, and that’ll never change”. Rick Goode said, “*never ceded*. Even under the English law”. Person YV explained, “no group has actually given that away”.

Some participants noted that if the discovery claim was illegitimate, then Australia’s legal status remains an open question. Kado Muir explained:

[T]here will be a time when the settler state will realise that if or when First Nations people seek to activate and exercise their sovereign rights and the sovereign jurisdiction, there is no basis of authority to suppress it, apart from the force of might. But there’s no legal basis. ...the only way that you can exercise those legal rights is through a process of ceding it. Under a Treaty.

Ken Wyatt referred to the Expert Panel’s report, which showed these Indigenous community views on Indigenous sovereignty’s survival were widely held (Expert Panel on Constitutional Recognition of Indigenous Australians, 2012: 210).

Participants defined Indigenous sovereignty as something inalienable, originating in each Indigenous nation. The Statement asserted that Indigenous peoples “possessed it under our own laws and customs”. As Tom Calma explained, “I can’t claim sovereignty of Australia. I can claim sovereignty of traditional Kungarakan Land”. Robbie Thorpe said, “there’s something like 300 sovereign nations here”. Some referred proudly to their people having national or clan flags and symbols.

The Statement defined sovereignty as “*a spiritual notion: the ancestral tie between the land, or ‘mother nature’, and the Aboriginal and Torres Strait Islander peoples*”. That definition was adapted from the International Court of Justice’s *Western Sahara Advisory Opinion* (1975), as quoted in *Mabo (No 2)*.<sup>50</sup> Despite some political debate about the use of a foreign quote (Merritt, 2023, Simpson-Wise, 2023), the few delegates who commented on it were comfortable with it. Person SN said, given that no definition would be perfect, it was “the best use... because of that international law”.

While a small number of participants also described sovereignty as an English word, which refers to power and authority, most linked it to pre-colonial law and culture. Participants generally focused on a relationship with, and obligations to, the Land, rather than power and control over territory. Jackie Huggins described Indigenous sovereignty as Land-based: “that is who you are. What you’re born with. You are connected to this place, to the earth, to the waters, to the sky, to everything. No one can ever take that away from you”. To

---

<sup>50</sup> Separate Opinion of Vice-President Ammoun, referring to submissions of Congolese jurist Nicolas Bayona-Ba-Meya, at 85-6.

Robbie Thorpe, sovereignty involves being “the custodian, caretaker, and guardian”. John Locke described the custodian’s “responsibility of sovereignty”. Lidia Thorpe explained:

Sovereignty is when you are part of the soil. It’s when you are part of the water. ... That’s our connection, to everything that belongs to the mother. And that’s our responsibility as sovereign people. So, to have the colonisers come over and say that they are sovereign – you cannot be sovereign from somewhere else and just rock up and say, “by the way, we’re sovereign”. ...they don’t have the connection we have with this country.

Jennie Gordon explained, “the sovereignty of the Land is who we are and where we are, and that will never change”. Kaylene Malthouse said, “it’s not external to us. It belongs to each individual”. Rodney Gibbins referred to “my right to be a sovereign blackfella”. Sally-Anne Gamble described “sovereignty” as such an important word in Indigenous advocacy that she had a physical reaction when hearing it used in Referendum debates in the liberal democratic phrase “parliamentary sovereignty”:

The first time I heard this, I nearly threw up. “Parliamentary sovereignty”. I was like, “excuse me, what? They don’t get to have that word, thank you!” ... For me, that’s like grassroots stuff, that’s mob stuff.

For many participants, the issue of “sovereignty never ceded” meant that Australia remains a place of undeclared “war”, “conflict”, or “conquest”. Ricke Goode said, “it was a series of wars that even under the English law of the time was illegal. ... It was by conquest”. Kaylene Malthouse similarly said that “after those Frontier Wars, and we were conquered, it was that [British] law that we lived by”. Most described this war or conflict as historical but with ongoing implications, while some characterised it as ongoing. Rodney Gibbins said, “the invasionary process of the white man is still going on. The defence and opposition by the Aboriginal people are still going on”. Ross Williams lamented that “we’ve been at war with white people in this country for over two hundred and something years now”.

Participants diverged on how to relate their concept of Indigenous sovereignty to the Crown’s claim to sovereignty, and whether to endorse the Constitution by supporting the

Referendum or the Statement's concession that Indigenous sovereignty "co-exists with the sovereignty of the Crown". As Person TF commented, the High Court "won't touch it... Cause they don't want... to open up that can of worms, cause it's gonna bring... the Crown under scrutiny". Person SN described mixed uses of the term "sovereignty" as necessary, stating, "our sovereignties and the Australian state sovereignty just cannot mix. It's not a thing that can merge. ... like oil and water. And we have to have some way [to engage]. We can't ignore the Australian state".

A small number of participants, particularly Progressive No supporters, viewed endorsing Crown sovereignty as a risk. Gary Foley said of the Statement's concession, "fucking bullshit. It precedes and supersedes the sovereignty of the Crown. Fuck the Crown". Gwenda Stanley warned against "giving our consent and sovereignty... to the state, to control our affairs". Gail Beck was concerned that nobody had answered her question, "how, then, are we going to create a Treaty if you've recognised us in the rulebook?". Some others considered the Referendum unlikely to impact sovereignty but took the risk seriously. As Lidia Thorpe expressed, "yes, we know that it won't cede our sovereignty, only we can cede our sovereignty. But it's okay to question it. We have to question it. We can't do this without understanding what the implications are".

The more common view was that Indigenous sovereignty was distinct from the Constitution's view of sovereignty, and the Referendum could be supported. Person SN described Voice as "that anchor in the white people system, so that our sovereignties can be asserted from our side of things". Several asserted that no document, even the Constitution, can take away a sovereignty that comes from the Land and is enjoyed in practice. Person PX commented on sovereignty as we parted, "some act like it's given. It's not. It's carried".

For these participants, recognising sovereign "co-existence" was also pragmatic. Rick Goode said, "the realities are, it coexists with the sovereignty of the Crown. Would that it

doesn't, but it does. And I think recognising that, by all parties, is a step forward". Karri Walker said, "unfortunately, I think that's the system that we operate within now", but that co-existence needs to be done better, "cause at the moment, one's suffocating the other". Tanya Hosch said of the Statement's approach, "I guess I feel pragmatic about that". Person SN explained, "we don't have those kind of weaponry to be able to abolish that whole system. I think, yeah, we have to be practical and pragmatic about... what we have to do".

Several participants emphasised that although Indigenous definitions of sovereignty might be different to Western concepts of possession, power, and authority, they should not be characterised as lesser than Western legal concepts. Person SN said of the Statement's definition:

Some of the sovereignty activists reading that [line] go, "oh well, they've reduced our sovereignty to spirituality". But... our authority to govern comes out of a spiritual framework. And that's where the dispute is. The Australian state's authority to govern is from an earthly monarch ordained by a Christian god. But our spirituality, from our ancestors, ancestor beings, the people that we've descended from, the Country that we're connected to, that is where our sovereignty and our authority to govern comes from.

Jackie Huggins said, "sovereignty is about my birthright", and "no one can ever take that away from you", describing the debate about the risks of co-existence as "a misnomer, really". Kado Muir added:

[Sovereignty activists] spend too much time looking for the loopholes within... whatever laws that the British may have enjoyed and held. And not enough time just actually exercising their sovereignty, authority, and jurisdiction.

So, for many participants, sovereignty was central to history, justice, and their distinct identity. They explained it in different ways, mixing modern Western legal terms and cultural concepts, as they asserted Indigenous interests in relation to their Land.

#### IV. THE CONSTITUTIONAL SYSTEM

Participants' views about sovereignty and colonisation informed their views about Australia's constitutional system. Participants challenged the Constitution in terms of exclusion and lack of consent. June Oscar explained:

We've been fundamentally excluded from the national structure because of *who we are*. We were not included in the Constitution when it was formed. And the history of this nation has been one of our exclusion and *control* by government. And *it* has sown the seeds of division. ... Division started when the Constitution was drafted, it excluded us. [Pause]. And systems and institutions and structures have continued to uphold that division through our exclusion and non-participation. So... it is time to end division. And call on all Australians to support our inclusion in this nation-state, to create a united Australia that rejects division.

Many participants indicated this sort of attitude through their comments on the Constitution, the legal system, and the Referendum.

Participants were highly critical of the way the Constitution was drafted in the 1890s and passed as an act of British Parliament in 1900. Sally-Anne Gamble called it "a white document" and Rodney Gibbins called it "white man developed". Participants most often described the Australian legal system as alien and imposed. As Kaylene Malthouse expressed it, "that law isn't for us. It was a law that was imposed. ...it's a law that's too heavy for us to carry". Ray Minniecon said, "it's not our constitution, it's a foreign constitution, for a foreign invader". Kristal Kinsela said, "well, it's not our system, is it, right?". Many participants commented on how no Indigenous people were involved in the drafting processes. As Uncle Ossie Cruse said, it "was Britain... there was no Aboriginal voice". Kristal Kinsela commented, "it's not something that we've ever had any input in design... it's very Westernised. It doesn't embed any of our law that was here preceding". As Ngaree Ah Kit described, "the Constitution was created in the late 1800s by a group of white men... It doesn't include us, at all". Many also commented on Indigenous exclusion within the text itself. As Shane Hoffman said, "Aboriginal and Torres Strait Islander people weren't really

included in it, other than... mentioned in the negative”.<sup>51</sup> No participant fully defended the Constitution as it is. Most argued it needed significant reform.

While participants agreed that substantial structural change was necessary, they differed on whether to characterise the Australian legal system as “colonial”. Terms like “colonial invasion”, “Invasion Day”, and “the colony” were common. Person TF asked, “what’s wrong with us being decolonised? It doesn’t hurt white Australia”. On the other hand, Uncle Ossie Cruse considered that, while the Constitution needs change, “‘colonial’ is a word that should be used for one purpose. And not the current situation. ... It’s not a good word for us to carry into the future”. Noting Aboriginal contributions to the Australian military, he commented, “my forefathers fought and died for this country. And I wouldn’t disrespect them”.

“Feudal” and “genocidal” were two less common words some participants used to characterise Australia’s legal system. By maintaining the feudal doctrine of tenure while overturning *terra nullius*, the High Court in *Mabo (No 2)* (1992) legitimised the pre-1975 historical “extinguishment” of Native Title without compensation.<sup>52</sup> Gwenda Stanley consequently described Australia as “feudal”, and said, “we are still resisting the colonist... under feudal titles of the doctrine of land tenures”. Some participants also used the word “genocide”. Robbie Thorpe used it most strongly, saying, “a Nazi wet dream – Australia is. Whole continent. Exterminated, incarcerated, genocide policies, from the get-go”.

---

<sup>51</sup> See Chapter Three.

<sup>52</sup> In his leading judgment, Justice Brennan stated that under the feudal doctrine of tenure, “the Crown was invested with the character of Paramount Lord in the colonies by attributing to the Crown a title, adapted from feudal theory, that was called a radical, ultimate or final title” (1992) 175 CLR 1 at 48). In his view, this “is a doctrine which could not be overturned without fracturing the skeleton which gives our land law its shape and consistency” (at 45), and so, “it is far too late in the day to contemplate an allodial [independent of a superior landlord] or other system of land ownership” (at 47).

Regardless of the terminology they used, participants widely agreed on the negative and ongoing intergenerational impacts of colonisation. Jade Ritchie stated that “colonisation continues to have an impact on how people live today”. Kaylene Malthouse said, “the residue of colonisation... still resonates in this area today”. Many linked this to the ongoing absence of constitutional rights protections. For example, Robbie Thorpe commented, “there’s no convention to prevent genocide here”.<sup>53</sup> During the Referendum campaign, Shadow Minister for Indigenous Affairs Jacinta Nampijinpa Price made an argument, popular among some conservative commentators, that colonisation had “a positive impact” for Indigenous Australians (McIlroy, 2023). Participants strongly disagreed. Megan Krakouer described it as either “ignorance” or a “populist view” misrepresenting colonisation’s “draconian impact”, Ken Wyatt called the claim “staggering”, Doyen Radcliffe said it was “denying the stories of our community”, and Person KJ called it “incredible”. Scott Wilson suggested even Price’s claim that Indigenous people now have good food and water access was untenable:<sup>54</sup>

... [That] Aboriginal people should be grateful that we were colonised, cause now we’ve got running water and access to fucking food – maybe she needs to drive from Alice Springs down to Oodnadatta where our Chairperson lives, right, and they don’t have running water. Ask him what he thinks about that statement, right. ... She clearly doesn’t have any understanding of some of the hardships and the trauma that some people, in particular Aboriginal people [face].

Participants often described structures of colonialism as ongoing. As Person RS acknowledged, “we have to work within those colonial governance structures”. Several described the legal system as “British”, “Western”, “for the Northern Hemisphere”, or “tied with the Crown”. Many commented on the Coronation of King Charles III, and its celebration

---

<sup>53</sup> *Nulyarimma v Thompson* ([1999] FCA 1192), in which Thorpe was a plaintiff, held there was no crime of genocide “cognisable in an Australian Court” (at [17]). In 2002, Australia entered Rome Statute jurisdiction, with the reservation that genocide prosecutions can only proceed with Australian Government consent: *International Criminal Court (Consequential Amendments) Act 2002* (Cth) s 268.121-2.

<sup>54</sup> In 2023, after decades of campaigning, treatment began to turn Oodnadatta’s bore water into safe drinking water. Advocacy for provision of other basic services is ongoing (Richards, 2023).

in Australian media. Uncle Bill Nicholson Jr highlighted the colonially acquired Crown jewels and the “inhumane” historical policies that the monarchy represents, commenting, “it makes me blood boil, it really does... Charles is probably a good bloke...but it’s what he represents, see”. In his view, Australia is still “umbilically corded... back to mother home”.

Participants discussed prior legal system changes in detail. Several mentioned the 1967 referendum, which removed the Constitution’s two negative references to Aboriginal people, as a significant step.<sup>55</sup> Rod Little called it “the most important one” and Uncle Bill Nicholson Jr said it “was when Australia basically said that it sees us as a people within its own identity”. But for others, it showed how far there was still to go. Shane Hoffman warned how the section 51(xxvi) “race power” was neutrally expressed, and “didn’t say the Commonwealth laws had to be good laws that favoured Aboriginal people”. Gail Beck called it “trickery”, and Gary Foley dismissed it as “a feel-good thing for white Australians”.

Participants generally saw prior change as insufficient. Robbie Thorpe said, “it was just all bait or distraction from the real issues”. Dale Agius characterised the system as “not responding quick enough”. Tyrone Garstone described legislative “toying around the edges”, responding to “symptoms on the ground” instead of real “system change” or trying “something fundamentally different, structurally different”. Others warned how even successful policies have been abandoned. Rodney Gibbins explained, “you think that there are some promising developments one year, and then it’s all killed off the following year”.

Of all legal changes achieved so far, participants commented on land rights and Native Title the most.<sup>56</sup> They formed a key example of change which, while welcome, did not go far enough in achieving justice. Almost all criticised Native Title as too weak, further

---

<sup>55</sup> See Chapter Three.

<sup>56</sup> See Chapter Three.

weakened through legislation, not sufficiently culturally informed, or creating conflict. Several drew a sharp distinction between “land rights”, especially freehold title, and “Native Title”. Shane Hoffman called Native Title “a weaker title” constantly under threat of legislative attack. Stacey Ketchell stated, “Native Title’s watered down our ownership”. Uncle Bill Nicholson Jr labelled Native Title “what the government sees that you can have. It’s that mission manager attitude again”. Rodney Gibbins said, “Native Title, in one way, is turning out to be just a bad joke on the Aboriginal people”.

Many criticised the High Court’s decisions that stated that Native Title could be extinguished by a break in continuous occupation. Tom Calma said, “people who were forcibly removed from their Country... are no longer eligible. Because you’ve gotta have a continual connection to Country from the time of bloody colonisation”. Several called it “divisive” because of how it pushes groups into conflict and gives them vastly different outcomes. Tyrone Garstone explained in the Kimberley context:

[W]e’ve gone through a Native Title process. That’s a Western law. I’ve seen how blunt an object that is. And how it... can be quite divisive. In regards to, it doesn’t acknowledge cultural boundaries. You’re basically creating groups of societies that may not necessarily... have been together.

Stories of Native Title heartbreak were common. Sean Gordon shared:

When I think about Native Title for Barkandji... all it did was tell us that 95% of the land was extinguished, and so we only had then access to 5% of the land. Because Western land leases extinguished Native Title. And so, what is the value of Native Title for our people?

In Doyen Radcliffe’s case, “my mob tried Native Title. And out of all the total landmass of Native Title, we only get 0.5%”, with non-exclusive rights to even that part. For these reasons, I have put a question mark after Native Title in Figure 4 at the start of this chapter.

Some participants especially criticised the High Court’s lack of engagement with sovereignty in *Mabo (No 2)*.<sup>57</sup> Robbie Thorpe asked how the Court “continued to operate after they struck out the foundation” of *terra nullius*. Rodney Gibbins added:

You *cannot* kill off *terra nullius*, and then say, we don’t have a right to sovereignty... it’s ludicrous. ... That you can then put the *terra nullius* to one side, and then at that same notion, forget about all of the rights of the Aborigine... If you’ve set that aside, then the first question should’ve been, “oh my goodness, we better sit down and discuss sovereignty. Oh, shit, we’d better have a Treaty. Goodness, let’s get on with it”. They didn’t.

Person CG said the Court “didn’t go back to our lore. L-O-R-E. We had laws in place”, and so considered, “it’s been manipulated”. In their view, “they’re not going back prior to 1770. They didn’t do it right”. Given these issues, some described the whole constitutional system as vulnerable to criticism. Shane Hoffman called it “precarious”, Tania McLeod said it lacks “any footing” regarding sovereignty, and Robbie Thorpe said, “you’re making yourself vulnerable” unless “you recognise the true sovereigns”.

While agreeing on the system’s history and failings, participants diverged on what practical change was necessary. For some, including but not limited to Progressive No supporters, the Constitution could not be salvaged, and needed a total re-write. Lidia Thorpe said, “let’s write a new constitution that includes everybody in this country. ...we can create a new nation”. Rodney Gibbins said the document “basically means nothing to us” until aligned with treaties. Gary Foley called for a “revolution that upends all existing legal, economic, political systems in Australia, and starts afresh”. Kado Muir described constitutional change as a “band-aid exercise on something that’s already fundamentally broken”. For him, the bigger need is “to rewrite a new constitution for an Australian Republic that balances the rights of First Nations and the settler states in a co-sovereign relationship”. Robbie Thorpe said, “I’m not gonna ever acknowledge the foreign racist Constitution, ever.

---

<sup>57</sup> Discussed in Chapter Three.

...it's illegal, it's racist, and it's discriminatory. ... I don't think we should be propping up this racist, out-of-date Constitution. We can do *better*."

All participants who commented on it agreed that the Constitution needed change, but most were open to working within its framework. Rick Goode said it is "a little creaky" and needed change, but "reasonably adequate" overall. Karen Milward called it "legitimate" but "needs to be updated". Sally-Anne Gamble said it needs to be "heavily decluttered, and cleaned out a bit", with the addition of human rights standards like the Canadian Charter of Rights. Jade Ritchie described the Referendum as "tweaking" the document, because "I'm not someone who wants to throw the baby out with the bathwater".

Many participants acknowledged the positive legal changes that have occurred, and worried about losing them. Similarly, some participants held positive views about what Native Title and court cases could achieve. For groups in regions with very successful Native Title claims, Kado Muir said they had achieved a significant "rebalancing of relationship with the settler state". Muir also highlighted the *Love v Commonwealth* (2020) decision, which said that an Aboriginal person, regardless of citizenship status, cannot be deported as an alien. For him, this showed that "these Land-based rights actually take precedence over the settler state laws around immigration".

Most participants described making a practical choice to work with the Constitution. Stacey Ketchell explained, "look, we get it. It's not our law. But... we are governed by this Western system, and we're part of it. So... how can we have better outcomes for our people?". Thomas Mayo said, "it's a fantasy to think that we're going to get rid of the Western system or not be part of the Constitution". Sean Gordon explained, "this is the structure which... the country's governance is under". Karel Williams said on this point, "I'm a realist, I suppose, and a pragmatist". Kristal Kinsela agreed, explaining:

[O]n a principled level, like, I don't *engage* with the Constitution, I don't necessarily *believe* in what it sets out to achieve. But the flip side of that is... I have come to understand, in order to navigate life, you *have* to be able to walk in two worlds.

... I don't wanna lose who I am culturally, and my Indigeneity and my identity. But... in order to *survive*, I have to be able to also navigate this Western context at the same time.

For these participants, the problem was the feasibility of an entirely new system. Karri Walker said, "I just don't see the political desire [laughing] to completely re-write the Constitution". Aunty Pat Anderson said of a new constitution based on international-level treaties, "oh, best of luck with that". Gemma McKinnon similarly said, "good luck to them". To McKinnon, "given that you can't get rid of it, whether you like it or not, surely it makes sense to have some influence on it".

Given the rarity of constitutional change opportunities, most participants supported the Referendum, which Marion Scrymgour called "our one shot in the locker to get constitutional change in this country". But given their perception of the gravity of the Constitution's problems, participants widely considered that the Referendum proposal was a small step. Kyam Maher said it was "such a modest conservative request", and Person DH suggested, "it's pretty bloody conservative, what we've put forward". Person KJ added, "if you can't agree to this, then what the hell will you agree to?".

## V. TREATY

Treaty was a common goal of the vast majority of people I spoke with. A key Yes campaign slogan was "Voice, Treaty, Truth", while Progressive No groups called for "Treaty Before Voice". The word has been contested over time. Sometimes "agreement-making" is used, as in the Statement: "we seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations". As Jackie Huggins described, "when I was on the Council for Aboriginal Reconciliation, we weren't allowed to use the 'T-word'".

While meaning different things to different people, Treaty is generally used as shorthand for agreement-making processes at the Australian national level which facilitate local treaties at the Indigenous nation level, as in the Convention’s Roadmap.<sup>58</sup> Convention delegates I spoke with almost all supported Treaty. Person YV said, “everybody had Treaty in mind”. When I asked what is needed for justice, Sally-Anne Gamble simply said, “Treaty”. Aunty Josie Crawshaw described herself: “I’ve been a Treaty person. I’m still a Treaty person. I’m a sovereign person”. Erica Smits supported Voice only after she made sure it was compatible with Treaty. Lidia Thorpe said, “there are signatures on that Statement who signed it because they believed in Treaty”.

Yothu Yindi wrote “Treaty”, a 1991 hit and significant Aboriginal protest song, in response to Prime Minister Bob Hawke’s promise after the 1988 Barunga Statement to complete a Treaty that Parliamentary term.<sup>59</sup> I heard the song played at all kinds of Indigenous advocacy events, music festivals, and cultural festivals. Its second verse says:

This land was never given up  
This land was never bought and sold  
The planting of the Union Jack  
Never changed our law at all  
Now two rivers run their course  
Separated for so long  
I’m dreaming of a brighter day  
When the waters will be one.  
(Yothu Yindi, 1991).

“Treaty” was played on loop for the full hour of weekly radio show *Triple J Blak Out* by Yuin radio presenter, Nooky, the day after the Referendum’s defeat (Triple J, 2023).

---

<sup>58</sup> See Chapter Five. As discussed there, with Australia-level deferral after the Referendum, some state-level processes have progressed furthest, particularly Victoria’s state-level Treaty which anticipates local nation-group treaties.

<sup>59</sup> See Chapter Three.

Many participants connected Treaty with Voice and Truth. Several anticipated that truth-telling would inform Treaty efforts, and several expected Voice to help progress towards Treaty, including helping to develop a Treaty framework. For Progressive No supporters who supported Treaty before Voice, they generally endorsed the possibility, as Uncle Bill Nicholson Jr did, of “a Voice as part of a Treaty... one of the dot points in a Treaty”.

Many participants described Treaty as a resolution of sovereignty in Western legal terms. Shane Hoffman said, “the only way to settle the issue of Australia’s foundations, or the foundation of the Crown in Australia, is to have a Treaty”. To him, “Treaty is what should substantiate the joint sovereignty of our peoples”. Lidia Thorpe described it as a conversation “sovereign to sovereign”. Uncle Bill Nicholson Jr said, “peace hasn’t been formalised in this country. People call that a Treaty”. Yingiya Guyula described a “proper Treaty” as a necessary end of the colonial process.

There is a legal question about whether such treaties should be at the international level, or whether they could be domestic agreements within Australia (Wood and Gardiner, 2021). In 2000, Prime Minister John Howard famously stated that “a nation... does not make a Treaty with itself”, and that Treaty would be “divisive”, “to accept that we are in effect two nations” (Howard, 2000). However, Mick Dodson and Ross Williams disputed Howard’s concept of a single Australian polity. Williams exclaimed, “uh, hello, you’re having an agreement with Indigenous people”. Dodson noted, “you can have domestic treaties. You don’t need to have an international – it would be lovely if we did have an internationally sanctioned treaty, but that ain’t gonna happen”. Some Progressive No supporters argued for international treaties overseen by international law bodies. Others viewed this as unrealistic, instead arguing for domestic treaties, which could entrench references to international principles. Most did not comment on the distinction.

Many participants described Australia as an outlier, referring to foreign examples of treaties with Indigenous peoples. Aunty Pat Anderson described Australia as “one of the few liberal democracies that doesn’t have an arrangement or a settlement or any understanding even with its First Peoples”. Mick Dodson said of Britain, “almost completely, everywhere else they sought to colonise Indigenous Lands, they had treaties”. Participants commonly referred to the Treaty of Waitangi in Aotearoa/New Zealand and the various treaties in the United States and Canada, including Canada’s modern treaties, especially the work of the British Columbia Treaty Commission. Several participants suggested Australia can learn from Treaty mistakes abroad. Lidia Thorpe said, “we can have a treaty of the twenty-first century. We know that treaties have been broken around the globe. But we can learn from those”.

A small number of participants also drew upon pre-colonial agreement-making processes. Two Yolŋu participants explained the centuries-long pre-colonial trade and cultural relationships between Yolŋu peoples in North-East Arnhem Land and sailors from Makassar who came to harvest trepang (sea cucumber, or bêche-de-mer). Yingiya Guyula explained:

[I]n the East Arnhem Land... we had Treaty before, when the Makassans came and landed on the shores around here. They were baking trepang. ...the Makassans realised, “this is not an empty Land. ...we want to get back, step back a bit, and go and approach and sit down with the people”. So... a Treaty did happen then. And then, all we were asking for was a space. ... We have always approached and asked people, other clans, to come and work with us, to come and sit with us. That is part of our culture. That is part of our autonomy. That’s what we do. Clan groups working together towards issues. And when the Makassans came through, our people had a space for them, where they could step in, and come and be part of working together. And so, they did trading.

The Statement uses the Yolŋu term “Makarrata” to describe possible Australian agreement-making. The National Aboriginal Conference had first used “Makarrata” when calling for Treaty in 1979 (Fenley, 2011). However, several participants criticised this. Two Yolŋu

participants described Makarrata as something more specific: Yinginga Guyula as “a restorative justice thing”, and Person EO as “tribal punishment”. In their view, it describes a local process of drawing blood and resolving differences after conflict. As Guyula put it, “Makarrata and Treaty don’t really... have exact [equal] meanings”, but Makarrata can be used as a general restorative justice concept. While most participants were comfortable using the word, some hesitated because of this specific cultural meaning. Sean Gordon proposed localised Treaty terminology: “I think what [other groups] have got to be able to do is interpret that [term]... not everyone’s going to connect to ‘Makarrata’”. To Jennie Gordon, “Makarrata is a better word, but it’s not my word. It’s not my word from my language from this area. ... It’s a very specific word”.

For many participants, Treaty was about self-determination, something I discuss further in Chapter Eight. Mick Dodson said, “fundamentally, Treaty is about self-determination”, and “the highest we can get through Treaty negotiations is a form of Indigenous self-government, as an expression of our right to self-determination”. Participants mentioned potential topics for treaty-making including land rights, broader Indigenous rights (including UNDRIP), traditional law and governance structures, truth-telling, Voice, cultural heritage protection, economic and community self-determination, reparations, reserved seats in parliament, changing place names, Closing the Gap, poverty alleviation, and more. Gemma McKinnon noted the diverse content Indigenous people ascribe to “Treaty”, and said, “Treaty is something that has been called for and yelled out our entire lives. And what it represents for people is sovereignty, what it represents for people is respect”.

Some described Treaty more broadly, as a just way of living together. Yinginga Guyula highlighted self-determination:

You don’t control over us, in the Constitution... Rather, we want to walk together, towards, separately. We as Yolŋu, Indigenous people, and Balanda [non-Yolŋu], live in their law. ...you come in here and you live your way of life. And we will live our

way of life. But don't manipulate us. Don't take over us. Don't walk all over us, take over us. That's what we want to do. Yo [yes], that's – self-determination is about my own, looking after my clan, my clan estates, my Land. And you have your self-determination, your work. Then we can work together, towards that.

Guyula's statement exemplifies the translation work many participants engaged in, utilising Western concepts like self-determination and subtly re-presenting them on their own terms. Participants did not reject Western legal concepts, they made them their own.

When discussing how Treaty could be achieved, participants shared a widespread view that, in line with sovereignty principles, it needed some aspect at the Indigenous nation level, rather than only being Australia-wide or State-based. Gwenda Stanley said, "there are over 300 different Aboriginal nations within this country. Do you think one Treaty's going to be enough for every nation?". Aunty Pat Anderson explained that "we don't normally come together. That's why we all speak languages. Not *dialects*, they are different *languages*. Cause they are *different people*". Kyam Maher said of South Australian's Treaty consultations:

[T]he overwhelming view of Aboriginal people and communities was that you have some sort of agreement and agreement-making process with nations rather than some sort of statewide agreement with Aboriginal South Australia.

While prioritising nation or language-groups, several participants described how broader agreements with governments could still be useful. The Statement Roadmap anticipated both Commonwealth and nation-based treaties. Tania McLeod suggested three levels: peoples/nations/Countries, State and Territory, and Australia-wide. Aunty Pat Anderson and Shane Hoffman suggested that some nations may choose to negotiate together as federations, using their traditional relationships.

Some participants specified that they would like to see treaties between Indigenous peoples, either first or as part of this process. Person TF said, "I want to talk about a Treaty

amongst my own people before I talk about a Treaty with people up the top here [in Parliament]”. Sally-Anne Gamble explained:

Treaty, not just with the government, Treaty with other neighbouring nations and communities. Re-establishing, like our boundaries, our protocols, our traditions, reviving language, teaching sacred knowledge, passing it down. All that healing stuff needs to happen first... for us.

Participants widely acknowledged that Treaty processes would take sustained work over decades, and that the practicalities would be difficult. Shane Hoffman said, “there’s a whole lot of things that we need to resolve ourselves”, especially the role of Indigenous people living in a place off their Country: “are we allowed to be part of the Treaty process?”. Fiona Cornforth called for healing and equality first to ensure “that equal footing, equal playing field, to negotiate”. Given the complexity, and differing levels of resources and preparedness, participants generally advocated a national Treaty framework or set of standards first. Shane Hoffman called this a “baseline standard” for treaties.

However defined and achieved, for many participants Treaty was an act of recognition which acknowledged their right to negotiate. Rick Goode explained, “to acknowledge [Indigenous peoples] as a Treaty party, you need to acknowledge that they have an inalienable and legal right to *make* that Treaty”. As part of this relationship discussion, Rodney Gibbins and Mick Dodson both described the core of genuine Treaty negotiations as “good faith”, having almost everything on the table. Ken Wyatt used the analogy of a corporate merger, where businesses respectfully negotiate on equal terms about “the way in which you’ll do business”. Given these relationship aspects, Rodney Gibbins cautioned against treaties fixed in time, and suggested they begin an ongoing good-faith relationship:

I think that once we enter into a treaty, that’s only the beginning. Cause it will have to be a continuing workload about updating the treaty... that may take another hundred years, to actually get it to perform at the level that satisfies the Aboriginal community and the non-Aboriginal community together. So, it’s got to be a living document. ... We can get the basic facts down now and do our best.

Participants generally promoted open-minded, imaginative approaches to improving their constitutional situation, especially through Treaty. John Locke said, “if something is clunky, then we just need to keep on working at it, simply because society changes. ... laws are always in transition”.

While holding high hopes for Australian treaties, participants were keenly aware of the limits of what foreign treaties had achieved. Megan Krakouer commented, “a lot of people seem to think, ‘oh, the Treaty is gonna save our lives’. Well, we’ve seen experiences in other countries where in fact it hasn’t done that”. Karri Walker said people can be “thinking about Treaty in too much of an idealistic way”, but that overseas, “Treaty hasn’t been the silver bullet, and still operates within that colonial context”. Walker also warned of the risk of governments using the long period of Treaty processes as “a handbrake” on other Indigenous policy. Several others agreed, seeing Treaty as a symbolically important part of a wider set of necessary remedies. Most participants acknowledged the challenges and still supported Treaty. Jackie Huggins described treaties as “better than nothing”, since “some of them, even though they feel weak, they are bargaining chips, something that we don’t have”. Some participants observed that modern, government-led domestic Treaty processes can be underfunded, controlled by government’s hand-picked leadership, cancelled, or mislabelled as treaties when they fail to address the most fundamental justice issues. Given the absence of Australia-wide progress, participants generally still supported progress at the State and Territory level and described Victoria’s process as the most advanced.<sup>60</sup>

Two participants, however, did not support Treaty at all. Theresa Ardler perceived risk to existing hard-won land rights arrangements in Wreck Bay, where special

---

<sup>60</sup> See Chapter Five.

Commonwealth legislation had made a land grant with title held by the local Wreck Bay Aboriginal Community Council.<sup>61</sup> Ardler was concerned about changing this arrangement:

[T]reaty allows other Indigenous people to come onto our Land and do whatever they want. So, we don't agree with it. So, when they say, "we want a Treaty, we want a Treaty" – no, not all First Nations people, who already own our Land, our waters, and our skies, we don't agree with that. Because we've already got what we have, and we don't want to change.

Jennie Gordon described how top-down arrangements and financial settlements can cause conflict. She worried about the financial focus of potential Treaty discussions: "I again worry about how Makarrata is sometimes seen as dollars and cents. ... I personally think that there's far more important things than dollars and cents." In her view, "it's gonna cause conflict. We've lived without money for this long". Two participants, Jennie Gordon and Tania McLeod, explained how their families opted not to take part as Traditional Owners in Native Title claims because of not wanting to get involved with financial conflict or royalties. Gordon commented, "a land claim doesn't give you the Land", and focused on other work including cultural heritage protection and improved cross-cultural understanding.

Despite their differences, almost all participants, including those who identified as "conservative" and those who identified as more "radical", supported some form of Treaty. It was clear that for most participants, Treaty was fundamentally a matter of justice and fairness. They were aware that Treaty would not fix everything, but they saw it as important recognition and a way to frame their interests in Western constitutional terms.

---

<sup>61</sup> *Aboriginal Land and Waters (Jervis Bay Territory) Act 1986.*

## VI. INDIGENOUS RIGHTS

Participants described collective Indigenous rights. Over twenty made specific reference to the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”). Many others talked of “Indigenous rights”, “inherent rights”, and the “international law”, “instruments”, and “standards” which express those rights. Rueben Berg described UNDRIP as “fundamental” because it shows “this is a global phenomenon that we’re talking about, and that’s been recognised globally”. Karen Milward described how “on my desktop, I have the UNDRIP, as a PDF, on there. When people go ‘blah blah’, and I just go boom, email, ‘read it’”. Karri Walker referred to “our fundamental and inherent rights”. Participants also referred to international law standards, UN Special Rapporteur reports, the Sustainable Development Goals, and foreign domestic standards.

Karri Walker acknowledged that Indigenous rights can contrast with some conceptions of liberal democratic rights. She was uncomfortable with some of the Referendum debates about “giving” voice or rights to Indigenous peoples:

[T]hose rights aren’t the state’s to give. Like, we hold them by virtue of being the First Peoples of this country. So... it’s more about recognising that those exist, rather than handing something... over. But I think there’s a real tension that’s faced in Australia by recognising our inherent rights, because we operate under this liberal system of rights where everybody’s rights are supposed to be equal. And... you can’t hold the same rights that I do because you’re not a First Nations person of this country.

Kado Muir described how “the thing that sets us apart from the rest of the settler society is: we actually do have rights. We do exercise those rights”.

All who referenced Indigenous rights supported them, with a proviso that some mentioned: instruments like UNDRIP were agreed upon by countries like Australia, not by Indigenous groups, and may have gaps. They characterised these instruments as helpful frameworks reflecting, rather than being the source of, inherent rights. Aunty Josie Crawshaw

described the long fight through international conferences and negotiations to get such standards agreed, including being present for the Indigenous and Tribal Peoples Convention,<sup>62</sup> and, later, UNDRIP. She said of the former, “*that* was not an inclusive process. We [Indigenous delegates] were pariahs”. It was still useful, however, and, “even now, it is the only international Indigenous-people-specific, legally binding treaty adopted in our lifetime”.<sup>63</sup> So, while international standards are important, groups maintain their right to their own arrangements like treaties, even if those treaties might include provisions about the implementation of UNDRIP.

In discussing collective Indigenous rights, participants described rights to Land, customary law, cultural heritage protection, practising culture and language, raising their children, and having an Indigenous nationality. Gwenda Stanley described how under UNDRIP, Indigenous peoples have “a right to a nationality. I’m Gomeri... I’m not just an Aboriginal, I’m a Gomeri”. Person DH emphasised the need for Western law to engage “around recognition of collective rights, when Western law is based on individual property rights”. Several participants also used Indigenous rights and human rights terminology interchangeably or referred to them as part of the same broader system of rights. Gwenda Stanley linked it all to history: “I want to address our human rights laws... We want to address the restitution, the reparatory justice, we want to address the genocide”.

Several participants perceived unfairness in how the Referendum involved a popular vote, subjecting counter-majoritarian rights to a majoritarian process. Gail Beck explained, “this is our business... [but] whether we want it or not, we’re outvoted”. Aunty Josie Crawshaw declared, “colonial Australia will determine our fate again”. Shane Hoffman said, “it all comes down to the will of the majority... And whether our cultures and our rights and

---

<sup>62</sup> International Labor Organisation, Convention No. 169, 1989.

<sup>63</sup> Australia, however, has never ratified the Convention.

that are worthy of protection and of support”. Several also criticised how the Referendum was being debated on grounds of Indigenous disadvantage rather than Indigenous rights.

Karri Walker criticised Conservative No arguments about “adding” race to the Constitution, despite the existence of the race power, on this basis:

I guess it’s a way of denying our inherent rights. Like it’s something that... comes from... the state granting those rights. And I think that’s a way of sort of denying our sovereignty. It’s purposeful language.

Participants had confidence that regardless of the Referendum outcome Indigenous rights would persist. As Ross Williams said of a potential No vote, “it’s not gonna stop the fights. And the arguments... and the fighting for our rights, as an existence”. On the question of whether a No vote would affect inherent Indigenous rights, David Collard was clear: “No. Doesn’t affect anything”.

## **VII. HUMAN RIGHTS AND EQUALITY**

Much of participants’ everyday work and advocacy concerned finding practical solutions to the immediately pressing challenges listed in the lower half of Figure 4 at the start of this chapter. For several participants, these issues took up most of their interview. But even with these practical challenges, participants linked them to broader historical injustice and collective rights.

When discussing the challenges faced by themselves, their families, and their communities, almost every participant used the language of human rights. They used “human rights” both as a legal term and as a general descriptor of equality-based justice. Doyen Radcliffe said of the main issues, “they’re all connected... it’s all connected to justice, it’s all connected to human rights”. Jakirah Telfer, the youngest participant, commented how throughout high school, she had “always made sure to do some of my assignments on rights”.

Many participants highlighted Indigenous disadvantages relative to other Australians. Stacey Ketchell, referring to health and access to clean drinking water, commented, “we’re purely fighting for our rights, still, our basic human rights. ... We live in a First World country. Some of our communities live in Third World conditions”.

As with Indigenous rights, many participants discussed human rights with reference to international standards. Participants universally considered that the Australian state has systematically denied or failed to achieve their human rights. Gail Beck said, “Australia has failed in the First Nations human rights space absolutely”, and “has breached international law time and time again”. Ken Wyatt observed that “it’s lucky” Australia was not part of the European system, because “I think Australia would be in serious strife under their human rights [standards]”. Uncle Bill Nicholson Jr observed that “the UN is laughed at by Australia. It always has been”.

The interconnected challenges multiple participants raised as human rights issues included equality, housing and homelessness, racism and discrimination, poverty, economic development, the incarceration rate, deaths in custody, child incarceration, child removal and the rate of children in out-of-home care, the suicide rate, differences in healthcare access and outcomes, intergenerational trauma, compensation for stolen Land, wages, and objects, employment and job creation, domestic violence, education, and the impacts of climate change. They offered detailed perspectives on all of these. Here, I give an overview of the three areas they discussed the most: Closing the Gap, racism and discrimination, and equality.

First, almost all participants referred to “Closing the Gap”, a prominent government policy focused on reducing inequalities between Indigenous and non-Indigenous peoples. The policy originated in the 2005 *Social Justice Report* by Tom Calma at the Australian Human Rights Commission. Its first recommendation was that Australian governments “commit to achieving equality of health status and life expectation between Aboriginal and Torres Strait

Islander peoples and non-Indigenous people within 25 years” (Calma, 2005: 16). It noted that existing efforts to “close the inequality gap” had been insufficient (at 64), and outlined a “human rights based approach” necessary for success, including “ensuring the effective participation of Aboriginal and Torres Strait Islander peoples in decision making that affects us” (at 104). By 2008, governments at all levels embraced what they called “Closing the Gap” targets (Australian Human Rights Commission, 2022). In 2020, they adopted the National Agreement on Closing the Gap, which set new socioeconomic targets for improving various Indigenous outcomes by 2031 (Higgins et al., 2020, Closing the Gap, 2020).

Tom Calma explained to me that governments had mistakenly focused on disadvantage rather than his original report’s human rights principles:

“Close the Gap”, the original campaign, was founded on human rights practices. “Closing the Gap”, which is the government’s response, is not necessarily. So, they call it “Closing the Gap”, they throw a bit of money, they try and dictate how it should be applied, etcetera. And so, it doesn’t follow those practices. But if we want to see real change and enduring change, we need to really found it on those human rights practices.

Every year, reports confirm that most targets are not on track to be achieved. Of the fifteen with recent data in 2024, only five were on track to be met by 2031, five were improving but not on track, one was unchanged, and four were getting worse (Productivity Commission, 2024: 3). The targets with worsening data included the number of adults in prison, children in out-of-home care, people who took their own lives, and children commencing school developmentally on track (at 5-6). While improving, the life expectancy gap with non-Indigenous Australians remained at over eight years (at 16). Person ZI described these inequalities as “the pillars of the systemic and structural disadvantage and racism” that cause the failure of “all of the best-intentioned government policies and laws”.

During the interviews, participants often listed the targets most important to them. They raised three issues most often: poverty, children in care, and criminal justice.

Poverty reduction is a goal underlying all Closing the Gap targets, which are labelled as “socio-economic outcomes” (Productivity Commission, 2024: 2). As Megan Krakouer said, “to have our people living in poverty, which, in a country as lucky as Australia when we are the twelfth richest economy” is “an indictment” on government. Several participants also linked poverty to housing inequality.

Many participants described the worsening crisis of Indigenous children being removed and living in out-of-home care. Sally-Anne Gamble noted that currently, “the rate... is higher than the Stolen Generation”. This was a matter of personal experience for Gamble: “I was a foster kid, I grew up in the system, I was displaced”. Megan Krakouer said:

1997, when they had the *Bringing Them Home* report, there was 2,000 black kids in care. And then Mr Rudd, [when] he gave the Apology to the Stolen Generation in 2008, there were 8,000 black kids in care. And today we’ve got 23,000 black kids in care.<sup>64</sup>

Participants raised no Closing the Gap issue more often than criminal justice and incarceration. In 2024, Aboriginal and Torres Strait Islander people had an age-adjusted adult imprisonment rate 15.2 times the non-Indigenous rate (Productivity Commission, 2024: 63). As 3.8% of the wider population, they constituted 36% of the incarcerated population (Australian Bureau of Statistics, 2024). Their incarceration rate is higher than that of any country in the world, and of any people for whom data is readily available (Anthony, 2017). Gail Beck said, “the prisons are a revolving door”, and for Indigenous incarceration, “we’re number one in the world, doing that”. A range of participants criticised the justice system’s focus on incarceration and punishment rather than trauma and rehabilitation. Participants particularly criticised the long-running issue of deaths in custody and the incomplete government implementation of the 339 recommendations of the Royal Commission into

---

<sup>64</sup> Recent data describes 20,000 Indigenous children in out-of-home care and 25,000 being subject to care and protection orders (Australian Institute of Health and Welfare, 2025).

Aboriginal Deaths in Custody.<sup>65</sup> Participants' criticisms were especially pronounced regarding the incarceration of Indigenous children and the low age of criminal responsibility at ten years. Scott Wilson noted that raising this age to fourteen would "meet the UN standards" and help Closing the Gap targets. Aunty Pat Anderson said, "this is a country that tortures ten-year-old boys, puts them in spit hoods... It's Hades where they live. Nation-state responsible for that".

Many participants described difficult and traumatic personal and family experiences with the criminal justice system, including arrests, assaults by police, deaths in custody, and suicides. Scott Wilson described meeting his own uncle for the first time while in custody, the family having been separated by Stolen Generations policy: "me and my Dad had already been arrested for drunk and disorderly, and then when they put us in the cells, there was his brother". Wilson described his family experiencing, "like a lot of Aboriginal folk, long history of sort of substance abuse, incarceration sort of stuff", along with "lots of other families that are still suffering from intergenerational trauma".

Participants described these Closing the Gap issues as interconnected and urgent. As Lidia Thorpe explained, "what we have to prioritise, First Nations people in this country, is which fight we wake up to every day – is it protecting the child from being stolen, or is it dealing with a death in custody, or a suicide?". Stacey Ketchell said, "it's all interconnected and it all has to happen at the same time. ... it feels all competing priorities, but it's because of the impacts of our histories".

Second, participants strongly emphasised the need to address racism and discrimination. Divina D'Anna wanted her grandchildren to grow up in a world where they are "not being scared or ashamed of being black". Person PX described justice in this way:

---

<sup>65</sup> See Chapter Three.

[W]here [Aboriginal people] feel like citizens in their own town, where they feel like citizens in their own country, that they don't feel stigmatised or stereotyped when they're walking through the... shopping centre. That they feel like they have a right to be there and that they belong.

Many participants gave historical examples of state discrimination against Indigenous peoples, including Stolen Generations policies, wage theft, restrictions from voting, working, travelling, marrying, and practising traditional culture and language, the taking of Land, and massacres, policies which all continued under the current Constitutional system after Federation. Several participants recalled experiencing these policies.

Almost every participant described experiencing racism and discrimination. For many, these experiences had deeply influenced their lives, careers, and advocacy. As discussed in Chapter Five, many participants experienced racism during the Referendum campaign. Ngaree Ah Kit said she had “never experienced this level of racial hatred”. Suzanne Thompson described how, because of racist slurs and comments about campaign posters on her house, “I don't feel culturally safe. I don't feel safe in a place that my family have never left”.

Participants frequently linked discrimination with paternalistic approaches to policymaking. Rodney Gibbins linked the view “that Aborigines have no rights in this country” to being “a hangover of the white view when they first came here, of seeing black people as insignificant”, and “invasionary theories of being superior to everybody in this country”. Many participants discussed the Northern Territory Intervention in 2007, discussed in Chapter Three, as a leading example. Tania McLeod recalled how an official from Minister Mal Brough's office had made claims which helped trigger the initial inquiry (see *The Point*, 2017, Graham, 2017), and that the government then “ignored the first recommendation, which was to work with Aboriginal and Torres Strait Islander peoples”. Many participants remembered the Intervention and criticised its impacts. Sean Gordon described these policies

as a “constant attack on Indigenous people”. Mick Dodson said of the Intervention’s suspension of the *Racial Discrimination Act*, “I think it’s been five occasions that the RDA’s been suspended, and all five occasions, its impact has been on Aboriginal and Torres Strait Islanders only, no other group”. Kristal Kinsela asked of the Intervention, “would they do that to any other race in this country? No”.

Third, when discussing justice, many participants also called for equality. Jennie Gordon described her “end goal” as “equality for all Australian people”, where “the Aboriginal people are not treated like second-class citizens. The end. That’s it”. As Sally-Anne Gamble put it, commenting that her great grandmother had fostered hundreds of children, two-thirds of them non-Indigenous, “we want equality, not revenge”. Almost all participants called for socioeconomic rights in addition to civil and political rights. Many described equality in terms of equal access to a range of basic living standards. Doyen Radcliffe said, “justice in Australia, what needs to happen is to develop programs in a holistic way so that First Nations people aren’t living on the fringes”. Person ZI criticised “having to start from behind the start line because of structural disadvantage and racism”. Kaylene Malthouse defined self-determination in terms of equality:

Equal rights as the white people. Equal rights. ... I know I’m not like every other Australian. And I know that my grandkids need to be equal to them, there needs to be equality. ...and when that is, then that’s that, I’ll be happy. But that’s it. I won’t settle for anything less.

When discussing each of these challenges of human rights, Closing the Gap, racism and discrimination, and equality, participants consistently linked them to the longer-term story of colonial injustice. Many participants, for example, linked poverty with colonial dispossession. Tania McLeod noted that “there wasn’t poverty *before* the [British] First Fleet. But we are living in it now”. Colonisation benefited non-Indigenous landowners, and as Uncle Bill Nicholson Jr said, “a lot of that wealth came from stolen Land”. Gwenda Stanley

said of her hometown, “Moree is the richest agricultural country in Australia, if not in the world. And my people are still living... in poverty”. Many participants also linked the present-day removal of children with Stolen Generations policies by referring to the landmark *Bringing Them Home* report discussed in Chapter Three, and its recommendation of an Indigenous-designed social justice package to address social and economic disadvantages which underlie the continuing high rate of child removals (1997: 491). Several participants similarly linked the high Indigenous incarceration rate with historic dispossession and injustice. Gwenda Stanley said, commenting on the privatisation of Australian correctional facilities, “my people are like a barcode for these people”. Some also emphasised the mistreatment of British convicts in the initial penal colony. Kaylene Malthouse commented on the experience of former convicts, “I often wonder. All of a sudden, they were banished for stealing a piece of bread, and the next minute they were in charge of all of us”.

Participants strongly linked present-day racism with history. Uncle Bill Nicholson Jr said of racism, “I think it just comes from historical mindsets that still are relevant to people today”. Aunty Pat Anderson said, “they’re killing us with hate. They’ve just replaced the guns with hate”. Rod Little linked racism to colonial mindsets:

I can go down to [electronics and music store] JB Hi-fi and I’ll be watched. ...we’re not innately criminal people. But that has been a scene set for us from invasion. And that’s what’s imprinted – in [the] historical, or colonial, history of this nation.

Participants regularly described historical racism as being built into the constitutional system. They variously described the Constitution as “racist”, “exclusive”, “discriminatory”, “patriarchal”, and having facilitated the infamous “White Australia Policy”. They had various ways of saying it was out-of-date, or, as Megan Krakouer put it, “very mediocre. It does not reflect the times of today”. Uncle Bill Nicholson Jr said, “I’m not saying L-A-W [the Western legal system] is racially discriminative, but it has its DNA within it”.

For many participants, equality meant dealing with the ongoing impacts of history. Person RS explained, “we’re not on equal terms”, due to “being disenfranchised, marginalised, and denigrated. Just for being who we are”. Ngaree Ah Kit said, “we’re... the most marginalised people in our own country. We have been kicked from pillar to post”. Commenting on the continued impact of colonisation on health, Jade Ritchie said, as did others, “Indigenous people experience diseases that you don’t see anywhere else in Australia”.

Overall, participants closely linked immediate human rights challenges with the history of colonial injustice. Stacey Ketchell commented:

[W]e have so many social justice issues for our people, right, fighting for the injustices that we face every day. And our families are flat out surviving right now... some of the impacts of structures and systems have breached our human rights... And it’s all linked, and hence why all of our issues are amplified. ... it’s just the way we are now, because of our histories.

June Oscar explained:

[W]e have poverty, trauma, the removal of our children, the mass incarceration of our people, the destruction of sacred sites, floods, rising sea levels and bushfires that have torn through Country. They’re painful – and are the painful consequences of systems that have failed, and too often refused to incorporate our rights and lives into the fabric of this nation.

Uncle Bill Nicholson Jr added:

[T]he suicide rate, the incarceration rate, the child protection rate, all these negative parts of the socio-economy, plague many Aboriginal people. Like, our statistics are always worse than the non-Indigenous. And that’s not just by chance; that’s by actions of the past.

Participants raised two topics which emphasised this connection: healing and reparation.

Regarding healing, several explained that healing was necessary given the ongoing harms of intergenerational trauma. Person RS described how “people have no understanding of what intergenerational trauma means to Aboriginal people”. Uncle Kenny Bedford said that

“optimal justice for me would be to remove all of that harm and trauma”. Fiona Cornforth said of Stolen Generations survivors, “even having gone through the most complex and toughest of traumas due to colonisation, they [survivors] showed up, they told the truth and they forewarned. They said, ‘if this wasn’t solved, there’s generations [that] will suffer’”.

Similarly, when discussing the need for reparation, while some participants connected this with getting the resources necessary to meet basic human rights and equality outcomes, others linked it more directly with compensation for past wrongs. They mentioned the need for the state, and others like museums and the Church, to return Land, stolen items, and human remains, and to provide compensation and Stolen Generations reparations. A few participants addressed the particular importance of returning stolen items and repatriating human remains that were taken overseas. Theresa Ardler, a descendant of those who made first contact with James Cook, saw “everything that Cook took” on exhibit from the British Museum in 2013. She described how “we felt there, our ancestors’ presence with them”, and asked, “why can’t they give it back to us, because they stole it?”. But those who raised them presented reparations and compensation as just one part of the overall picture. Rick Goode stated, “that’s just a part of it. And it should be a part of it. But it shouldn’t be all of it”.

Participants reasonably differed on which present-day human rights issues to prioritise and how to approach them. But they universally described a failing system. As Dale Agius said, redesigning a failing system requires people “to see system defaults, to correct them in a way that’s beneficial for all Australians”. Despite their differences when facing these practical problems, almost all participants gave a clear impression that these issues were closely connected with the broader narrative of historical injustice, respect, and recognition. This connection was a point of unity. In facing these urgent challenges, they maintained a sense of identity as Indigenous people in facing together the external forces of colonisation, discrimination, and imposed majoritarian decision-making.

## VIII. RELATIONSHIP JUSTICE LOOKING FORWARD

When I asked participants about what “justice” means to them, they consistently focused on the long-term relationship between Indigenous and non-Indigenous peoples in Australia. They considered what could be a just resolution to the conflict that began with British occupation. Even when discussing immediate practical challenges and strategic divergences, participants returned to a bigger story of long-term justice and relationship-building, informed by laws and norms continuing from pre-colonial culture. When describing that culture, participants confirmed the importance of several aspects of Indigenous identity described in Chapter One: relationality, Land, autonomy, balance, and norms of reciprocity and collectivism.

Autonomy, which Mary Graham described in terms of “clan multipolarity”, informed how participants approached their relationship with non-Indigenous people and the mainstream Australian legal system. They showed a striking lack of racism or resentment towards non-Indigenous people. Instead, they described how their cultural identity meant looking after all people on their Country, and solving problems through improved relationships, dialogue, and seeking consensus. For example, participants’ comments about sovereignty and Treaty, such as Robbie Thorpe’s description of “300 sovereign nations”, reflected the autonomy principle. As Ray Minniecon said, “we know who we are. We know where we come from. We know we’re still here on our Land”.

Participants consistently advocated for formalising and improving the relationship between Indigenous and non-Indigenous Australia through recognition and inclusion of Indigenous peoples and their autonomy. Several commented on the widely used word “reconciliation”. Most were critical. Uncle Ossie Cruse explained:

[W]e were never together. [Long laugh]. ... That’s what reconciliation means. That you were together, then you were separated, then you come back again, together. But

in the first instance, we were never together. So, we've got to get it back – we just use that word [Makarrata], it's a good word.

As Person AB said, “there was never a fucking marriage in the first place that broke up, and that had to be reconciled”. Robbie Thorpe used an image:

[D]id Australia ever have a conciliation process to have a reconciliation process? Australia's always doing the cart before the horse. And the horse is dead, being dragged by the cart, and they're whipping the dead horse. This is how I see it.

However, many participants still advocated for reconciliation. Jackie Huggins, a member of the 1990s Council for Aboriginal Reconciliation, said “reconciliation means three things to me. It's about recognition. It's about justice. And it's about healing”. Others also used the term broadly, like recognition, to cover many things.

Participants often used the language of relationships. As Uncle Bill Nicholson Jr noted, improving relationships can take generations of work, and “relationships die when communication stops”. Ken Wyatt said of the Statement, “it is about relationships. But the framework around those relationships”. June Oscar described the Statement as asking for a nation where “we have the courage and the maturity to be able to resolve and work through our differences”. Denise Bowden asked Australia to engage:

If people had their way, I mean, sure, Aboriginal people should have been bred out, should have been killed out. But they didn't. We are still here. So, what are you going to do with us? Are we always going to be the problem child? Marcus, seriously, we're in 2023 here. There's got to be some shift in people's attitudes. Because hello, hello [waving hands into camera], we're looking you right in the face, we're saying, “hey, we're here, and we're here to stay”. So, we need to find some position where you're also very comfortable with us. You can't just – we cannot just be invisible in this situation.

Rodney Gibbins spoke extensively of the need for trust and honour, as “the biggest thing I think missing out of all of this”. He reflected:

I often wonder when government, both state and national, will understand that all of this is about trust, openness, honesty, and honour. And that instead of acting like politicians, that they act like generous men and women who can think and can

actually stand in the shoes of the black man and understand the need of that community. When they can do that, in an open and honest way, I think we're getting somewhere. We're not doing it yet.

In Suzanne Thompson's view, the issue was simple:

It's not hard, really. Cause we'd ask, if we're in the playground, we ask if we can borrow someone's marbles. You know what I mean? "Can I share your lunch?" [Laughs]. Yeah. The human race is not bad. Yeah. I think they've got to learn that themselves.

When discussing these relationship issues, many participants referred back to colonisation.

Yingiya Guyula described colonisation as a "blanket", and hoped that Treaty would help, "so that we can push further, to get this blanket off". He explained:

[W]e want the government to recognise this is our Land. We never ceded to any sovereignty. And we need to come closer to the government and tell them that you need to give us a space, to move back, so that we can create a pathway. But that's been hitting a stumbling block. It's been very, very hard for the invasion, or for the colonisation, to move back, and give us space to work.

For Guyula, this task begins with putting back together systems that have been crushed: "it's a bit like picking up the pieces! Putting it back together, and look, it's a chair. This is what we're doing now".

## **IX. CONCLUSION**

Justice was a key issue for all participants, although they expressed their ideas in different ways and came to different conclusions about how to practically achieve it. All participants expressed a strong sense of historic injustice and structural failure. Almost all linked this to British colonisation and its effects on sovereignty, law, and culture. Most also strongly emphasised ongoing injustice in the form of immediately pressing challenges and social problems. They generally expressed those challenges in terms of human rights and equality, linking them to a broader narrative of unresolved historical injustice.

Participants' views about justice were shaped by their ideas about Aboriginal and Torres Strait Islander sovereignty and law, and their shared sense of identity and culture. These foundational ideas informed their understanding of Australia's legal history, its constitutional system, and their legal position today. These ideas, in turn, guided their calls for constitutional change, Treaty, rights, and a justice-based relationship reset with non-Indigenous Australia.

Participants expressed multiple views about how to achieve this justice. They recognised that they formed numerous nations, with different histories, laws, experiences, and claims, and they recognised that different people reasonably advocated for different things. But they shared an overarching sense of the need for justice and to address historical issues, linked to a superordinate conception of collective identity.

It was clear that this identity was not defined only by external-facing or internal-facing aspects in isolation from each other. Rather, their combination had a mutually reinforcing effect. External-facing identity as Indigenous people surviving and resisting colonial injustice and the failures of the state provides for, in Bateson's terms, unity in the face of an outside element. As Larissa Behrendt (Euahleyai/Gamillaroi) wrote, pan-Australian Indigenous identity "came after colonisation when Aboriginal peoples and Torres Strait Islanders joined together at a national level for a stronger political and cultural voice" (Behrendt, 2021: 48). At the same time, internal-facing identity as Indigenous peoples with shared pre-colonial history and culture guided and shaped the goals that flow from this, grounding concepts like sovereignty, Treaty, and rights in overarching concepts of Land and autonomy.

With colonisation and the state pushing from outside and pre-colonial history and cultural norms pulling from within, participants formed a shared set of common themes and overarching goals for collective action in the present. Several of these goals were reflected in

the Statement: sovereignty, constitutional change, Treaty, an improved relationship with non-Indigenous Australia, and truth-telling about history and its ongoing impacts. Participants' disagreements were generally less about their identity and the shared goals that flow from it, and more about difficult practical questions regarding how to achieve those goals in the political context they face together.

## **CHAPTER EIGHT**

### **REPRESENTATION, SELF-DETERMINATION, AND VOICE**

## I. POLICY FAILURES

When facing issues of representation and Voice which were central to the Convention and the Referendum campaign, participants sought culturally appropriate representation based in rights to self-determination. But they faced an immediate practical context of policy failures and a system of non-Indigenous decision-making control. In this chapter, I describe participants' comments about representation, self-determination, and the Voice proposal. But first, I describe their views about policy failures and a lack of accountability which formed the context for their advocacy on those issues.

Participants overwhelmingly criticised ongoing policy failures resulting from non-Indigenous decision-making. Marion Scrymgour spoke for many when she lamented that “all it's been is non-Aboriginal voices that have made decisions and passed policies for us”, and that “since our federation, it's been big government dictating and coming in over the top”. Samuel Aniba said, “First Nation communities are sick and tired of people making decisions where it led to a failure”. Shane Sturgiss described governments and changemakers “inflicting” policy “upon First Nations people the way that they feel that it should be done, because they know best”. He called it “that white saviour process”. Person ZI described how Indigenous people “have had the most laws and regulations and acts of Federal and State Parliament ever made against them”, resulting in “a loss of determination and agency”. Fiona Cornforth observed that with policy, “we're a part of someone else's plan... Always”. Stacey Ketchell said governments “impose certain legislations and policies that's just not appropriate for our communities”. When I asked Marion Scrymgour what it was like during the Referendum campaign being the only MP in House of Representatives debates who had actually been present at the Convention, she laughed, saying, “I often sit there and think, ‘oh my God’, you know. If only these mob knew”.

Participants often complained about majoritarian control turning Indigenous affairs into a “political football”. Dale Agius explained:

Being the political football – where our affairs are just bounced around from one party to the next, depending on who’s in power. ... quite often, some of our issues are left unresolved... We can go back to reports that are three decades old. Which... because of the political cycles dropping off, they fell dormant.

Jade Ritchie said, “that political football... leaves us in a really vulnerable position”. Shane Sturgiss regretted being subject to political “point-scoring”. Jay Kickett linked it to the election cycle, where politicians are not “looking too far down the line”, often “kicking the can down the road”. Jackie Huggins called it “the nature of Aboriginal affairs. It’s always three steps forward and two steps back”. Many participants linked these issues back to long-term justice and colonial history. Ray Minniecon joked, “we’ve got so many acts that control us, and research done on us, that I’m sure they know the colour of my underpants”. Karel Williams and Aunty Pat Anderson both referred to “mission manager” approaches.

Several participants described how this led to ad-hoc, unstable policymaking. June Oscar called it a “patchwork approach” leading to “the chaos of poor policymaking”. Person PX said, “what we’ve spent decades and decades doing is chasing our tails” on “poor policy design”, when “it’s always important to get the policies and the legislation right at the beginning”. Tyrone Garstone described “very reactive” policymaking being “done on the run” with “this ad-hoc manner in how we do it”. This “favours governments and also the private sector... it allows them to continue to water down any rights that we find or any particular opportunities that we get incrementally”.

Participants described many examples of poor policy outcomes, including the abolition of ATSIC, the lack of a national representative body, “watered-down” Native Title legislation, the Northern Territory Intervention, failures in Closing the Gap, and various policies which reduced local community governance. They also gave examples related to the

Uluru Statement itself, including the previous Liberal Government’s failure to legislate a Voice after its own Voice Co-Design Process, and the Labor Government’s abandonment of Treaty and Truth despite its commitment to the Statement, both discussed in Chapter Five.

When discussing their immediate challenges, participants often criticised what they called the “deficit model”, a mainstream political logic about Indigenous peoples, and policies made about them, centring on their disadvantage. Denise Bowden referred to government policy, with its focus on service providers from outside communities, as the “commercialisation of Indigenous disadvantage”. Kado Muir criticised the disempowerment that comes from “the victim, or a poverty consciousness”. Ross Williams added:

We’re so negative about people, when we had actually worked together and lived together. ... we want to get away from the discussions of the deficit model. That is a problem, but what are the solutions? ... There are resolutions, there are opportunities for resolutions, and Indigenous people have those solutions to their own problems.

Ian Trust blamed deaths and suicides on welfare dependency, and argued that without “stable, functional families” with wellbeing and a sense of contribution, “we’re not gonna Close the Gap”. Jade Ritchie highlighted the burden: “we’ve been carrying this burden of *blame*, as if we somehow created this *terrible* disadvantage for ourselves... And that’s not the case”.

A few participants emphasised responsibility in response to the “deficit model”.

Divina D’Anna said, “we want to be contributing to this nation as much as anyone else”.

Sean Gordon explained:

[R]ight now, we’re not discussing the responsibility piece enough. ... what people don’t understand is that with rights and recognition comes responsibility. And responsibility is going to be the game-changer to address disparity, and to address those other challenges.

For many participants, accountability was also critically important. Fiona Cornforth recalled that with ATSIC, “we had our own policies, that we were holding each other accountable to”.

Denise Bowden said, “this was loud and clear at Uluru too... that there should be some

accountability. And I think that is the single most thing that everybody is united on”. She added, “Indigenous people are also saying, ‘we’re prepared to be accountable too’. You know, it works both ways. But it can’t just work one way”.

## II. REPRESENTATION

### A. Failures of Representation

Participants’ concerns about Indigenous affairs decision-making in Australia were not only about bad policy, but also about failures of representation. Many argued that overcoming these failures required cultural change towards Indigenous representation and decision-making power. Divina D’Anna explained:

We’re so far behind on a lot of things, give us a spell. Give us an opportunity to fix *our* mob up *our* way. Don’t just keep telling us how we need to be in your standards and pigeoning holing us, cause that’s where the failure is coming from. You had your turn, give us a go.

Tom Calma criticised policies directed at “passive recipients”, emphasising the need “to be an active player, a partner in these processes”. Marion Scrymgour explained:

[P]eople have got real pride. But that pride gets watered [down]... when they’ve had years of just government inaction and shit policy, like really crappy policies that mean nothing for our mob. It takes away whatever pride or feeling of ownership that they might feel.

Several others shared this view. According to Sean Gordon, while “governments have occupied spaces and places that Indigenous people should occupy”, now “we’re in a process of pushing government back. And for governments to become enablers or supporters, but not the doers”. Divina D’Anna further explained:

We want to be contributing to this nation as much as anyone else. And the dysfunction sometimes, where people are not given that opportunity, and the feeling of self-loathing and low self-worth, is something that has happened over time, when

you're consistently told, "you can't do it, you're not worthy, we don't want you, you can't do it". It gets to people. And then it goes into their children's mindset too.

Even when political processes featured some Indigenous representation, many participants asked the question: who is doing the representing? Participants frequently criticised how Indigenous "leaders" were chosen.

Participants consistently stated that having Indigenous members of Parliament was not sufficient representation. Tyrone Garstone noted that because politicians represent different electorates and political parties, "there is no cohesion there" in their advocacy. As Scott Wilson said, "they're not there representing me, they're representing the people in the electorate they're coming from". Some were especially critical of Indigenous politicians, like Person TF, who said "they're all lackeys, mate. They're sworn in by the Crown", and so, "they've given up their right to speak for the people". Some Referendum supporters demonstrated this distinction about politicians' representation when they said they thought opposition to the Referendum by a minority of prominent Indigenous politicians only occurred because it would reduce those politicians' prominence in "speaking for" Indigenous people. For example, Scott Wilson proposed that conservative Senator Jacinta Nampijinpa Price opposed it because "she doesn't become the focus anymore", and so "it might diminish her voice". Person AB agreed Voice might render some politicians "silent".

Several participants also noted that while there was historically high Indigenous representation in the Federal Parliament in 2023, each could lose their seat. Marion Scrymgour, a Federal MP, said, "we could all get voted out. And then you won't have one Aboriginal person in the Parliament".

Participants widely criticised individuals being "hand-picked" or chosen by the government, media, or corporate sector as "leaders" without broader Indigenous community input. Karel Williams explained:

People are called “leaders”, just because they’re outspoken. ... usually, our communities determine who our leaders are, not the media. So, I have an unhappy relationship with who the media decides are our leaders.

Shane Hoffman added, regarding government:

[W]henver they want Aboriginal and Torres Strait Islander people to advise them, they’d set up a group, and appoint people... And there’d be no say from any other Aboriginal people about whether that person’s the appropriate person.

Several applied these criticisms to government-appointed positions they themselves had held.

Some participants also expressed general distrust of government-appointed Indigenous bureaucrats. Robbie Thorpe described “these minders, these gatekeepers, black bureaucrats, working overtime. They’re useless. They’re expensive. And they perpetuate and maintain the problem”. Several participants also described the representative limitations of Aboriginal Community-Controlled Organisations (ACCOs), particularly due to their reliance on government funding and because, as Tom Calma noted, “only about half the population actually work with community-controlled organisations”.

The challenge of “hand-picked” leadership influenced participants’ reflections about the Convention, as discussed in Chapters Four and Five. Some were very supportive, describing the Convention as more representative than other government consultation processes. Person PX said of the delegates, “they’re representatives of their own Countries”. Peta Braedon explained how the process was “Aboriginal-led, from design, through to delivery, through to where we are at now”. Many others had concerns. Some focused on its leadership, criticising the government-appointed Council’s role in setting the agenda and the selection of Convention attendees. Kado Muir said “grassroots people” were “very much concerned about the leadership coming up with this idea, this process, et cetera, without going through a full process of culturally grounded consultation”.

Because of these issues, participants hesitated about the term “leader” being applied to spokespeople chosen by non-Indigenous politics. Speaking with Robbie Thorpe, at one stage I used the phrase “Aboriginal and Torres Strait Islander leaders”. Before I finished my question, he interjected, “well, why are they called leaders here? Who we calling leaders?”. Person AB suggested that after the abolition of ATSIC, the media chose certain figures and “elitists” and “just portrayed them as leaders. And all they ever were, were people who had a view. But they were never leaders”. They said, “these people won’t get elected. Because they don’t have a connection to their constituency”.

Two participants added that even their own views presented in interviews were not representative of everyone. Uncle Ossie Cruse said, “it’s my mind. It’s not the mind of the Aboriginal people of Australia”. Samuel Aniba emphasised that each person will have their own experiences, and also “their own world, how they see it, how they understand”.

Several participants explained how this flawed representation leaves “leaders” open to attack. Kado Muir said of people who come to their positions “from an institutional basis, that is based in the settler state sandpit”, that “on that basis, they’re *easy* prey for the troublemakers to say, ‘ohh no, these guys don’t speak with authority’”. Tom Calma himself experienced this. He said government “want you to advance and to be influential, but the moment you put your hand up to be influential, you’re suddenly an ‘elite’ who doesn’t know your station, and you get pulled down”. At the same time, “you get the Aboriginal people that say, ‘well I haven’t elected you, what are you doing talking about us?’”.

Overall, participants described a system which controls and limits Indigenous representation, creating representative ambiguity. Thomas Mayo explained:

[T]he status quo is somewhat of a competition for who speaks for Indigenous people, right? Or anybody can say, “I speak for Indigenous peoples collectively”. Or a government can choose who they want.

## **B. Improving Representation**

Participants most often discussed the need for local, culturally informed representation based in their culture and rights. Kado Muir referred to UNDRIP and “the right to establish your own representative structures”, saying, “you’ve got to build at the local level first”. Peta Braedon stated, “ask us what we want. ... And ask the right people”. Sean Gordon explained:

...Aboriginal and Torres Strait Islander people need to be empowered to be able to form structures that support their development within their own communities, or within their own cultural structures. Governments need to work with those groups to be able to allow them to work through what their first priorities are within that space.

Person AB described an example of a community-designed regional community governance group, explaining its design logic:

The relationships that we have with each other, within our own communities...that’s blackfellas’ business. We tell government to “fuck off. That’s our business. You’ve got nothing to do with this. This is our business. We’ll invite you to our table. I’m not coming to your table no more”.

Many participants linked culturally informed representation to traditional decision-making methods. Samuel Aniba referred to needing representation “based on cultural governance.

The systems that we have for centuries, for 60,000 years”. Person TF said, in criticising the Voice Referendum:

[T]hey want to go up here [in Parliament] and sit up in a big room and talk to these black people, to make decisions for every other black person. That’s not the way that our people *work*. ...in our culture, we sit around in one big circle, and you can *see* the other person. ... We have to sit around as a people... everyone sits at the same table... everyone equal, everybody’s at the same [level].

Dale Agius said Voice representation needs to be “guided by Aboriginal and Torres Strait Islander ways of selection”, underpinned by “cultural customs, and cultural knowledge base”, leading to “Aboriginal knowledge-based representation”. Person DH asked, “how does one derive and enjoy legitimacy? ...that seeking of authority has to be intentional, and understood, and transparent”. Melissa Clarke summarised, “we want fair and culturally appropriate

representation and participation. We don't want assimilation". Many participants, particularly women, also raised the importance of gender in appropriate representation, given the distinct nature of women's and men's business in traditional culture. Several described the importance of both women and men in representation. Jackie Huggins had emphasised this in her review of ATSIC, as discussed in Chapter Three.

A small number of participants reflected on whether these goals could be achieved through mainstream politics. Most were dismissive or cautious about politics, given the representation issues discussed above. Uncle Bill Nicholson Jr said, "I'd hate to be an Aboriginal politician in the Labor or Liberal parties. ...it's a very much compromised position".

Participants diverged on whether culturally informed representation could be realistically achieved through a Voice body at the national level. Some said a kind of parliament representative of Indigenous nations could be possible. Ken Wyatt said a national representative assembly of nations "would scare the hell out of any government", but that "what you could do is have the nations represented with the regional structures". Then, through Voice, "you *could* have the nations come together twice a year under a structured arrangement, where they could just sit and say, 'what do we need?'" . Person AB suggested ATSIC's original structure, where "800 councillors were elected nationwide". But some others described practical limits, especially if an assembly meant separate Western-style government. Karri Walker said, given capacity and funding limitations, it may not be efficient to have "two separate systems", but that "perhaps in 40 years, things might be different". Jennie Gordon said, "having an Aboriginal government for Aboriginal Australia isn't self-determination", and that "it's easy to imagine how disastrous it could end up". John Locke said he focuses on local processes, because "when we work through a Western construct, what we do is... it actually... negates voices, it impedes voices".

Some, especially Progressive No supporters, hesitated to endorse any Voice body that was defined by unseen, changeable legislation rather than a pre-agreed, Indigenous-designed, culturally informed structure. Uncle Bill Nicholson Jr recalled asking the government, “will Wurundjeri... have representation on this Voice, at federal level? Because we feel that we can’t have anyone else speaking on our *behalf*”. Gwenda Stanley similarly explained, “we need to be looking at and respecting each individual’s nation groups, to be able to have their input”, since “European ways have failed us”. Stanley proposed “our own sovereign caucus”, with “our own constitution” about how the nations choose to interact, and “our own legislation”, based on “customary laws of each of those nations”. Kado Muir, a Yes supporter, acknowledged that many Aboriginal people hesitated to support the Voice because “they were suspicious, they said, ‘well, who will be these people speaking on our behalf?’”. Person AB described how the Yes campaign’s priority, a national Voice body, needed regional and local voices to feed into it, since “you can’t have a national body that’s got no foundation to fucking stand up. It’s got to have a constituent membership”. Person SN, a Yes supporter, described waiting for the right time to advocate for an assembly:

It’s still there, but it’s been lost in the political narrative of just getting the Referendum across... I’ve got my big politics hat on and am being philosophical about it, but in the design of the Voice post, that’s where I will start advocating really hard for First Nations assembly.

Given the significant changes discussed in Chapter Six, several participants described the need to find ways to factor off-Country living into representation. Most participants lived away from their own Country. Gary Foley described having two mobs, “my mob the Gumbainggir” and “the Tram Tracks Dreaming mob”, his term for the urban Aboriginal community in Naarm/Melbourne. Karen Milward said of 65,000 Indigenous people in Victoria, Victorian Traditional Owners numbered “about 6,000 people”. Gemma McKinnon described how a “grassroots” focused representative body could be “really challenging” for

those who “find themselves in the black diaspora, like many of us, who aren’t living on-Country, maybe have never lived on-Country, and don’t have as strong ties to their local community”. She asked of her own position:

[H]ow can I represent Barkandji people, if I haven’t lived in Wilcannia since I was one year old? ... [It] poses a really uncomfortable conversation... around identity, and accepting that we have different experiences. And that your experience might mean that you don’t necessarily [pause] have the same level of cultural authority as another person. That’s something that we’re gonna have to reckon with.

Erica Smits also described the issue of people learning about or identifying with their Aboriginality later in life, and “getting on boards and representing people when they’ve only known culture for a few years, and making decisions on behalf of our people”.

Overall, participants acknowledged that representation needs to be politically and culturally accountable to a diverse Indigenous polity. Person PX said, “there’s going to be diversity of opinion. We are a diverse polity within Aboriginal and Torres Strait Islander Australia”. Ian Trust explained:

[T]here’s no one Aboriginal point of view. And I suppose you can say, “well that’s fairly typical of democracy”. ... they expected us all... to come up with one position. [Laughs]. Like they’re gonna do that in any other state in the world. ...there’s no Aboriginal view!

A few participants suggested more appropriate representation would give clarity for all.

Rueben Berg said representation then “becomes our responsibility”, which “removes the burden from government to have to worry about that”, and provides “clarity around who has the rights to talk about different things”. Person TF, a Voice critic, emphasised the need to come together first for this: “we gotta fix our own back yard, before we can even go up here and start a Voice to Parliament. Cause if we don’t come together first, we’re always gonna be undermined”.

### III. SELF-DETERMINATION

#### A. Definitions

During the interviews, participants frequently discussed self-determination. Given this, I asked most participants what self-determination meant to them. They answered in different and sometimes multifaceted ways. Erica Smits summarised:

[Self-determination] is a very broad concept, but it just depends how you look at it. But, from the government's perspective, it's about having Aboriginal people making Aboriginal decisions. From like a grassroots perspective, it'd be about Aboriginal organisations being self-sufficient, and... autonomous. So that way they don't have to rely on government handouts, or anything else. And then if you talk to an Aboriginal person themselves, for me, self-determination is about making sure that I have a career, and a house... [that] my kids can go to a good school and learn, and [be] educated... but also about learning culture.

Participants acknowledged significant diversity in defining self-determination. Fiona Cornforth laughed before answering my question, saying, "it's one of those things, it's many things". Person YV said, "it's... hard to describe". Kyam Maher said it "has a lot of different meanings to... different Aboriginal people, in different contexts". Kristal Kinsela said:

[S]elf-determination's going to look like different things for different Aboriginal and Torres Strait Islander people. ... there's not a single sole answer. I think it's when someone feels that they have control over who they are and their affairs and what makes them happy.

Most participants' comments about self-determination concerned decision-making. Many framed this in terms of "having a say". Kyam Maher described "being at the table, and having a say that can affect the outcomes of the decisions that affect your lives". Rick Goode referred to "the capacity for the individual to have an input into issues, programs, support that affects them". Peta Braedon described asking "people closest to the impact zone... to have some say in decisions, things that are going to affect them the most, and be able to shape them". Dale Agius similarly referred to "having a seat in decision-making conversations and

tables”, so communities can “put forward their problems, their solutions, their goals, and their aspirations”. Person ZI called it a “with us, not to us, kind of thing”.

For a majority, however, their emphasis was on a right to decision-making power. Many referred to the power to “decide” and have “control” of their own communities. Samuel Aniba emphasised “making decisions for ourselves”. Fiona Cornforth said, “for me, it’s about having power. Decision-making power”. Karri Walker described “having a say, and then also being decision-makers. Like, actually having the right to govern your own communities”. Jackie Huggins described “the ability for our own people to run their own affairs. To be independent, in a way, to put up their issues as they see fit, not filtered through white bureaucracy or a white lens”. Ngaree Ah Kit said, “we want to be able to govern our own affairs”. Several participants described communities controlling their futures. Uncle Kenny Bedford referred to communities having “control over our destiny”, and freedom to “make decisions not only about our present, but our future”. Lidia Thorpe said:

Self-determination is where we decide our own destiny. Our own clans and nations. So, your family can’t tell my family what I should be doing. Because that’s your family clan’s business. And that’s how our society works.

Kristal Kinsela said this is about more than having a voice, “it’s whether or not our voice carries the influence that allows us to be able to be in control of our lives”. A few participants described ATSIC as an example of self-determination, given its wide powers, funding, and multiple levels of representation. Jay Kickett said, “that’s the closest thing to self-determination for Aboriginal people that we’ve ever had in the country”.

Several participants linked self-determination and sovereignty. Aunty Pat Anderson described self-determination as “an expression of sovereignty”. Person SN described self-determination and sovereignty as “two entwined concepts”. Mick Dodson said:

It’s about a power share arrangement. And which leads into sovereignty. I think fundamentally, sovereignty is about power sharing. ... what we ought to be doing is

pushing for a share of power. Particularly power over those things, those decisions that affect us in our daily lives.

When describing self-determination as a right to decision-making power, several participants referred to the rights discussed in Chapter Seven. Aunty Josie Crawshaw, Sean Gordon, and Shane Hoffman cited UNDRIP's Article 3, which states:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Crawshaw and others also referred to the standard of “free, prior, and informed consent” (FPIC), used in five articles of UNDRIP. Tyronne Garstone preferred it in practice:

[S]elf-determination is a huge word. And I kind of shy away from it a little, because it does bring many different views... So, for me, I kind of just put self-determination down and I follow the UNDRIP principles around free, prior and informed consent. So, as long as we as Aboriginal and Torres Strait Islander people are able to make full decisions, that aren't being coerced, about what's happening on our Country, what's happening to us as people. Then to me, that's self-determination.

John Locke agreed FPIC is relevant but cautioned against over-emphasising it in isolation. He said the key is that “self-determination is a primary substantive right”, and “the free, prior and informed consent are actually only seen as measures that safeguard our rights”.

To several participants, self-determination meant redistributing power rather than separatism. Rueben Berg said this is not “creating a whole lot of powers out of nothing”, but rather, “transferring the decision-making powers that government currently has over to First Nations peoples”. Sean Gordon saw this as aligned with conservative values, since it involves a pushback against “government overreach”, and “is about people taking responsibility”. As Yingiya Guyula observed, “self-determination is about my own, looking after my clan, my clan estates, my Land”.

Many participants also emphasised economic self-determination through economic development and economic empowerment. Karen Milward said economic needs are “critical”

to self-determination. Ken Wyatt similarly described “economic development being a key platform”, and that “you’ve got to start investing in your local people”. Suzanne Thompson defined self-determination as “when I don’t have to outsource to a white organisation or white mob, to do something for me and my mob. That we’ve got the capability and capacity to deliver it ourselves”. Person KJ explained, “economic empowerment is a really big part of that [self-determination]. Like, if you’ve got your own money, you can make your own decisions”. So, “building wealth of Aboriginal people and communities” is “nation-building”, since “money is power in a capitalist society. And therefore, the more of it we have, the more powerful we are, the more we can influence things”. To them, economic solutions were “a really important part of justice”. In a political context where “financial compensation, for what’s been taken, stolen... doesn’t seem overly possible or supported at the moment”, other economic solutions are key:

[F]or me, building wealth of Aboriginal people and communities and nations is... I think “nation-building” is the term. ...it’s one of the most top priorities for me, is around the economic empowerment. So, that’s including things like financial literacy, number of qualified accountants, being able to develop on your own Land and take financial and economic responsibility.

Uncle Bill Nicholson Jr linked economic needs, and the social problems that come with them, to history: “when the Europeans arrived on Country, they took our economy, which is the environment, exploited it, to this day, and excluded us from their economy which they imposed on our people, on our Land”.

Many participants contrasted economic self-determination with the difficult financial position of many Indigenous organisations. Karen Milward explained, “you can’t be self-determining, because you’re constantly relying on government to do the handouts and determine what you’re doing”. Tyronne Garstone said in many organisations, “if you rock the boat too much, there was often calls to say, ‘calm down’, otherwise you may get funding cutbacks, or your core funding may impact the organisation”. He said reliable and

independent funding means an organisation can be “very bold on our advocacy”. Erica Smits said organisations needed to be “self-sufficient” and “autonomous”, operating “without having to have support from government”.

Other participants disagreed, however, with definitions which exclusively focused on economic or organisational needs rather than power. Person DH explained:

[F]or some, self-determination might just be that governments issue a longer-term contract to an organisation to give greater flexibility to determine the priorities. And blackfellas themselves invoke that notion of, “oh, we’re self-determining now”. And I have real problems with that, because you’re still in a contractual relationship with a fund-holder who wields more power than you do. So, I worry about this, the kind of, the looseness of notions of self-determination when it’s not referenced back to Indigenous peoples’ rights as Indigenous peoples, and we end up in this transactional space.

Gary Foley emphasised both: “economic and political power. Power to the people. Self-determination”. He said advocacy has always been about “political and economic independence”, which is “just a fucking substitute term for sovereignty”.

Finally, several participants also described self-determination with reference to the immediate human rights issues discussed in Chapter Seven. Megan Krakouer said it “comes back to addressing the inequalities, addressing poverty” and “unaddressed trauma” which limit opportunities for “the most marginalised, vulnerable voices, that are silent”. As Charline Emzin-Boyd said, “if you have been in a very difficult situation, it’s hard to get to that point of driven self-determination”. Person ZI said, “it means not having to start from behind the start line because of structural disadvantage and racism”. For many participants, these different aspects of self-determination were interlinked. For example, Gail Beck first described “a job, a home, ability to walk freely in our Country without being discriminated against”, and went on to describe a situation where “we’re in control of our lives. *Our* lives”.

## **B. Practical Implementation**

While overwhelmingly agreeing on self-determination's importance, participants had differing views about its implementation. Several described how achieving self-determination requires significant system change. Stacey Ketchell said self-determination requires "not only just changing the Constitution, it's changing the way in which we think, feel, hear... decolonising your minds, and decolonising your practices". Jade Ritchie proposed:

[T]he first thing you need to... address is those structural issues that actually prevent self-determination. So, I feel like that's a conversation to come. What we need to be looking at as a country is, how do we break down very systemic barriers, so that we *can* actually exercise self-determination? We've been trying to do that *within* systems. And that's by and large been unsuccessful. ...we can have the best solutions ever. But if they're not unlocked by having a government listen and implement those solutions, then we're stuck in the same situation.

Given these challenges, Ritchie said, "there's some sequencing that's required here, to break down the barriers, break down the system". Otherwise, "it is just soul-destroying and exhausts us. It's like trying to swim against the tide". Some participants had doubts about getting there. Melissa Clarke said of the UNDRIP definition, "I don't know if we're ever really going to be truly self-determining in this country", because "it's almost impossible" to achieve politically.

Many participants' concerns about implementing self-determination were heightened by the government's use of definitional uncertainty to promote a weaker concept than the legal right. Person SN said the state's approach is "really that's just about self-management of their imposed policy frameworks". Person RS regretted that "it's like government uses that as a buzzword". Rueben Berg noted, "there's a philosophical kind of comfort with the idea of self-determination at the kind of political level and the government level. But it's when we start trying to talk about it in practice that it gets a bit more messy". Melissa Clarke said, "I'm getting increasingly frustrated with the way that term's being bandied around, particularly in

government policy”. Clarke criticised how “government departments are getting it confused with the language of self-determination used for decision-making for people with disability or mental health”. She said, “they talk about *consumers* participating in self-determining what their care plan looks like”, rather than “talking to us about what self-determination means for us in this context”. Lidia Thorpe commented, “I think governments, unfortunately, have bastardised the word, and the meaning of self-determination”. Gary Foley added:

[W]hat governments mean when they talk about self-determination is in no way, shape or form comparable to what Aboriginal people mean when they talk about self-determination. ... You look at what they mean by self-determination, and it invariably means subjugation to the interests of the state. Simple. And that is not self-determined.

While almost all participants promoted self-determination, Ian Trust expressed the most scepticism about the term, seeing a risk that its implementation could undermine immediate wellbeing needs in his community. He explained:

Look on the headstones, all the people who have died. All of them have died from lifestyle diseases – accidents, murders, and whatever. That’s the impact of welfare. ... And it’s all based on rights. So, and that’s why I was a bit sceptical about the term, “self-determination”.

He considered that “you need to sort of structure that self-determination around certain parameters”, in order to prioritise action in getting individuals and families out of crisis. Trust’s degree of scepticism about self-determination was rare. But some other participants shared his prioritisation of crisis work or concerns about community readiness for increased responsibility. Ngaree Ah Kit explained a transitional plan in Northern Territory Government policy, to “transfer government services back to the community [control], at a pace which suits them”, since “we’re not here to set you up for failure”.

#### IV. EVALUATING THE VOICE PROPOSAL

##### A. Substance

The Referendum was to create a Voice body, to be defined by later legislation, which “may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples” (Australian Electoral Commission, 2023b: 22). A significant majority of participants, 61 of 73, supported voting Yes. I first summarise these “Yes” supporters’ main reasons in turn.

They hoped for improved legislative and policy outcomes. Erica Smits hoped it would mean “getting more for our people”. Fiona Cornforth said, “you wouldn’t get this policy on the run”. Person PX explained that rather than “chasing our tails” on “poor policy design”, with Voice, “this is completely turning the tables and saying, ‘we want to have input into the shaping of the policy’, at the very start”. Kyam Maher commented that “on a very practical level, it will lead to better life outcomes for Aboriginal and Torres Strait Islander people”.

Participants dismissed the Conservative No argument, made early in the Referendum campaign, that legislated local and regional bodies would be sufficient. Tom Calma said the point was “totally being missed” and that this was “mischievous”, given the Statement proposed a constitutionally entrenched national body. As Shane Hoffman said, “governments have been able to do a whole lot of stuff to us, without a national voice to stand up for us”. Person AB criticised how “since the abolition of ATSIC, it took away... that ability to do things nationally”. John Locke contended that “there *needs* to be that national voice”, and it “would dramatically change things” by “being able to talk directly to the highest levels”. Karen Milward said Voice could go “straight to the Prime Minister”.

Many described the “poor spend” in Indigenous affairs, and the fact that only about 18% of government Indigenous expenditure was directed towards Indigenous-specific

programs as opposed to mainstream programs (Productivity Commission, 2017: 9, Campbell, 2023). Ian Trust said, “governments have got this idea that you just pour in more money”, instead of asking, “how do you empower people?”. Gail Beck said the Statement’s proposal “was about accountability as well. There’s some poor spend in Aboriginal affairs”. She asked, “who are the gatekeepers?”, noting that “we’re the ones that cop a flogging from mainstream Australia” about government Indigenous expenditure. But with a Voice, many hoped this would change. Tyrone Garstone argued, “give us the money. We’ll go and make the houses... and we’ll make it happen”. Person ZI said, since “best efforts” in Closing the Gap had failed, “we need to try something new. And this is [what] the Voice, and the Uluru Statement of the Heart, is basically just saying: ‘well, ask us’”.

They also emphasised the need for Indigenous people to fix their own problems and have a say in decision-making that affects them. June Oscar expressed a common sentiment: “it will support better outcomes for First Nations people by giving us a say in the decisions that affect us”. Denise Bowden described decision-making power as important for self-empowerment, to “put their hands on the steering wheel”. John Locke emphasised that “we know our communities”. Stacey Ketchell analogised:

When you got something wrong with your car, who do you take it to? And you take to a mechanic, right? You don’t take it to a doctor. ... you take it to someone that can fix it, that has the knowledge, their first-hand experience, of the issues that you might have with your car.

Some linked this justification to the “race power” in the Constitution, section 51(xxvi), and the fact that special laws are made for Indigenous people. Sean Gordon explained:

Right now, the Constitution gives power to the Federal Government to make laws, special laws, for Indigenous people. If the Parliament has the powers to make special laws for Indigenous people, then shouldn’t it only be right that Indigenous people have a say in those laws before they’re made about them?

Gordon thought that “responsibility is going to be the game-changer” for communities. Tyronne Garstone similarly hoped it would increase “that responsibility factor”.

They hoped for improved accountability. Erica Smits said Voice “can’t veto any decisions. But at least we’re at the table. At the moment we’re not even there. Like, we’re behind the door [laughs]. ... And that’s the first step”. Mick Dodson hoped that the Voice, as with the Sámi Parliaments in Nordic countries, would have a requirement that “the government or parliament needs to provide reasons why they reject the advice”. While this was not built into the Referendum proposal, others also hoped it would be included in eventual legislation.

Many regretted the abolition of previous representative bodies, especially ATSIC. Jade Ritchie recalled the importance of “a national *relationship* held by the ATSIC Commissioners with the Federal Government” which “could broker solutions”. Divina D’Anna said that in “the heyday of ATSIC, communities were thriving. They were empowered. They did their own development plans”. This “gave them a sense of *purpose*”. Jay Kickett said of ATSIC, “it wasn’t perfect by any means, but it was local decision-making. And that’s never been replaced with anything that’s even close to that since then”.

They hoped the Voice’s constitutional status would better protect it. Ngaree Ah Kit, like several others, said future governments “can’t just get rid of it with the flick of a pen”. Marion Scrymgour suggested that “if they wanna remove it, they need to take it to a referendum”. Thomas Mayo hoped this protection would enable it to be “unapologetic, because it’s not sensitive to being defunded or repealed”. Jade Ritchie said this sense of protection “brings peace of mind, knowing that we can give frank and fearless advice through this independent body”. Divina D’Anna hoped this would help avoid scapegoating and disproportionate responses like ATSIC’s abolition:

[I]f there's few people mucking up, then you deal with *them*. You don't just push the whole thing and abolish it, and then target it, and make it a big negative thing that blackfellas can't do things for themselves. That's just shit.

Shane Hoffman accepted that while it “can always be changed by legislation, neutered”, after the Referendum, “it'd have a moral authority”. Tania McLeod called it “a permanent voice that can't be taken away like ATSIC”, even if “they can ignore and silence it in [other] ways”. Person SN said a successful Referendum would mean “this is higher than those party politics”, which “gives them much more of a moral mandate”.

Some supporters had significant reservations, however, about the eventual design of the Voice, emphasising the work needed to ensure it represents “grassroots” local communities. Shane Hoffman commented, “it needs to be representative... If it's hand-picked, then they might as well not have it”. Person AB said, “to have a national body, the *constituent membership* of it needs to be sorted, and sorted quick”. Tyrone Garstone emphasised the importance of “regional voice”, and that “if a Yes gets up, then the amount of work that needs to happen in the next five to ten years is enormous”.

Others agreed that the hardest work would come after the Referendum. Rod Little said, “the thereafter will be some of the challenging things”. Divina D'Anna said the goal should be “grassroots communities” raising concerns through representatives “chosen by their own communities”. Tanya Hosch noted, “the model for the Voice is actually adopting the very Western style of operation”. She emphasised the need to include the perspectives of those with “cultural status and legitimacy” who “for whatever reason will never have a seat around that table”. Ross Williams highlighted this, stating, “ask the *local communities*. Ask them how they would like their voices heard, and have them represented”. Karri Walker said that because of the tensions of expressing group autonomy at the national level, “we'll need to reconceive or rethink about how cultural authority is actually exercised in Australia. And

that's, I think, going to be really hard". John Locke analogised Voice to a traditional large gathering:

[I]t's a normal function of Aboriginal society to have those voices at those gatherings, talking to key bits of business that happen between people. And to me, the Voice is no different in that way, is that those people, whether they're at the national level or they're at the state level, they have to listen to what comes from the bottom. And that's why the bottom voice is just so important.

Kristal Kinsela had closely considered these needs as part of the Indigenous Voice Co-Design Process. She said that throughout extensive consultations, the "sticking point" was representation, "the size, the three tiers of the voice, the representation, the criteria of who would sit. And Traditional Owner versus an Aboriginal person who's lived off-Country". She explained:

[O]verwhelmingly, the sentiment on the ground was – the question, do we need a voice? Should we have a voice on matters that affect our affairs? And *everybody* said, "yes, without a doubt". But what that looked like was another story.

Participants' ideas for the Voice structure varied, reflecting the challenge of accommodating both traditional cultural and contemporary representation. For example, some sought guaranteed representation for different gender and age groups, and Shane Sturgiss said, "I'd really like for there to be a First Nations queer person sit within that construct, to speak to the intersectionality and the specific needs of our community". But others emphasised local community choice and traditional cultural authority, and it was unclear how these different dimensions of representation might fit together.

Yes supporters also had concerns about the proposal's legal weakness. Tania McLeod remarked, "it's not the silver bullet", and "nothing's gonna change overnight". Stacey Ketchell called it "just the baseline ask". Karel Williams and Mick Dodson cautioned against the claim that its constitutional status would protect Voice. They referred to the Constitution's section 101 to show that a body named in the Constitution, the Inter-State

Commission, is not guaranteed to exist.<sup>66</sup> Shane Hoffman said, “it’s not sufficient... by itself”. Shane Sturgiss asked, “does it have the teeth that it needs to make change? No, I don’t think so. I think it’s a good first step. And sort of a polite, easy way of making that first step”.

The minority who were against or undecided about the Voice, 12 of 73 participants, saw it as both insufficiently representative and too weak. On representation, their criticisms followed the logic of Robbie Thorpe’s question, “how does that, half a dozen token voices, accommodate the 300 sovereign, independent nations who have the right to self-determination?”. Like many, Samuel Aniba asked, “how am I, how are the Torres Strait Islanders going to be represented within that Voice?”. He described the importance of hearing “from the horse’s mouth. You don’t need a second middle person to represent you”. Gwenda Stanley worried about it becoming “another dictatorship of drip feeding our communities and our people”.

They also criticised the legal weakness of the Referendum proposal. Rodney Gibbins said, “to have a Voice with absolutely no power, no direction, no nothing, really, to me, seems to be putting the cart well and truly before the horse”. Samuel Aniba asked, “where’s the self-determination? Where the sovereignty for us? Will this actually give us that freedom?”. Aunty Josie Crawshaw raised the same section 101 issue as Karel Williams and Mick Dodson above. Given these concerns, Gail Beck said, “I would prefer to have our own chamber, because they can’t shut the chamber down, as a stronger way to go”, as “other First Nations around the world”. This independent route would mean “we’re on equal grounding” and “could inspire people”.

---

<sup>66</sup> Section 101 of the Constitution states, “there shall be an Inter-State Commission”, but such a named body has not existed for decades.

Yes supporters overwhelmingly shared these concerns about the proposal's representation challenges and legal weakness. Their main divergence, as discussed in Chapter Six, was about whether to accept it as a compromise solution.

### ***B. Process***

Many participants made observations about representation in the processes which led to the Statement and the Referendum, as discussed in Chapters Four and Five. These issues influenced their perspectives on the Voice. Some Yes supporters said they supported the Referendum because of collective decision-making from Indigenous leadership. Person ZI asked critics, "how they can dismiss the voices of all those Elders and leaders". Person PX implored:

The Australian public at large, including the Aboriginal and Torres Strait Islander population, needs to trust the Indigenous leadership behind this... it's not just one or two Aboriginal people saying we want this. It's a collective. It's a combined leadership collective. And then also, the cultural authority. You've got most Land Councils in Australia backing the Voice to Parliament.

Many participants, however, criticised process matters. Several thought the Referendum had been initiated too quickly or with insufficient detail. Samuel Aniba said, "I think the push is hasty and without proper consultation with the communities at the grassroots level". Ian Trust said because of the limited details, "you're almost building the bridge as you walk on it". Yingiya Guyula said the Voice "hasn't been really properly consulted to the people".

Others criticised the Referendum method itself. Kado Muir said it "was built on flawed infrastructure", since "the Constitution is, essentially, a rubbish piece of paper" without "a sense of identity or purpose". Non-Indigenous voters would make the majority decision, and Suzanne Thompson said, "that's what's not fair. We should have had a vote first to decide whether we wanted it to go to a vote".

Several participants criticised “closed” processes at various stages, as discussed in Chapters Four and Five, including politicians selecting Council members in 2015, the Council’s invitation-based selection of Regional Dialogue delegates in 2016-17, and the government’s appointment of the Referendum Working Group and Referendum Engagement Group in 2022. Rodney Gibbins said of the latter appointments:

If that is an example of how this Voice will proceed into the future, where they say they are defending Aboriginal sovereignty, and all the rest, and the right to speak, then it’s a very poor start. Cause we weren’t part of the selection of these people. And we certainly are getting no feedback from them or giving feedback to them about our direction.

Ross Williams, like others, said of the Referendum debate, “the very voices that are not being heard in this discussion is Indigenous people”.

### ***C. Is the Voice Self-Determination?***

Many participants questioned whether the Voice proposal provided for self-determination. A small number said it did. Person PX said that by supporting Closing the Gap and self-determination across different sectors, “the Voice is decolonisation. ... And the Voice is self-determination”. Kaylene Malthouse said, “the Voice will give us proper determination”. A few participants emphasised the expression of self-determination in the Convention’s development of the proposal itself. Person ZI said the Council’s process was “one of the most comprehensive consultations and development processes that had been driven by First Nations people”, which was “an exercise in self-determination”. Jade Ritchie said, “I feel that it’s very important for us to take this next step in the exact fashion that’s been asked for”. Some others emphasised that the Voice could facilitate an expression of self-determination. John Locke said this depends on its structure “at the ground level”, needing to ensure “that self-determination shines through”.

Most participants agreed, however, that the Voice would not in itself provide for self-determination. The twelve against and on the fence about it argued this most strongly. Samuel Aniba said, “the Voice won’t give me self-determination”. Gail Beck said, “they will maintain having control over our lives, and what we can achieve and can’t achieve. That’s not self-determination”. Gary Foley asked, “how in any way does that resemble what one might call self-determination?”. Lidia Thorpe explained:

Now, they can talk self-determination all they like, but it’s not very self-determining when the government have veto over the Voice, the government decide what it looks like, who’s on it, whether it has money or not.

Many Yes supporters also accepted that the Referendum proposal did not provide self-determination. Jay Kickett said it was “stronger than what we’ve got”, but explained:

Do I think the Voice gives you self-determination? No, I don’t think it does. I think self-determination is actually having power in making your own decision. Well, the Voice is never meant to be overriding Parliament.

Person DH agreed:

[T]he Voice is not, that’s not self-determination, to me. It’s an apparatus to provide advice for governments to work with Aboriginal people to make better decisions. What would a self-determining Voice equivalent look like? I’d have to give some more thought to. But... I just keep thinking, going back to Treaty, where you’ve got kind of sovereign parties working at something to reach agreement around, with a basis in rights.

Marion Scrymgour acknowledged these issues, but argued that despite the differing interpretations, “I don’t think self-determination should be used as an excuse not to do. ... Self-determination should be about action and moving forward”.

#### ***D. After the Referendum***

When discussing the Referendum, many participants commented on its likely aftermath. Many worried that if the Referendum failed, it could adversely impact progress on other

issues, including the rest of the Statement's package. As Rodney Gibbins said, despite its earlier promises, the government made "no indication... about what's the future of Treaty and truth-telling if this Referendum fails".

Several participants described options they would pursue if the Referendum failed. Most emphasised local nation-building and independent representative structures. David Collard said, "we shouldn't be rolling over and just give up the fight. I believe that we need to be more organised. ...if government aren't going to do it, we establish our own. Our assemblies". For that, "we don't need the approval of white Australia". Some emphasised focusing on local efforts. Suzanne Thompson emphasised, "nation-building, what's most important is my patch. My mob, and my responsibility". Progressive No figures advocated this before Voice. Person TF said, "I think it starts with each nation just starting to build itself up individually", followed by Treaty negotiations with "the neighbouring tribes".

Some participants predicted that they or others would withdraw from national-level constitutional advocacy, and that protest would increase. As Person AB said, "if it's a failure, there will be continued protest, the reconciliation agenda will be shot". Nonetheless, many participants described how they, and younger advocates, would go on with their advocacy and the struggle for self-determination and improved representation. As Ngaree Ah Kit said, "if we lose, we keep going". Divina D'Anna said, "it'll be a kick in the teeth, but it won't stop us from keep wanting to put our voice forward". Samuel Aniba said that "unfinished business says it all. Yet we'll continue. Regardless of the Voice". As Ray Minniecon concluded, "if it didn't succeed, we've been there. Been there, done that. [Laughs]. We still know who we are. And we're confident in our identity and our dignity".

## V. CONCLUSION

Participants' descriptions of mainstream Aboriginal and Torres Strait Islander political affairs centred on urgent policy failures and systematically inadequate Indigenous representation.

When sharing their views on potential solutions to these issues, such as improving representation, self-determination, and the Voice Referendum, they drew upon core values of long-term justice discussed in Chapter Seven like group autonomy, cultural representation, constitutional system change, and collective Indigenous rights including self-determination.

Participants held diverse views, however, on the definition and implementation of concepts like culturally appropriate representation and self-determination in Australia's current legal and political context. Among its supporters, hopes for the Voice were diverse, reflecting a wide range of points of emphasis. Participants reflected understandable diversity of political perspectives and choices. In a difficult advocacy environment, participants understood and often shared one another's concerns about the power, representativeness, and structural vagueness of the Voice proposal. Critics dismissed it as a compromise which failed to guarantee appropriate representation and self-determination. Most Yes supporters shared these concerns but also held a belief that Voice could still help address ongoing failures in policy and representation, and in getting some movement, could eventually help achieve visions of broader change in the future.

It was these long-term visions for the future, and generally shared principles of self-determination and culturally appropriate representation, which were most important for participants. What permeated throughout was solidarity in the extraordinary context of these debates, the "unfinished business" of long-term justice and sovereignty discussed in Chapter Seven. This was reflected in the high degree of certainty participants had that advocacy on these topics would continue regardless of whether the Referendum succeeded or failed. Their effort towards common overarching long-term goals seems to have reinforced their shared

superordinate identity as Aboriginal and Torres Strait Islander peoples. This identity featured internal-facing shared cultural norms like group autonomy and external-facing shared struggles in opposition to colonisation and state power. This overarching effort formed an ideological collective action project which facilitated the continuance of advocacy and working together despite strong disagreement about specific actions. This also helps to demonstrate the critical importance of the Convention having included that bigger story, through references to sovereignty, structural change, Treaty, truth-telling, and improving relations with non-Indigenous Australia, in the Statement in order to achieve near-consensus on the Voice proposal. Even on difficult practical and political questions on which they diverged, including how to structure a Voice and how to advocate for a Referendum, participants were engaging in a set of collective actions which emphasised their shared identity. As Ray Minniecon said, regardless of the Referendum outcome, “we still know who we are. And we’re confident in our identity and our dignity”.

**CHAPTER NINE**

**CONSTITUTIONAL FUTURES**

## I. DIFFERENT SYSTEMS COMING TOGETHER

### A. Walking in Two Worlds: Contrasting Systems

While interview participants extensively discussed their present constitutional situation, they also shared their broader visions for the future. This often began with their articulation of important differences between Indigenous and non-Indigenous legal and cultural systems, and the need for improved relations between them.

I asked most participants about how they saw the relationship between traditional law and the Western constitutional legal system. They described an interface between two distinct systems. The Uluru Statement, and many participants, used the phrase “walking in two worlds”. Again and again, participants described Australia’s Western and traditional legal systems as distinct and co-existent. Thomas Mayo said, “if you’re practising culture, you can’t avoid walking in both worlds”. Many participants referred to doing things “our way”, “cultural way”, or in “our systems”. Jakirah Telfer explained, “growing up in school, I always learnt the white way of doing things, and not our way. It was only when I went home that I learned our way”. Participants contrasted “traditional law”, “Indigenous law”, “customary law”, “our legal systems”, “tribal systems”, or “L-O-R-E” with “Western way”, “British way”, “Western law”, “whitefella law”, “mainstream law”, or “L-A-W”. Stacey Ketchell explained, “we operate in two systems here”, and so “these two systems uniquely have consequences to our lives only”.

Many participants emphasised the primacy of traditional law. Ross Williams stated, “it supersedes everything, it governs everything that we should be doing”. Divina D’Anna explained, “Indigenous people have priorities in their minds according to their laws and traditions that *supersede* the need for other things”. Sally-Anne Gamble said of non-

Indigenous and Indigenous systems, “they definitely have a role of fitting together, but I feel like my law, L-O-R-E, should be number one”.

Participants offered various views on whether and how these systems currently fit together. Almost thirty suggested that the systems do not fit together, while almost thirty suggested that they could fit together, or already do in some ways. A few held both these views. Almost all proposed further work to bring the systems together.

Those who stated that the systems do not fit together expressed a range of reasons. Person YV said, “I’m not a lawyer, so I don’t see any parallels at all”. Uncle Bill Nicholson Jr said, “I don’t think they can fit, the two laws, unless the Westminster law starts respecting L-O-R-E, Aboriginal lore”. Kyam Maher highlighted how “there are very different values placed, I think, in traditional, much of traditional Aboriginal culture, compared to Western society”, like Western ideas of property ownership, forming “a tension that I don’t think can be resolved”. Ray Minniecon said Western law “hasn’t got the capacity to even encompass the breadth” of “what it means to be human. And what it means to be living in harmony together”. Jay Kickett commented, “it’s the Western versus traditional concepts. And they’re never gonna see eye to eye, are they?”. Megan Krakouer said, “there are clear conflicts in relation to the two laws”, since for some Aboriginal people, “they go to the white man court, and then they’ve gotta go back to their community place and face their punishment”.

Other participants described certain aspects of the systems as fitting together. Rick Goode considered that “you can’t actually separate them”, given the increasing role of Indigenous Elders in sentencing processes in some Magistrates’ Courts, and some limited recognition of traditional law. Dale Agius described recent changes to South Australian Parliamentary protocols for Indigenous affairs legislation, such that Parliament “can

incorporate traditional protocols and practice to blend with and support and walk alongside British settlement styles of Westminster systems”.

The most common view, regardless of how participants characterised the current situation, was that the systems could better fit together under the right conditions. Kaylene Malthouse said some things “may not be acceptable on both sides”, but nonetheless, “I think we could learn from each other. Have bits and pieces of differences”. Stacey Ketchell said, “we have that clash now. ...we need to work it out. Work together. ...to make this happen by respecting both systems”. John Locke said, “there needs to be a convergence. There needs to be that bringing of the First Nations people into the nation”. Karri Walker said, “they definitely don’t fit together naturally”, but that “there’s this real opportunity to strengthen the legal system by bringing Aboriginal legal concepts within the Western legal system”. She gave the example of the Statement, and “how we’re talking about things like Makarrata, and using Aboriginal legal concepts to inform the way that we understand law”. Mick Dodson said of the systems fitting together, “they don’t. [Laughs]. But they can”. Dodson and others cited the Australian Law Reform Commission’s report, *Recognition of Aboriginal Customary Laws* (1986), and a similar report from the Law Reform Commission of Western Australia (2006). Dodson, who worked on the latter report, said:

There’s all these areas of Aboriginal law that kept the peace for thousands and thousands of years. They must’ve been getting something right. ... There’s room in the general law for the accommodation of Aboriginal law. And I would see that as part of the Treaty negotiations.

Several others described an alignment of legal systems as achievable through Treaty and recognition. Melissa Clarke said:

[W]hilst we’re in a space of being confined by, or limited, or managed, by the Australian Constitution, I do think there’s a way the two can exist, and probably complement each other. But that would be about the Constitution recognising *our* law, and then for *our* law to recognise the Australian Constitution, our *laws* recognising the Australian Constitution.

Although legislative and Treaty developments have been slow, some participants discussed successive changes through litigation. Kado Muir referred to Native Title cases and Indigenous Land Use Agreements as examples of “precedents that bring Aboriginal traditional law into the view, and the understanding, and awareness of the legal system”. Some others described the *Mabo (No 2)* and *Love* decisions in a similar way. John Locke described property law cases such as *Yanner v Eaton* (1999) which “are actually, in a way, recognising traditional law, customary law”.

Some participants expressed uncertainty over the possibilities of alignment between systems. Yingiya Guyula said, “this is very, very hard”. Kyam Maher noted, given the 65,000-year history, “it is such a young coexistence”. Jackie Huggins, like several others, saw it as unlikely in the present: “I do believe that, perhaps down the track, the traditional law and British law might be able to coexist. But I can’t see that happening right now, it’s too vexed”.

Participants generally described the Referendum as an opportunity to open up this conversation, even though the Referendum would not in itself bring the systems together. Shane Sturgiss explained, “do I think that the constitutional change will do that? No. Do I think it will help that? Yes”. Rod Little said, “therein lies an opportunity... To restart the button – the relationship button – between First Nations people and the rest of Australia”.

When contrasting the two systems, participants drew specific contrasts. Several contrasted traditional communitarianism with Western individualism and capitalism. As discussed in Chapter Seven, many participants prioritised communal wellbeing, poverty reduction, and human rights for all. Sally-Anne Gamble said, “I don’t want suffering, ever. Suffering should not exist”. By contrast, Kristal Kinsela described modern Western society as “very capitalist, it’s very individualistic”. Robbie Thorpe contrasted traditional culture as “pure communists” and “a community-based people” with a “greedy” capitalist concentration

of wealth and power. Person CG said of the government, “they’ve corporatised. ... We shouldn’t be listening to them”. Like others, Samuel Aniba contrasted Indigenous decision-making based on “listening” and “beliefs and values” with capitalism, where “it’s all about wealth. The rich get richer, the poor gets poorer”.

Many participants drew sharp contrasts between Indigenous and Western treatment of the environment, linking this to capitalism. Uncle Ossie Cruse explained how “Aboriginal peoples have what we call a renewable resource culture”, while “Anglo-European have a non-renewable resource culture”. Robbie Thorpe said without traditional custodians, “there’s a good chance you’re gonna cause ecocide”. David Collard linked climate change to a critique of extractive capitalism, where despite the advice of “the biggest science brains in the world” on climate change, government policy is “all about capitalism. How much money we can make”. Aunty Josie Crawshaw referred to “a dumbass country of 235 years that sold most of our resources to international companies for nothing”. John Locke described the grave risk that, due to Western actions, “the landscape loses its human residue” entirely, while Indigenous knowledge could change “the whole social, economic, environmental, and cultural fabric of the nation”. Ross Williams said, “we’re so engrossed in our own activities and our own existence, that we fail to see the existence of the planet”. He noted the risk that agricultural systems could fail and the “whole society would collapse”. He observed:

Without Mother Nature providing for us, we become nothing. We end up becoming like Mars. Without any oxygen, without any purpose, it just becomes null and void. ...we’re so set on self-destruction by our own ignorance, that we fail our futures, we fail our children, we fail our future children.

David Collard said, “the only people that can solve climate change are First Nations people”. Uncle Bill Nicholson Jr observed that “continuous exploitation creates all these climate issues”, and “more and more people are looking for Aboriginal knowledge systems, for: how do we manage Land more sustainably? And how do we heal Country?”. Lidia Thorpe stated,

“our culture is about everyone looks after everybody. And that’s why it’s important that our knowledge is part of the solutions”. To her, “fighting for our rights and fighting for our Land and our water... ultimately will help everybody in this country”, including by “addressing the climate catastrophe”.

Many participants contrasted Indigenous and non-Indigenous approaches to criminal justice. Shane Hoffman said in traditional law, if an offence was sufficiently serious, “they could be told to leave the community. But there wasn’t such a thing as jail”. Tom Calma said of traditional punishment, “in Central Desert areas... it is a spearing in the thigh. But once that happens, that’s it. We all move on”. Karen Milward explained:

[I]n traditional time, community supported you, even when you did something wrong. So, you do something wrong, you get punished. And then you’re back in. Because they need you. ...to continue your role.

... “We’ve done the deed. Now you’re back to, yeah, being part of the family and community”. ...Western law, “we keep you in jail. We punish you forever. Even when you get out, we don’t help you”.

Several participants also criticised Western policing. Mick Dodson suggested cultural differences needed to be dealt with through Treaty, instead of “putting in young coppers, arming them, in Aboriginal communities, who’ve got jack shit idea of who’s who and what Aboriginal law and cultural obligations are about”.

Some participants also described Women’s and Men’s Business as distinct from Western “patriarchal” approaches. Suzanne Thompson said for some areas of traditional law, “the women are boss of all that information. But when we look at Western system of law, the women lost their voice when the patriarchal rule come in”. June Oscar said, “First Nations women, knowledges, and ways of being do not belong to the mainstream systems that have created many of the problems that we are faced with today”. Jackie Huggins agreed that Indigenous self-determination would come with a reset in gender relations. Aunty Pat

Anderson observed of advocacy efforts like the Council process and Statement artwork, “this has been women-led, you know that, hey?”.

### ***B. Broader Culturally Informed Change***

While some of these areas had their special attention, participants gave the clear impression that they were talking about system-wide cultural differences which, in combination, could help improve the non-Indigenous system through cultural engagement. These possibilities were a central theme of many interviews. The Statement itself says of Indigenous children that “they will walk in two worlds and their culture will be a gift to their country”. Many participants described the benefits of sharing for non-Indigenous Australia. Sally-Anne Gamble explained, “we’re the first scientists, we’re the first astronomers, we’re the first educators. We... created a model where we co-existed peacefully”. Gamble described the need for cultural immersion programs to share knowledge: “we can go on Country – ‘this is a tree. This tree is sacred. This is why it’s sacred’”. To her, while some sacred knowledge would be excluded, “some of that stuff, they can be a part of that journey”. Fiona Cornforth celebrated how Aboriginal cultural systems have been “tested over many more tens of thousands of years”. She highlighted Indigenous psychology: “Western science is only really catching up to a lot of the time. ... Mindfulness. Deep listening. All of that. We already have it”. Aunty Pat Anderson said for non-Indigenous children, there is “so much that they can learn... that nobody else in the world have access to”. Kado Muir added:

[P]art of that [interaction] is to go embrace, or bring them into, our world view on how we interact with the Land and the universe. So, it’s a socialisation process... it’s more about saying, “hey, you guys. If you are occupying this Land, you need to speak the language of the Land. You need to understand the processes of the Land” ... So that’s the intergenerational project, it’s really to enlighten settlers on what it means to actually live here, or, if they choose not to, then they choose to maintain an alien relationship with the Country.

Participants spent significant time emphasising Indigenous Land-based cultures as the broad basis for a better future. As Uncle Bill Nicholson Jr said, “the story of it, of our Country, I believe helps non-Indigenous people connect to the Land on a deeper level themselves”. Robbie Thorpe implored, “stick with us, mate. Because where else are you gonna get this knowledge from? And it’s like intergenerational trauma can be passed on, so can intergenerational knowledge”. John Locke described Land-based knowledge as “a richness the nation needs to hang onto”. He hoped for dialogue between Western sciences and Indigenous sciences: “we have to stop talking about just traditional knowledge. What we’re talking about is Indigenous innovation, we’re talking about Indigenous science”.

Many participants linked the benefits of cultural sharing to the Statement and Referendum. Kaylene Malthouse said of the Statement, “it’s there as a peace offering, it’s there as a stepping stone, it’s there as an outstretched hand”, offering “60,000 years to embrace”. Sean Gordon hoped a successful Referendum would mean that “there is this greater weaving of culture”. Melissa Clarke said, “if we can build a groundswell of support from the rest of Australia, the next ten years are going to be supercharged – for treaties, truth-telling, land rights, environment, looking after Country, looking after each other”. Divina D’Anna explained, “you got 200-plus years of history that Australians are so proud of. We want to contribute to that 200 years with the other 60,000 years as well, and really create this shared history going forward”. This could help non-Indigenous Australians, as Karri Walker said, overcome the sense of “unfinished business” and “shame that’s felt in Australia”. It could enable, as Dale Agius described, “a pride-based relationship”. Stacey Ketchell explained:

[W]e want you... to share in, and for all Australians to embrace that, and be proud of – we’re the oldest living civilization in the world. And that all Australians can connect to that. By purely saying “Yes”, you can connect to that. Because that’s yours to own as well.

Many participants linked these benefits to Treaty. Jackie Huggins explained, “treaties can really open up areas we’ve never even thought about before”. Thomas Mayo said, “the nature of agreement making, or negotiations, is always about both parties feeling like they’ve gained something”. Lidia Thorpe suggested Treaty involves “bringing the rest of the country on a journey”, observing, “yes, we can create a new nation. It’s our opportunity”.

Several participants imagined widespread change for the better through cultural engagement. Robbie Thorpe advocated for Australians to embrace traditional law: “we can take you to a higher level of law. This is not a convict penal colony no more”. Thomas Mayo shared his vision of the future:

I see the future as a reconciled future... where the relationship between Indigenous and non-Indigenous is clear, and healthy. ... ignorance is gone, of the truth of our past and how special our culture and heritage is. I see it as a shared future. A unified future where Australians, all Australians, including non-Indigenous, celebrate our culture and heritage as something that is part of who they are as well.

Gary Foley proposed:

[I]deally, what is needed is some sort of a revolution, that upends all existing legal, economic, political systems in Australia, and starts afresh. Start afresh, taking into account Aboriginal ideas about how to do things, how to relate to each other, how to get on with each other, how to organise society in a more equitable sort of way.

Participants had differing views about the feasibility of such goals in the short term. Foley himself immediately reflected, “I mean, that’s the idea. That’ll fucking never happen”. But participants shared optimism about the possibilities for the future.

While positive about the possibilities, several participants were also cautious about the risks of cultural engagement if it overlooked Indigenous autonomy. Participants were consistently clear that they did not want assimilation or “mainstreaming” into non-Indigenous Australian culture. Several criticised the “assimilation era” of 20<sup>th</sup>-century Australian government policy. Person SN explained that some communities “fear they could get consumed by the Australian state”. Several linked this to colonial violence and, as Gail Beck

described, intentions to “wipe us out”. Robbie Thorpe said, “that war of forced assimilation is going on right up to this very day”. Melissa Clarke described the difficulty of this in the Referendum advocacy context. While “we don’t want assimilation”, “we’re having to frame this conversation that we’re a part of that [non-Indigenous identity], and we bring to that, not that they get to come and be a part of us. Because that’s scary”. Denise Bowden criticised the Conservative No argument that Australians already constitute an undivided Australian identity:

...Indigenous people have been told to assimilate. ... “we’re only just Australians, there’s no room for another culture”. But mate, it exists already. So, why are you asking me to rid myself of my culture? ...you’re doing yourself a disservice by not understanding that Australia is *bigger* than what you think it is. You’re trying to restrict us here, and we’re actually not wanting to be restricted.

Some participants specified how cultural protections could inform formalised agreements.

Person SN said, “there’s some non-negotiables on our side of things. I just think cultural things should never ever be discussed or negotiated with the Australian state. ...our laws, our systems”. Rick Goode similarly said, “there are times when Indigenous sovereignty should be paramount. And there are places, sacred places for instance, that will be paramount”.

Several participants expressed related concerns about being homogenised or seen as an Indigenous monoculture. Gwenda Stanley said this is why she avoided the introduced term “First Nations”, considering it part of the problem of how “they always want to integrate and fit [us] into a system that’s not our way”. She also worried that the government would seek a single Treaty: “they don’t want to deal with us as nations and clans”.

That said, as discussed in Chapter Six, many participants also understood that cultural adaptation and compromise are underway between traditional and Western laws. Ian Trust explained, “culture is something I think that changes with time. It doesn’t stand still, regardless of where it is”. He identified arranged marriages, marriage restrictions, and

punishment by spearing as cultural aspects inherited from small-group times, where “you didn’t need to have that strict sort of thing anymore”. Karen Milward thought arranged marriages and punishment may no longer be necessary in their traditional forms.

Overall, participants emphasised that even when adapting, cultural matters belonged to Indigenous autonomy, and change should not be forced. Shane Hoffman said codifying traditional law would be difficult, but that “I can envisage certain treaties could include maintaining aspects of cultural or traditional law in that jurisdiction, probably codified, with traditional systems of adjudication”. Tyrone Garstone asked regarding Indigenous communities:

[B]ecause of the Western law, you’re forcing them to come together and trying to adapt. ...it does ask the question; about how Aboriginal and Torres Strait Islander peoples need to adapt. ... How far can we adapt our cultural law?

Ross Williams concluded, “I hope that Australia matures and grows with us, not without us. Cause we’re not going away”.

### ***C. Walking Together***

The overarching task, then, was one of walking together in a way which accounts for both Indigenous culture and autonomy. The supervening constitutional relationship issue described in Chapter Seven informed participants’ hopes for Australia’s longer-term future. Kado Muir observed, “it comes back to the point of: what’s the relationship between us and the settler state?”. As Person YV said of sovereignty, however, “I don’t know whether Australia is ready for that conversation, to be honest”. Nonetheless, many participants sought such conversations, and emphasised relationality with non-Indigenous people by describing love as part of their advocacy. As Uncle Ossie Cruse explained, “when I’m reasoning, I’m

reasoning on the basis of love. Not on hatred, or anger, or frustration”. Doyen Radcliffe said, “we should be sharing the love, and helping each other”.

Participants were very clear that their aim in this was not to exclude non-Indigenous people. When discussing justice, they sought to dispel political narratives about Indigenous people wanting to exclude, harm, or even send back overseas the non-Indigenous population. Participants described returning people overseas as unnecessary or impractical. As Uncle Kenny Bedford said, “it’s not reality”. Erica Smits asked of her mixed ancestry, “what am I gonna do, am I gonna cut myself in half and take half [laughing], and take half of myself away?”. Scott Wilson disputed arguments about how with rights, Indigenous people are “going to steal your backyard”. Ross Williams agreed, “do we want your backyard? No”. Several participants encouraged non-Indigenous people to overcome such fears. As Uncle Bill Nicholson Jr reassured, “don’t be afraid. Because Aboriginal culture does not allow exploitation of people or Country.” Sally-Anne Gamble emphasised this:

I just want people to have an open heart and open mind, and know that Indigenous people’s intentions aren’t sinister. They never have been. I just, I can’t think of anywhere in history or in documentations that our intentions are sinister. Or bad, or like, [to] exclude.

Indeed, many participants described improved rights-based approaches as beneficial and necessary for all Australians. Melissa Clarke believed, “if you get it right for black children and black families, you’re gonna get it right for everyone”. Charline Emzin-Boyd said, “let’s be that country that’s out there to help people”. Tom Calma added, “if it works for Aboriginal people, it’ll work for almost anybody. ...what’s good for us is good for ethnic minorities, is good for low socio-economic. We’ve all got the same challenges”. Sally-Anne Gamble endorsed having “a bill of rights for all Australian people”. For her, a human rights-based approach was critical:

I don't want non-Indigenous elders in the community crying, or not like eating once a day, or not being able to turn their power bill on to keep themselves warm at night. That's ridiculous to me. Like, if a bill of rights protects people in a different [group] – I'm all for it.

Many of those who supported the Referendum saw it as an opportunity for relationship-building between Indigenous and non-Indigenous people. Tanya Hosch hoped Australia would understand “that this is a nation-building moment, and it's not something to fear, but it's something to embrace”. Jakirah Telfer said, “I hope for unity. And for the relationship to be better between us and everybody else. And for our culture to be celebrated”. Scott Wilson hoped young Indigenous people would feel, “oh my God, we're now part of the Australian society. People actually care about us and want us involved”. Uncle Kenny Bedford hoped for an eventual return “to the harmony that was here before [colonisation]. When only Aboriginal people were in this place”. He said a Yes vote could enable Australia to say, “hey, we're grown up now”, enabling “this poor traumatised child since [the] 1700s, being able to turn itself around and draw and build on all of that good that was there from the start”. Shane Sturgiss said this was part of a global movement for recognition of Indigenous peoples, and that “we need to get to a point in history where we say, this is where it stopped”. Charline Emzin-Boyd argued, “we *need* to be there [in the Constitution]. To make this country whole”. She saw the Statement as pleading, “as Australian brothers and sisters, recognise who *were* here, and who *are* here, and who *will be* here for generations to come”. To her, this was an opportunity: “we want *all* of you to say ‘jinggiwahla’.<sup>67</sup> We want to take you out bush. And there's so much. We just want to give, and have you all so proud of the First Peoples”.

Several participants said Australia needed imagination. Karri Walker proposed maintaining structures like the Constitution, but “reimagining them” to uphold Indigenous

---

<sup>67</sup> A greeting in Emzin-Boyd's Bundjalung language (Murrumbidgee Aboriginal Language and Culture Cooperative, 2025).

self-determination. She described the need to “break through that colonial context, and really sort of reimagine the way that we think about justice”. Aunty Pat Anderson said for Australia to embrace constitutional change, “we really do have to reimagine”. Person SN advocated for legal change:

[E]ven lawyers are just in their paradigm of, “this is the truth in the law”. But often the conversations are, “we can’t do that”. Why? “Cause the law says”. And I go, “so?”. You know, like, [laughs], who made that up anyway?

June Oscar challenged Australians to transform the world:

Amidst the turmoil and heartache, it is nonetheless in times such as the present when what previously seemed impossible comes within reach. And it is in times such as now that we can, and I want to emphasise, that we must, build a new shared vision of the future and work together to bring it into being. I think we can achieve that. I believe we can. And when we become collectively aware of stark incongruity between our values and the systems that govern us, new visions of the future spark, and a fire in our hearts can take hold. [Pause]. And when we are able to see ourselves in those visions, we can become that change that we seek. With courage, conviction, and knowledge, to transform the world around us.

For most participants, the Referendum was one step in a long-term process. Jackie Huggins said, “reconciliation I think will always go on. There is nothing final about it. It’s infinite, and it won’t happen so quickly at all”. Dale Agius hoped for three phases of progress: first, a “reckoning” through processes like the Referendum to “readjust our nationhood in a way that’s more reflective of *all* Australians”. Second, “restoring harm after it’s been done”, through the Statement’s other steps. But after these, which could take “maybe fifty years”, a third phase: “a resettlement phase... as a *reconciled* history, moving beyond reconciliation, and into a collective Australian-hood. ...based on the notion of pride within our country”. Agius commented, “that’s the new Australia”.

Many participants said non-Indigenous Australians needed to do much of this work. Some suggested that non-Indigenous identity was at stake in the Referendum. Ray Minniecon

said non-Indigenous people bear responsibility for Constitutional reform, “because we didn’t design it”. He explained:

[I]t really isn’t about us, at the end of the day. We know who we are. We know where we come from. We know we’re still here on our Land. It really is a challenge to the non-Indigenous community to say, “shall we, or shan’t we?”. It’s their choice really.

He added that “even if they do say ‘No’, at least I know where they stand”.

Many agreed that either way, the Referendum vote would be informative. Kristal Kinsela called it a “pulse test of race relations and reconciliation in Australia”. Ross Williams argued Australia “really needs to grow up” and “get away from the skirt of the British”, so as to find “our own cultural identity”. In his view, after the Referendum, Australia would either “continue to be described as a racist country, or it’s gonna be a progressive country”. Uncle Kenny Bedford said, “we’re gonna rip that band-aid back. We’re gonna hold up a mirror to ourselves”. Bedford considered this to be “worth the return. *Even* to expose the reality of where we’re at”. Aunty Pat Anderson said, “we’re soon gonna know, and then it’ll be out in the open then. Get on with it, you lot. Get on with it”. Kaylene Malthouse described this as an identity crisis non-Indigenous people needed to face:

We’ve come to a time in our lives as Australians where we are having the biggest identity crisis we ever had. ... we’re not King Charles’s kids. We’re anything but... we’ve come out of a huge, traumatising holocaust of our own, as a nation, and as a people. And we’re marching on. ... We’re determined to find our place, all of us, in some way. We’re saying, “we know our place. But there’s room for all you others, because you have a place here too now”. And we can’t deny that, or deny you that, and we’re not. We’re just saying, “walk with us”. That’s all we’re saying: “let’s walk together”.

## II. TRUTH-TELLING

### A. The Necessity of Truth

For many participants, truth-telling and public education were the most important next steps for making these visions possible. Truth-telling was supported by all of the Council's Regional Dialogues, a key proposal in the Statement, and a consistent theme in the interviews. David Collard said, "the truth is the only way that will set us free", but "a lot of the 97%... have not a foggiest idea about what has actually happened in this country". Doyen Radcliffe said, "Australians need more educating, because most people in Australia don't really understand". For Jennie Gordon, "the Truth was, to me, the most important thing about Voice, Treaty, Truth". Gwenda Stanley said, "the truth needs to be told about how this country was settled". Mick Dodson explained:

Sure, we've had some wonderful things in the last 230-odd years... but there's all this other family history that is swept under the carpet [laughs], so to speak. Where horrible, horrible things happened to Aboriginal and Torres Strait Islanders. The dispossession. The removal of children. The massacres. The colonial impact, which is still ongoing on Aboriginal language, law, culture. The dismissal of the Aboriginal and Torres Strait Islander world views, our values, what is important to us. The attempt at assimilation, which is a form of genocide. All of these things, we need to deal with this. If we're to go forward together, we need to deal with our past, and the horrible things that happened in our past.

Many participants saw truth-telling about colonisation as a necessary step to achieving a justice-based relationship. June Oscar said it was essential that Australia "has the maturity to accept the history... To accept the wrong that had happened there. And to commit that that will never happen again". Some also described truth-telling as necessary for healing and addressing what Samuel Aniba called the "disease" of intergenerational trauma. Several mentioned this was not about guilt or blame. As Ross Williams said, "don't blame people for anything. And even though there's a level of guilt, I don't go down that road. That's none of my business, that's your business".

Many participants described Truth as essential for informing future change. Ngaree Ah Kit said, “if we don’t acknowledge our history, we can’t understand our present, and we can’t address things to move forward properly, through true reconciliation as a nation”. Tanya Hosch said, “when you’re building a house, you don’t start with the roof. You’ve gotta get the foundation right. And the foundation needs to be laid in truth”. Robbie Thorpe explained, “don’t go creating things without the truth being the foundation. That’s what happened to *terra nullius*. That’s why it fell over”. Several participants described Truth as necessary for Treaty. Suzanne Thompson said, “we want to heal. Them fellas have got to confront everything first. Then we might be able to do agreements with them”.

Several others also went further back, linking truth-telling with understanding of pre-colonial life and culture. Shane Hoffman said that most non-Indigenous people do not know what happened during colonisation, “*or* how Aboriginal and Torres Strait Islander people lived before colonialism, in successful societies”. Jennie Gordon recalled about the Statement:

I stood there in that room thinking, “the most important part to me is Truth”. ...having truth of our history, having truth of [how] this Country has been here and had people on this Country for 60,000 years where our people looked after the Country, the Country looked after our people, we were as one. And the truth of that history since colonisation needs to be taught, and needs to be taught with truth.

Ray Minniecon said, “the truth is there. The truth is always there, it’s in the Land”.

### **B. The Methods of Truth**

Several participants described the need for national truth-telling institutions, referring to South Africa and Canada’s respective Truth and Reconciliation Commissions. Rick Goode said this would be “a worthwhile process... Not to punish or blame, but to look at what’s happened, so there’s a broader appreciation of things”. A few participants emphasised local

truth-telling processes as most important. Aunty Pat Anderson said, “we’re meaning local. . .we all get together and talk about things”. Some described the need for truth-telling processes at multiple levels.

For many participants, however, their main focus was on truth-telling through community education. Participants shared a universal appreciation of the value of education. Many focused on improving school education. Tania McLeod proposed that, “in primary school, you start learning about the true history of Australia, like, before colonisation. Which was something that was waved away when I was at school”. As Karen Milward explained, “it’s really hard to actually engage with Aboriginal people, unless you’ve got that history and context. So having that from a little kid all the way through will be really important”. Megan Krakouer told me that politics was about education, since “no one was born a racist”.

Several participants drew examples from on their own education. Ross Williams said, “I never got any information about my mob. Some person with a funny hat, Cook, come along and discovered this continent. Well, hello, it was never lost”. Jakirah Telfer remembered how in high school, “I got taught about the bubonic plague, but I didn’t get taught about the diseases that were brought here”. Robbie Thorpe said part of the reason he left school early was because “the education was dodgy for me. I’d had an argument with my Grade One teacher, about Cook”. When discussing this with some participants, I recalled how my own primary school education about colonisation similarly involved an assignment on the British First Fleet but not on Indigenous perspectives. Charline Emzin-Boyd, who has dedicated her career to education, said, “you cannot blame teachers for that. Because it was a government-driven policy that education about the First People was excluded”. Some participants described similar issues at university. Person CG said, “Indigenous students are getting fed all this bullshit when they go to uni”. Karri Walker described law school as “a place where we weren’t even talking about First Nations law or issues”.

Participants were also particularly concerned about the state of Australian civics education. Jade Ritchie stated, “there obviously is a missing piece here in our education system, if the majority of Australians don’t understand what [the Constitution] is”. Tania McLeod noted, “we don’t teach civics in school. So, most of the Australians don’t understand”. Gary Foley suggested, “99% of Australia has absolutely no idea whatsoever what is in the Constitution. 90% of Australians don’t even know what the Constitution is”. Many described the difficulty this causes for constitutional change advocacy. Tanya Hosch said, “if that information is not held with fluency across the country, then it’s very hard for people to ask for change”.

Of course, delivering education can be a burden on or frustration for Indigenous people. Tom Calma said, “because others aren’t taking the initiative, we’re educating people”. Karen Milward said educating others often gets frustrating: “I feel like I’m justifying my myself all the time. So, there are times where I just don’t go down the Aboriginal track at all”. Peta Braedon said, “it’s not up to Aboriginal people to teach people. It is a *gift* to share tidbits of information... cause often it’s really trauma-based”. Gwenda Stanley observed, “truth-telling’s only bringing out the trauma in our people”. A few, however, described having an educational role as empowering. As Person SN said, “it’s quite empowering... telling white people what their own system is”.

### **C. The Challenges for Truth**

Participants described several barriers to truth-telling progress. Many explained that a lack of understanding among non-Indigenous people impairs truth-telling and cultural engagement. Given the population size differences, Stacey Ketchell pointed out, “not all whitefellas know a blackfella, you know? Because the ratio just doesn’t add up”. Uncle Bill Nicholson Jr said,

“I call it the too hard basket. It always has been, Aboriginal people, for this country”.

Nicholson Jr described hearing many comments asking, “why don’t you get over it?”. Like some other participants, he considered that “this country still doesn’t know itself, and still is immature in how it acts with its Indigenous people”. To him, “Aboriginal people want to know who we’re reconciling with. And if Australia doesn’t know who it is, how’s reconciliation gonna happen?”. Ray Minniecon said of historical injustices that to many non-Indigenous people, “they’re all cold cases, aren’t they?”. Uncle Kenny Bedford described a lack of understanding of the trauma:

There’s still a lot of, “well, get over it, mate”. Just not able to comprehend, cause they’ve never walked in those shoes, or – you don’t just switch it off. It’s not a fight at the pub, and you go out and shake hands with a mate the next day.

Gary Foley described a “brick wall”:

It’s only when Australians are able to come to terms with their own history in that honest sort of way, and realise, just the extent of what’s happened, and grasp, really grasp within their own fucking hearts what is needed, and I think that – there’s the beginnings of a new start. ... I can’t see it happening in my lifetime. I’ve been fucking trying to work towards it, along with a lot of other people, who are now dead, for all my fucking life. And generations before me have been trying to fucking do that in their own different ways. And even some of these fucking advocates of the Voice, that’s what they’re bashing their head against. The same brick wall as I am.

Many participants identified the challenge of people actively lying, denying history, and avoiding truth-telling. Several linked lying to Australia’s “discovered” and “peacefully settled” colonial narrative. Robbie Thorpe called it “the greatest lie of all time”. Jackie Huggins said, “this whole country is founded on a lie. And it’s something that a lot of white Australians don’t know about”. Aunty Pat Anderson linked this to school education:

[I was] sitting there in the classroom, and this teacher tells me, who I quite liked, that “Captain Cook discovered Australia”. What, I was in grade four? ... I’m thinking, “what’s she talking about? That’s rubbish”. And I thought to myself, “well, you know what? All these white people must lie”. And I remember having that thought. And it’s taken me a lifetime to get over that. A whole lifetime. “White people all lie”.

Several participants referred to Australia's politicised debates about colonial history. Ray Minniecon called false historical myths "intellectual warfare" and "academic warfare". He described facing resistance when founding the Coloured Digger March in Warrane/Sydney to recognise Indigenous veterans, including his grandfather. I asked why, and he explained:

I think it also goes into the depths in the heart of our Frontier Wars as well. It's something that you just neglect or oversight, or you grow a much more powerful notion of amnesia. You just don't want to know. And you don't want to honour that.

Participants were highly critical of the media's role in truth-telling, particularly Australia's commercial media controlled by a small number of companies.<sup>68</sup> Uncle Bill Nicholson Jr singled out some outlets for spreading "propaganda" and "trying to divide people through fear" about Aboriginal rights. Uncle Kenny Bedford described "the irresponsible role of media". Tania McLeod said, "when it comes to Aboriginal and Torres Strait Islander peoples, it gets really vicious. It gets really dirty. And the media run with it". Scott Wilson commented, "it's interesting how the media just *thrives* on division". Participants also criticised a "deficit model" in reporting. Doyen Radcliffe said, "we're always portrayed in a negative light, in the media, social media... I say to myself, what did we do wrong?". Person EO recalled asking journalists, "how about you write the things that we tell you, the positive things? ...If you write negative stuff, people will jump on to your negativities".

Several participants linked lies, misinformation, and ignorance with fear. Mick Dodson described how for many Australians, "the idea of truth-telling scares them", and "there's a deep fear" about confronting past injustices. Tania McLeod agreed, "there's some sort of fear there. That hate comes from fear. And fear makes you angry". Ross Williams added:

---

<sup>68</sup> Australia has one of the world's most highly concentrated media markets, which is increasingly consolidated into a few major companies (Flew et al., 2024).

[W]hen Native Title came out, the *Mabo* case – everybody thought their backyards were gone, they were gonna be exported back to wherever they come from – what a load of crap that was. But then again, it's that fear. And with fear comes hate.

Uncle Bill Nicholson Jr asked, “why would you respect the culture of the Land you took it from? Because it's reminding you of where it all comes from”. Gary Foley advised, “they've got to overcome their fear of what confronting their own history might mean” and “confront those demons”, and “in doing so, progress beyond”.

Many participants characterised the heart of the challenge as non-Indigenous Australians being unwilling to learn the truth or ask about and listen to Indigenous perspectives. They used a variety of terms to describe the issue, including “wilful ignorance”, “apathetic”, “deliberate amnesia”, “head in the sand”, “privileged”, “not interested”, and “don't want to know”. Ray Minniecon called it “deliberate amnesia” and “wilful blindness”. Rick Goode described some people being “deliberately ignorant or obtuse” in the Referendum context. David Collard said while a small number fear, “a lot of them are just ignorant of the facts”. Person KJ described “the wilful ignorance... or amnesia of people, to not even know their own country's history”.

Aunty Pat Anderson described ignorance as a cycle. She recalled how growing up in the Northern Territory, a non-Indigenous farming family were trying to grow peanuts. Given the environmental conditions, the crops failed. She commented, “lots of blackfellas there, but they didn't ask them, of course”. Anderson linked this memory to past British explorers and present-day campaigning against Voice:

[T]he explorers... they couldn't find water, and they all died. And I'm thinking, “but there's plenty of water. Why did they die? Why did they do that? Why didn't they ask somebody? Except shoot them?”. ... We're like vermin. That's the thinking. So that's why they didn't ask us. Still today! God, it still persists today!

A few participants emphasised privilege. Person SN explained, “the whole system works for you. It actually also works for your apathy. Encourages it, even”. Mick Dodson said of

Australia, “we’re pretty timid when it comes to social justice reform”, having an “‘it ain’t broke, don’t fix it’ attitude”. Robbie Thorpe lamented how “Australia feels very comfortable now. And it’s in your interests... to run us down, deny us our humanity”. Jennie Gordon echoed the sentiment of many by repeating a common non-Indigenous question, “why’s that gonna affect me, mate?”.

Participants described ignorance as challenging for Referendum campaigning. Tanya Hosch observed, “we are not a country that finds it easy, or is necessarily even in a general way willing, to have these sorts of conversations”. She explained, “this is a privileged country”, with “a democracy that moves quite smoothly compared to some others around the world, which enables us to be apathetic about constitutional change”. Shane Sturgiss regretted how many Referendum voters “will read the clickbait, they will listen to the news snippets, and they’ll make their mind up on that, without delving too deep into what it genuinely will mean, what impact it will have”. Person KJ said:

You have to fill in that gap before you can explain why you’re asking for something. And that’s one of the hardest things, is like, people don’t understand your rationale because they don’t know. They’re not coming from the same point of education as you.

Given this, many participants criticised the Conservative No campaign’s slogan, “if you don’t know, vote No”. Aunty Pat Anderson called this “promoting ignorance”. Peta Braedon pleaded, “go look stuff up. ... You do that in pretty much every other aspect of your life”. Tanya Hosch explained that “the experiences of First Australians has always been a matter of contest”. She thought truth-telling can help, if there is political will and understanding:

But we don’t have the fluency, of understanding, stored in enough of the country’s leadership to be able to enable the kind of leadership that would bring comfort to Australians, to understand that such a process can only take us forward in a good way.

In this context, several participants did not consider the delivery of Truth to be sufficient. They also asked for listening, hearing, and action based on that Truth. Mick Dodson said

government are “listening but not hearing” due to a “we-know-best element to their thinking”. Jackie Huggins said, “it’s a crazy country, after 250 years and people still aren’t listening”. Samuel Aniba brought this back to traditional culture, and how “listening plays an important role”. Uncle Bill Nicholson Jr similarly said, “hearing is just noise”, but “L-O-R-E is more listening to your responsibilities and to Country”. When I told Person KJ, “I hope I write my PhD in a way that can help a little bit” with truth-telling, they replied, “yeah, but it’s about people reading it. It’s not about how you – it’s also how you write it, but it’s about people having access and yeah, being forced to deal, like, to process new information”. Thomas Mayo observed that often, waiting for reports and inquiries “full of truth-telling” can still mean “government doesn’t implement the recommendation”. Jade Ritchie said, “there is truth all around us... What we *need* is the Voice, the vehicle, to actually make a change from the truth that we know”.

Despite the challenges, some participants shared a sense of long-term inevitability about truth-telling. Robbie Thorpe described the truth as “an unstoppable force”. Gail Beck observed, “at the end of the day, the truth always wins, because liars forget their lies”. Aunty Josie Crawshaw said, “Australia’s not going to be able to continue to live the lie that they settled this country. That is not going away”.

### **III. CONSTITUTIONAL PLURALISM?**

In Chapter One, I raised the question of how participants’ views might relate to broader literature on pluralism and the inclusion of minority and Indigenous cultures in present-day liberal democratic states. I now return to this question.

Several states have established plural political processes like Voice. For example, the Sámi parliaments in Norway, Sweden, and Finland operate as democratically elected

Indigenous representative bodies. Norway's Sámi parliament, or Sámediggi, expresses a kind of "multicultural citizenship" within a unitary Norwegian state (Falch et al., 2016: 127, citing Kymlicka, 1995). Falch et al. question, however, whether this leads to self-determination, since this model has limited guaranteed power, is based on individual rather than collective rights, and can be treated as advisory-only (2016: 139-40). Indeed, diluting Indigenous autonomy into a mere value of pluralism within a majoritarian system risks the "domestication" of Indigenous legal relations within the colonial state (Bhatia, 2021). Additionally, not all societies prefer Western-style representative democratic models (Markoff, 1999, Dahl, 1982, Behrendt, 2011), which are "an acquired practice" (Pirie, 2014: 247). When discussing their self-determination, participants discussed not only plural cultures or plural political discourses, but more fundamentally, legal pluralism (Tully, 1995: 101). This is something which has long existed in practice in Australia between traditional laws and state laws (Falk and Martin, 2020: 35, Hooker, 1975: 345-57), and among groups' traditional laws (Gaymarani, 2011, Gaykamangu, 2012, Randazzo, 2023).

Other nations have developed plural constitutional arrangements for accommodating Indigenous diversity, particularly in the Global South (Alessi, 2025). For example, the constitutions of Bolivia (2009) and Ecuador (2008) embrace "plurinationality", having been strongly influenced by UNDRIP, Indigenous self-determination, and goals of participatory democracy (Schilling-Vacaflor and Kuppe, 2012: 374-5; 391-3). This has created "a renewed conception of the state... as an entity composed of several communities and legal orders of equal standing under a common constitutional framework" (Alessi, 2025: 87-8). Many other states have incorporated plural legal arrangements through constitutional change or legislation, including Canada, South Africa, Peru, Singapore, Colombia, Ghana, and several Pacific Island states (Alessi, 2025, Borrows, 2005: 216-8). These efforts could eventually achieve "unity in diversity" (Alessi, 2025: 221-2). Such sub-group autonomy can be a key

conflict resolution method in divided societies (Weller and Wolff, 2005, Gagnon and Keating, 2012, Schulte, 2020).

Community-based autonomy within the Australian state has often been emphasised in Indigenous self-determination advocacy (Behrendt, 2003). Some scholars argue legal pluralism can be achieved through federalism (Davis, 1978, Dardanelli and Mueller, 2019, Alessi and Trettel, 2025). Some Aboriginal advocates including Michael Mansell (2016) and the Aboriginal Tent Embassy (Newfong, 1972) have proposed the creation of an Aboriginal State within Australia.

Even this, however, does not fully capture what participants described. While they emphasised self-determination, unique cultural identity, and collective Indigenous rights, they also sought broader change to the Western system itself. They asked it to embrace Indigenous laws, values, and relationality with Land. Their perspectives lend support, then, to an Indigenous-led academic discourse about system change through the combination of both Indigenous knowledges and self-determination. As with the ontological turn literature discussed in Chapter Two, there has been extensive recent Indigenous writing on the benefits of Land-based approaches guided by Indigenous knowledges, particularly with respect to environmental sustainability and human and planetary health (e.g. Kimmerer, 2013, Yunkaporta, 2020, Redvers, 2018, Pascoe, 2018, Redvers et al., 2022, Redvers et al., 2023, Yunkaporta, 2025, Arabena, 2006). Tyson Yunkaporta (Apalech) proposed a future where “our Law would become known and respected as the most sustainable basis for living and being on this continent” (2020: 240).

There is a distinction between the adoption of Indigenous values to help combat environmental crises, and recognition of Indigenous laws and autonomy. While there may be room for a kind of “global indigenesness” (Arabena, 2008: 39), and intercultural dialogue can help guide a shared future (Dodson and Cronin, 2011), adopting Indigenous values

without supporting Indigenous autonomy risks undermining immediate Indigenous struggles (Todd, 2016, Chandler and Reid, 2019). As Tony Birch (Koori) argues, “non-Indigenous Australia needs to reassess its place within an Indigenous nation, including a willingness to accede to the principles of Indigenous sovereignty” (2020: 114). Indigenous scholars have extended these arguments to international law (Watson, 2014, Stewart-Harawira, 2005, Kwaymullina, 2018), asking, “how might we reconstruct international law so that it is liberated from its colonial origins?” (Watson, 2018: 4). Such work has centred Indigenous Land-based systems. As Wanta Jampijinpa Pawu (Warlpiri) said when explaining the relevance of Warlpiri traditional knowledge about relationality for all people, “it’s not *you* trying to do the weaving, *this country* is trying to weave you – to make you adapt, make you fit in” (Curkpatrick et al., 2023: 649).

An Indigenous-led group recently asked similar questions of Australia’s domestic legal system in *Declaration of Peace for Indigenous Australians and Nature: A Legal Pluralist Approach to First Laws and Earth Laws* (Poelina et al., 2024). These authors describe Australia’s Western legal system as “sick and in decay”, “corrupted”, and needing healing and realignment, having failed Indigenous peoples, the environment, and its own goals of equity and the rule of law (at 7; 25). In this context, they propose a new structure, with “First Law and Western law (informed by Indigenous wisdom) aligned, walking together side-by-side, in harmony, but separate and distinct, in a plural Australian legal system” (at 25). This would be a significant long-term project, which could involve “a wholesale redesign” of the Constitution to prioritise local governance (at 125). But through “an urgent call for unity and collaboration”, it could bring Indigenous and non-Indigenous people together (at 129).

So, in a way, we come back to the beginning, now informed by an empirical foundation which these often normative theoretical debates have lacked. Interview

participants sought self-determination, autonomy, and Indigenous rights within the Western system, but generally considered this insufficient cultural change, especially given the challenges Australia faces regarding environmental degradation and inequality. Concurrently, they supported cultural dialogue and the inclusion of Indigenous knowledges throughout wider Australia, but generally considered this insufficient legal protection of their rights. As Melissa Clarke said, a stronger process can involve “the Constitution recognising *our* law, and then for *our* law... our *laws* recognising the Australian Constitution”. It was the combination of these approaches, and of the external and internal identities which drive them, which underpinned participants’ visions of a shared constitutional future where all people cared for the Land and for one another.

#### IV. CONCLUSION

The relationship between Indigenous and non-Indigenous peoples in constituting modern Australia is, for so many Indigenous advocates, “unfinished business”. But it is not so only because of the need for truth-telling and justice about the past. It is also a fundamental question for the present and the future. Participants saw that relationship, and the clash and weaving of legal and cultural systems within it, as one of extraordinary potential. Given the environmental, social, economic, and other challenges and inequalities facing Australia and the world, participants saw this as a critically important long-term project. They saw this as presenting a benefit, rather than a cost, for non-Indigenous Australia, with much to share about their cultures, experiences, and knowledge of “walking in two worlds”. They saw opportunities for, as John Locke described, “a convergence”.

Participants’ emphasis on this constitutional relationship question helps to explain their solidarity. By focusing on unfinished business and fundamental differences between

Indigenous and non-Indigenous in the constitutional relationship, external aspects of Indigenous identity are foregrounded in an ongoing interdependent Indigenous project of resisting and responding to colonisation and an imposed legal system. By focusing on Indigenous culture and their culturally informed constitutional visions for modern Australia, they more positively celebrated internal aspects of cultural identity. Both aspects have been influenced by colonisation, with participants using contemporary terms to engage with them, and both feed into their shared identity. Colonisation has forced previously distant Indigenous groups into solidarity and shared cultural identity in contrast to, and in resistance against, colonial and Western systems. Colonisation has also coalesced those groups into a modern political minority, “Aboriginal and Torres Strait Islander people”. Big-picture visions of constitutional futures provide shared goals for a shared superordinate identity, “Indigenous”.

This helps to explain the compromise many delegates made in supporting the Statement. It was broadly framed to address the long-term relationship, while emphasising Indigenous sovereignty, the need for Treaty and truth-telling, and shared Indigenous struggles due to colonisation. Because of this, its immediate method of constitutional recognition, Voice, was less important than its broader constitutional narrative. The long-term constitutional project reinforced shared superordinate identity and facilitated an overarching collective action project which subsumes specific actions like the Convention and the Referendum within it.

But what does it mean to, as the Statement asks, “walk with us in a movement of the Australian people for a better future”? Participants used the language of “walking together” broadly, engaging with the colonisation at the heart of present-day Indigenous identity. Externally, this means to help with immediate Indigenous challenges and to dismantle systems which restrict Indigenous self-determination. Internally, this means learning from Indigenous peoples and challenging previously learned non-Indigenous systems of law,

culture, and thought, in order to understand, protect, relate with, and take pride in the Land, including the people on it. This helps explain the importance of Truth and education, and even the interest of some participants in my own project as one branch of those efforts. Truth was not only about past injustice and healing, but also about the opportunities for cultural learning as the most secure path for a sustainable and just future.

## **CHAPTER TEN**

## **CONCLUSION**

## **I. EXPLAINING SOLIDARITY IN CONSTITUTIONAL ADVOCACY**

“There had to be a statement”, said John Locke, as he recalled his thoughts from the Convention. Many participants thought the same of the Convention’s opportunity for collective action. In Chapters Four and Five, I asked my first research question, how and why did the Uluru Statement come to be? The Statement was not the inevitable product of a group of similar people with the same views. It was the result of different people wanting and needing to work together in order to improve their constitutional situation and assert their identity. It offered positive ways forward in a vexed political debate about how to achieve constitutional recognition of Aboriginal and Torres Strait Islander peoples and recognise some of their rights as Indigenous peoples. Signatories aimed to engage with both mainstream political narratives about recognition and disadvantage and with long-standing Indigenous goals of sovereignty, Treaty, and reframing relations with non-Indigenous Australia. The Voice proposal, intended as a compromise political solution, straddled these causes. Supporters hoped it would speak to pressing challenges like Closing the Gap, inequality, and political inclusion, while also being a stepping stone towards longer-term Indigenous rights and justice. It was not some silver bullet solution to a complex web of issues, but the result of compromise and commitment to shared values.

Although the Referendum failed, and mainstream political enthusiasm for ambitious Indigenous policy quickly ebbed, the Statement achieved some success. It immediately made headlines and dominated Indigenous affairs policy debates for the following six years. Symbolic constitutional recognition proposals were mostly abandoned in favour of debating Voice. The Labor and Greens parties formally endorsed the goals of Voice, Treaty, and Truth, and Labor called Australia’s first referendum in a generation, on Voice. Forty percent of Australians supported it, including some conservatives and a strong majority of Indigenous voters and advocates for constitutional change. Several State and Territory governments

made policy responses to the Statement, and in late 2025, Victoria became the first to have taken significant steps towards all three goals of Voice, Treaty, and Truth. The Statement had an extraordinary political impact, something relevant to my second research question, about how and why people chose constitutional advocacy. The Statement's impact occurred in part because it was a rare near-consensus outcome from a government-endorsed, Australia-wide constitutional consultation. It demonstrated that national constitutional advocacy has the potential for high-level impact on both practical and symbolic levels.

Exploring these issues through interviews led to my third research question: how can we explain the high degree of consensus and the impression of underlying solidarity that ran through the interviews? As discussed in Chapters Four and Five, this solidarity was most clearly expressed at the Convention, and in comments about it, but also permeated other parts of interviews. Various forces can bring people together in solidarity like this, including a sense of identity. I discussed three forms of social identity in Chapter One as possible drivers: cultural identity from shared Land-based norms and relationality, identity as Indigenous peoples facing the colonising state, and status as a minority group facing urgent challenges and disadvantages which necessitate interdependent collective action.

As to the third, participants were sensitive to the immediate practical struggles of their communities, including Closing the Gap and basic human rights. They felt the pressure to get outcomes and make a difference. This helped get compromise across the line, particularly in the Referendum for some who instinctively supported Progressive No. In the interviews, however, it became clear that while these issues formed a prominent part of participants' advocacy, they did not fully explain participants' reasons for signing the Statement or interest in constitutional change. Indeed, as emphasised in Chapters Six and Eight, participants frequently disagreed on immediate practical questions. In Chapter Seven, I described how participants consistently linked immediate justice issues to a bigger story of historical

injustice and collective rights. As discussed in Chapter Eight, many also resisted “deficit models” which put disadvantage at the centre of Indigenous politics and identity.

The interviews revealed an interplay between the internal and external-facing aspects of Indigenous identity, and it quickly became clear that both were important.

All participants expressed a degree of external-facing collective identity, in confronting the colonial state which dispossessed their people and the liberal state which continued to fail their rights and needs. The bigger story of historical justice informed many of participants’ shared goals as Indigenous people, including Indigenous rights, sovereignty, self-determination, and the Statement’s Voice, Treaty, and Truth proposals. As discussed in Chapter Six, participants came from different Aboriginal and Torres Strait Islander groups across Australia, with different impacts from colonisation, and different personal experiences. Nonetheless, they almost always shared these goals and the sense of Indigenous identity underlying them. Like Bateson’s concept of union in “opposition to some outside element” (1935: 183), and McKinnon’s description of Indigenous solidarity with all groups “who most acutely experience the effects of global capital and colonialism” (2020: 692), participants banded together in response to the external pressures of colonisation and the shared need to address its ongoing effects.

Shared historical justice issues were central to this external-facing identity. Chapter Three is interspersed with participant comments, and history dominates considerations of justice in Chapter Seven, because history was key to so many participants’ senses of collective justice. When I asked participants what justice looked like to them, while they were often heavily invested in advocacy for individual rights, wellbeing, and better conditions, every participant acknowledged an overarching story of collective rights. Even when not the central focus of their work, this was ever-present as an intergenerational struggle for survival as peoples and cultures. Many people supported the Statement because it raised the issue of

constitutional recognition in the context of history, sovereignty, and the goals of Treaty and Truth. Any politician or law reformer looking for widespread Aboriginal and Torres Strait Islander support on constitutional change will have to engage with these historical justice issues.

These considerations also help to answer my second research question, about how and why Aboriginal and Torres Strait Islander individuals have advocated about constitutional issues. As explored in Chapter Seven, an important part of the “why” was not about pragmatic political strategy, but rather about historical justice. Participants sought an improved legal relationship with non-Indigenous Australia, something that had not been achieved through the Constitution’s creation in 1900.

In this sense, the Convention’s near-consensus involved the achievement of a kind of integrative solution, where parties maintained what was most important to them while compromising on other issues (Aronson et al., 2007: 302). The Referendum Council needed a constitutional recognition proposal drawn from its politically feasible shortlist. Most delegates also wanted a much broader package of reforms attending to historical justice issues including sovereignty, Treaty, and Truth. The Statement included both. People signed the Statement because it affirmed their sovereignty and autonomy as peoples.

Although Voice was an innovative proposal and the outcome of debate at the Convention, to assume it was a perfect end-goal would be to do what politics often does, but participants most often refused to do: to deny the validity of the strong claims for historical justice. In fact, these claims formed an essential part of the discussions at the Convention, and were shared by almost all participants, despite divergences about how to achieve them. The Voice proposal itself would not have had the degree of support that it did if it had been conceived in a theoretical vacuum devoid of the Statement’s context, including its assertion of sovereignty and its other proposals. It was not a coincidence that Convention delegates and

Indigenous advocates for constitutional change more broadly showed striking levels of solidarity, or that many people signed the Statement or supported the Referendum even though Voice was not their first-choice priority. In working across their differences, participants revealed more about how identity and solidarity hold them together.

Australia's Indigenous minority is no monolith. As explored in Chapter Six, participants consistently displayed its diversity and substantial strategic divergences about pragmatism, incrementalism, and trust. These disagreements also played out in Chapter Eight regarding participants' views on representation, self-determination, and Voice. So why did Ken Wyatt, a Yes supporter and former conservative politician, check that I had reached out to Lidia Thorpe, a Progressive No supporter, sovereignty activist, and left-wing independent politician? Why did participants show such deep respect for difference? Part of this is explained by their shared long-term goals. These goals, and their solidarity, were informed by more than external-facing identity.

Participants regularly diverged on many practical questions. But they rarely disagreed about their identities, rights, or relations with Land. They made efforts to understand and explain others' different views, stressing their autonomous right to disagree. Despite their sometimes entrenched differences, participants emphasised respect for one another and prioritised their shared identities, long-term goals, and togetherness in pursuing cultural survival and justice. They encouraged me to meet with a range of people, even referring me to their political opponents.

This brings me to my fourth and final research question: what role does culture, including relationality norms like autonomy and balance, play in the underlying solidarity that ran through the interviews? As discussed in Chapter Six, participants regularly emphasised shared cultural identity and the intergenerational project of cultural survival and

revival. I discussed in Chapter Seven how deeply participants' shared norms from pre-colonial culture informed their justice goals and relations with one another. They emphasised aspects of Mary Graham's framework of Aboriginal relationality which I discussed in Chapter One, particularly Land-based identity and autonomy. Cultural identity guided how advocates engaged with each other, confronted constitutional questions, and hoped for a conciliated modern Australia.

The Convention setting reinforced these aspects of identity, through the act of meeting together on the Land, something revealed in attendees' emotionality. Participants described shared emotion and positivity, pride in an all-Indigenous delegate process, and joy at flying together on a chartered plane. They were excited to share the memories and controversies years later. Many described seeking consensus as a cultural matter, reflecting the core role of consensus decision-making in the cultural norm of balance, which I described as part of Mary Graham's framework of Aboriginal relationality in Chapter One. As Person PX said, when explaining how the Convention came together, "Aboriginal society is built on consensus-making, built on diplomacy, built on working through issues, until you reach agreement". Even at a government-endorsed consultation process, in which people made strategic decisions, there was something going on to do with cultural identity, relationality, and Land, as many participants encouraged me to see. That is why Jennie Gordon, quoted at the opening of this thesis, remembered of the endorsement of the Statement at the Convention, "you could actually feel the strength of the Land, coming through the building".

One cultural norm which emerged strongly from the interviews was the fundamental autonomy of groups and their own Countries, something I explored in Chapter Seven. In Mary Graham's model of Aboriginal relationality, this autonomy promotes balance through recognising distinctiveness and aiming to "not synthesize, not unify, not even necessarily agree on matters, but to accept that each identity belongs wholly to itself" (2014: 20). In *Luku*

*Ngärra: The Law of the Land*, Reverend Dr Gondarra concluded about Yolŋu autonomy and traditional law, or Rom, “we are born free. Because of the Rule of Law, we have a right to determine our own destiny” (in Saban, 2022: 1:01:00). Uncle Kenny Bedford emphasised this when he hoped Australia could grow up and return “to the harmony that was here before [colonisation]. When only Aboriginal people were in this place”. Bedford’s hope was not a vague nostalgia, but a point about a social system in which shared norms of Land-based autonomy enable widespread decentralisation and peace. As he observed of the extraordinary stability of pre-colonial Australia, “there were disputes. ... Never a war. Nobody ever conquered anybody else’s place. Over thousands of years”.

This sense of, and respect for, autonomy was a core aspect of participants’ collective identity. Autonomy and multipolarity were implicit in the Statement when it asserted the sovereignty of plural, distinct “peoples”, and were demonstrated in participants’ comments about sovereignty, Treaty, and self-determination. As was clear in Chapter Six, participants welcomed their differences, including on practical and strategy questions. There is less reason for conflict where each person has the security of knowing the autonomy of their people will be respected by the others. In this system, all groups share goals which facilitate autonomy. This also helps explain why many participants distrusted government processes, or any future government-designed Voice body. If not done in a culturally appropriate way, these could breach group autonomy, as I discuss below.

So, external and internal-facing aspects of identity were both essential to understanding the Statement and what I observed in the interviews. Perhaps unsurprisingly for a case study of solidarity at a “cultural interface” (Nakata, 1997), pre-colonial culture was not the whole story. The same was true of participants’ position as a part of a colonised minority group. Participants referred to their rights and interests using a mix of Western and their own legal concepts. They are constantly reacting to their circumstances.

These external and internal aspects of identity shaped advocacy for actions like the Statement and the Referendum, transforming them into collective action projects. By centring culture and the relationship between distinct cultural systems, participants prioritised shared, culturally informed long-term goals, and turned constitutional change into one aspect of a larger intergenerational project of cultural survival and revival. Because of the colonial context, the intergenerational cultural project required banding together and addressing colonisation's impacts through interdependent collective action. Because of the cultural context, historical justice goals like sovereignty and Treaty were informed by shared cultural norms and stood above disagreements about how to achieve them. So, these aspects of identity were interconnected and mutually reinforcing. Identity acted as a binding agent, and as a stabilising one during disagreements about political strategy and practical steps. As Gwenda Stanley said, when asserting Aboriginal sovereignty, "there's a left and a right wing, but we're the bird. We're the body".

Participants seemed to feel more influences bringing them together than pulling them apart, even under difficult political circumstances, and even after the Convention. External conditions, including colonisation and its ongoing implications and impacts, pushed them together by necessitating collective action. Shared cultural identity and cultural norms pulled people together, helping them to define shared long-term goals and navigate their differences while maintaining a sense of "us".

## **II. ACADEMIC AND POLITICAL IMPLICATIONS**

How do these findings relate to the broader empirical literature on Indigenous identity and solidarity across difference? As discussed in Chapter One, very few if any empirical studies have directly investigated these issues at a multi-group, nation-state level. The studies which

come closest point in different directions. In their studies of North American Haudenosaunee (Iroquois) political contexts, McCarthy (2016) and Ackley (2008) both argued that Haudenosaunee cultural identity, informed by cultural teachings, is key to conflict resolution in contemporary political contexts, guiding unity and consensus.<sup>69</sup> McCarthy described this as a process of being “in divided unity”. In a Canadian study of the Union of British Columbia Chiefs, Nickel (2019) emphasised the primacy of standing together and facing external settler-colonial oppression in driving Indigenous unity. In the Philippines’ Palawan region, Eder (2013) described three overlapping identities: local ethnolinguistic group membership, state-facing political status as “Indigenous”, and membership of a wider economic underclass. Eder proposed that all three are interchangeable, and can be worn and reordered like layers of clothing, depending on the context and individual choice (at 276).

My study has parallels with each of these findings. It reflects the findings of McCarthy and Ackley about the importance of cultural identity and norms of unity through autonomy, and of Nickel about the importance of togetherness in facing the settler-colonial state. As in Eder’s work, interview participants described cultural identity, state-facing Indigenous identity, and disadvantage shared with other Australians. My study explores the relationship between these elements. First, participants did not strongly identify with disadvantage, instead emphasising the positive cultural contributions they can and do make, and treating disadvantage and basic human rights concerns as hurdles to be overcome as part of a bigger story. Second, while they demonstrated flexible approaches across contexts, they did not see their identities as interchangeable. As explored in Chapters Six and Seven, many participants saw both their cultural obligations and their state-facing Indigenous advocacy as inherent and non-negotiable. Directly contrasting with Eder’s findings, Divina D’Anna

---

<sup>69</sup> Arabena (2008, 2009) argued something similar in Australia, describing the primacy of pan-Australian Indigenous “cultural citizenship” as opposed to “Australian citizenship”. In my study I have not investigated citizenship, however, as the concept rarely arose in the interviews.

commented to me, “under all those t-shirts is my Aboriginality. So, no matter what shirt I’m wearing that day, it’s always gonna be on me, and have that cultural lens through me”. Third, it was the mutually reinforcing nature of the internal and external-facing aspects of Indigenous identity which drove the solidarity at the heart of my study. They put questions of disadvantage, human rights, politics, and strategy in the context of a much bigger, superordinate shared narrative.

It is important to acknowledge the disagreements and challenges participants expressed regarding achieving the goals of representation and self-determination. Aboriginal and Torres Strait Islander peoples have faced disruptions to their traditional systems of order, and these issues confront those who seek representation within contemporary Western democracy. This is key to understanding participants’ differences, the Convention’s Walk-Out group, the Progressive No case in the Referendum, and the significant proportion of others who had deep reservations about these processes. Group autonomy, collective rights, and culturally informed representation are difficult to align with Australia’s mainstream political system. Many participants criticised the representativeness not only of Indigenous politicians and “leaders” chosen by the government, media, or private sector, but also of the Referendum Council itself, and the government-led processes that led to the Referendum.

In this context, some participants were clear that collective action, especially when imposed or influenced by directive leadership, is not always a good thing. They acknowledged the risk of conformity leading to poor decisions. Some suggested that the Statement was endorsed with what Rodney Gibbins called “a rush of blood”, and after a drafting process Ross Williams described as “controlled” by the Council’s leadership.

The political strategy of prioritising Voice as a compromise constitutional proposal – which Aunty Josie Crawshaw termed negotiating from “the basement” – ultimately failed.

The target audience, the conservatives, still decided to oppose it. Even if the Referendum had succeeded, an Australia-wide Voice body would have faced challenges. Representation was the issue over which participants' solidarity most often showed signs of fracturing. Participants often criticised people who wrongly speak for others, a risk with any imposed national solutions. Any representation efforts will have to contend with widespread population movement and the challenge of representing those "on-Country" and those "off-Country". Despite all this and even though participants often disagreed on questions of implementation and compromise regarding culturally appropriate representation and self-determination, what brought them together was a shared sense of these overarching goals and the commitment to trying. Those who bring law reform proposals on these issues will only achieve widespread Indigenous support if they share this commitment.

### **III. WALKING FORWARD TOGETHER**

This leads to Chapter Nine's theme, participants' visions for Australia's long-term constitutional future. Most saw this as part of a wider intergenerational project, which involved bringing people together through a justice-based relationship between Indigenous and non-Indigenous peoples. This was about more than Australia's constitutional document. It was about what constitutes Australia itself, and its legal and political identity. Participants sought recognition and a relationship with non-Indigenous Australia based in something other than imposed colonial values and history. They spoke about how both Indigenous and non-Indigenous peoples needed to adapt. Formal constitutional change was one part of this reformulation. For the most part, Voice was a stepping-stone towards a broader long-term relationship. Some described the Referendum as an indicator of non-Indigenous Australia's readiness to begin this work.

Participants repeatedly emphasised the ways in which, regardless of the Referendum outcome and mainstream politics, their work and advocacy will continue, with Land and relationality guiding ways forward. Land was the point of entry for many participants' descriptions of how non-Indigenous people can be involved in a more plural Australian future, guided by Aboriginal and Torres Strait Islander knowledges and values. This is why I opened Chapter One by describing how Jennie Gordon showed me her Country and spoke about Land. It is at the centre of the culture, identity, and relationality among Aboriginal and Torres Strait Islander peoples. As discussed in Chapter Nine, participants also emphasised other forms of non-Indigenous solidarity and "walking together" with Indigenous people as concurrently needed. But when they discussed walking together into the longer-term future, they often returned to Land. Participants in my project described relating with and caring for Country as a principle all people can share in, including through cultural immersion programs. They highlighted the negative impacts of Western approaches to nature, including climate change, species loss, and environmental degradation. As Kado Muir said, part of the intergenerational project in relation to non-Indigenous people is to "embrace, or bring them into, our world view on how we interact with the Land and the universe. So, it's a socialisation process". I think this was what Robbie Thorpe was telling me when he asked me to "stick with us, mate. Because where else are you gonna get this knowledge from?".

Indigenous scholars have similarly advocated for improved non-Indigenous relations with Land, and the autonomy and pluralism that comes with Land-based identity. Yin Paradies (Wakaya) (2020) advocated Land-based radical re-localisation in order to confront the dangers and failures of modernity. Mary Graham advised non-Indigenous Australians to engage in repetitive action reinforcing custodial care, "to start establishing very close ties with land, not necessarily via ownership of property but via locally-based, inclusive, non-political, strategy-based frameworks, with a very long term aim of simply looking after land"

(1999: 108). This could eventually lead to a “collective spiritual identity” for all Australians, with new practices, education, and philosophy (at 109).

There is much on offer to those who will listen. Australia has an extraordinary Indigenous record of stable, sustainable, autonomous, and multipolar relations within and between diverse peoples and their Countries over many millennia. Cultural norms developed over that long experience remain relevant today. In this study participants showed, in how they make room for each other under shared identities, a means by which all people might make room for each other, living with rather than avoiding the challenges and uncertainties of plurality. Aboriginal and Torres Strait Islander peoples have been doing much of the work of striving to bring those norms into mutually enriching dialogue with Western norms. As became clear in this thesis, most Indigenous advocates for constitutional change have a striking willingness to work with and educate non-Indigenous people, without exclusion or racism, despite everything that has happened and continues to happen. Participants’ willingness to support this project and do in-depth interviews with me, despite knowing my thesis would be completed after the Referendum, formed one example. I and many others have been fortunate to benefit from this generosity of sharing.

Are enough people listening, and taking action based on what they learn? This was the main challenge to truth-telling raised in Chapter Nine. Perhaps there is a lesson from the Convention about this. Sharing time and physical space for positive, joyful, meaningful interaction, as communities in pursuit of interdependent practical action, can help us navigate our differences and search for understanding and consensus. As seen at the Convention, the combination of collective identities, actions, and feelings is powerful.

In our world today, we face crises and existential challenges which may force us to work together creatively. As discussed in Chapter One, a key to collective action is

interdependence. We need one another, and we need to work together, to face these challenges. Several participants proposed that climate change and environmental degradation could be the triggers which encourage more non-Indigenous people to engage with Indigenous knowledge and question Western ways. As June Oscar said, after describing the challenges facing Indigenous people, “amidst the turmoil and heartache, it is nonetheless in times such as the present when what previously seemed impossible comes within reach”. The challenges, inequalities, and existential risks confronting us have increased, and appear set to continue doing so. But opportunities will continue to emerge for new ways forward based in shared wisdom and collaboration, especially if we can hold superordinate identities which pull us together. Perhaps with some of the solidarity and relational norms explored in this thesis, we can better face our challenges, care for the world, and care for each other.

I hope that this project has been a useful study in a few ways. It has been, as far as I know, the first systematic empirical study of Aboriginal and Torres Strait Islander advocacy for constitutional change across Australia. It covers and has taken place during an important phase of this advocacy, from the Convention to the Referendum, and contains the views of a wide range of Convention attendees and Referendum advocates. In this sense, the thesis forms a significant historical record. It also has salient lessons for broader constitutional debates in Australia about issues which will not disappear. This includes the importance of overarching historical justice and autonomy-based plurality for any policymaker wishing to understand and engage with Aboriginal and Torres Strait Islander people on constitutional issues. It contributes to the international literature on Indigenous identity and unity with a rich case study that reflects the interconnected and mutually reinforcing internal and external aspects of identity. It points towards reinvigorating social scientific interest in solidarity and collective identity, even though these are in some ways old-fashioned academic concepts, given their significance for social life, especially in times of collective action like the

Convention and the Referendum. It encourages dialogue between Indigenous and non-Indigenous peoples, and creative solutions for a shared constitutional future. Finally, more personally, this has been my answer to the Uluru Statement's invitation to "walk with us in a movement of the Australian people for a better future". I thank everyone who helped me with it, especially the interview participants. I have learned much on this journey, and have enjoyed walking together.

## **APPENDICES**

## APPENDIX A: SOURCES OF PARTICIPANTS

Note: For non-Convention boxes, the number who were also at the Convention is bracketed.

Category	Subcategory	Total people in category	Number identified	Number invited	Number of interviews
<i>The Convention</i>	<i>Attendees (Signatories or supporters)</i>	~ 230-250	194	150	39
	<i>Attendees (Walk-Out group)</i>	~ 20-30	13	9	4
Government Referendum Groups	Referendum Working Group	21 (11)	21 (11)	20 (11)	9 (5)
	Referendum Engagement Group	41 (7)	41 (7)	30 (7)	6 (2)
Politicians	Politicians (Federal) (current and former)	~15 (2)	15 (2)	15 (2)	3 (2)
	Politicians (State and Territory) (current)	~15 (1)	15 (1)	10 (1)	5 (1)
State and Territory Processes	e.g. First Peoples' Assembly of Victoria, South Australia Voice Commissioner, Northern Territory Treaty Commissioner, ACT Elected Body	Unknown	42 (1)	11 (1)	5 (1)
Past Processes	Expert Panel	~13 (3)	13 (3)	10 (3)	2
	Co-Design Process	~44 (3)	44 (3)	18 (3)	5 (1)
Referendum Campaigns	Uluru Dialogue	Unknown	15 (5)	13 (5)	1 (1)
	From The Heart / Yes 23	Unknown	13 (6)	13 (6)	8 (4)
	Other Yes Campaigns	Unknown	3 (1)	3 (1)	2 (1)
	Progressive No Campaigns and Aboriginal Tent Embassy	Unknown	29 (13)	18 (9)	6 (4)
	Conservative No Campaigns	Unknown	8	8	0
Other Advocacy	Other Public Constitutional Advocacy (e.g. individual writing or past involvements)	Unknown	25	16	4

## APPENDIX B: GENERAL INTERVIEW QUESTIONS

(Scan from print copy, with key questions underlined in blue).

### Interview Draft Questions

Note: interviews are to be comfortable and open-ended, and should facilitate the interviewee's preferred structure rather than strictly following these questions or themes in order. Discussion will follow the interviewee's relevant experiences and discussion preferences. These are indicative questions. The below questions have been grouped for clarity according to what is most relevant for each interviewee. No interviewee will be asked all questions, and questions will not be repeated.

#### 1 All Interviewees

For all interviewees, these questions:

1. What is your mob [group] and country, or connections to community?
2. Could you tell me a little bit about yourself? How did you get to where you are today?
3. (If relevant) What is your current role (if relevant: in the referendum campaign)?
4. (If relevant) What's it like doing this at this time, during a [proposed] referendum campaign?

#### 2 Referendum Council Delegates

(A) All delegates

5. What was your role in the Referendum Council process? (e.g. delegate)
6. What is your story that led to being involved in that process? (How did you get here?)
7. What happened at the Regional Dialogue?
8. What happened at the national convention at Yulara?
9. Did anything surprise you at Yulara?
10. Did you feel included and heard at Yulara?
11. What happened with the walk-out?

[Pause here – insert group (B) or (C) questions from below if relevant]

12. How did you feel about the national convention and the final outcome?
13. Why do you think the Uluru Statement happened?
14. Why did you choose to support the Uluru Statement in the final plenary? (Skip for walk-out group, see walk-out group specific questions below).
15. How did you describe all this to people back home in community who were not delegates and didn't go to Yulara?
16. How do you personally think the Constitution should change? (If different to Voice alone: how did you manage that, and why did you compromise?)

(B) For the delegates most directly involved in consensus-building for the Uluru Statement, insert these additional questions after Q11:

17. How did the delegates come together and reach a near consensus?
18. Were there any major compromises that had to be made? And how did you navigate contentious issues?
19. What did you do about the walk-out?
20. Who was involved in drafting the statement itself?
21. How did delegates engage with the legal language in the draft statement?
22. Why was the language of sovereignty, and co-existence with the sovereignty of the Crown, used?
23. How did the "Voice. Treaty. Truth" phrasing and ordering get decided?

(C) And for members of the walk-out group, insert these additional questions after Q11:

24. Why did you choose to join the walk-out group?
25. Did the walk-out members share the same issues with the convention or did they have different reasons?
26. What was the role of supporters who attended Yulara but weren't delegates?
27. What factor(s) did you think were more important than reaching compromise and consensus? (specify if needed: what would have needed to change at the Convention for you to have stayed and supported the Uluru Statement?)
28. Did you feel heard by the other delegates, the media and the community when you made your protest?

### **3 For activists or leaders (who were not delegates)**

These questions can also be asked of delegates (where there is time and they do not repeat questions listed above), but for non-delegates, continue here (skip section 2 above).

1. What kind of advocacy techniques work for you? Within Indigenous groups? Between Indigenous groups? Between Indigenous Australians and non-Indigenous Australians? *Colonial*
2. What's it like doing activism and getting outcomes as a minority political group?
3. How do you see your place within the Australian state?^
4. What happened at Uluru in 2017?
5. How did you feel about the national convention and the final outcome?
6. Why do you think the Uluru Statement happened?
7. How do you think the Constitution should change? (If different to Voice alone: how did you manage that, and why did you compromise?)

### **4 For All Interviewees – On the Uluru Statement and the Referendum**

Interviewees can also be shown a copy of quotations from the Uluru Statement and asked general questions about the Uluru Statement and Referendum, where there is time and those questions have not already been asked above. Indicative questions could include:

1. How does the Uluru Statement make you feel?
2. Do people talk about the Uluru Statement in your community? What kinds of things do they say about it?
3. The Uluru Statement follows a long history of Indigenous advocacy in Australia. (Can mention history, including the Frontier Wars, 1938 Day of Mourning, 1967 Referendum, 1972 Tent Embassy, Land Rights, 1988 Barunga Statement, Mabo Case and ATSIC as examples). Think about the Aboriginal and Torres Strait Islander rights movement from the past, and now the Uluru Statement. Do you agree with the statement that "The Uluru Statement has advanced Aboriginal and Torres Strait Islander rights"?
4. On that timeline looking forwards, what would be the next step for you after the Uluru Statement? (Or after the Referendum)
5. [Present, or read out from, whichever is appropriate, a sheet containing the quotations in Survey Q9]. Ask for each, "Do you agree? What do you think?". This can lead to a discussion of Sovereignty, Voice, Treaty and Truth.
6. What is your experience of the lead-up to a referendum on the Voice to Parliament?
7. What do you hope to happen with the referendum?
8. Are you doing advocacy about the referendum in your work, community or social life? If so, are there any advocacy strategies you prefer or find useful?

9. If the referendum passed and the constitution changed, what would you say?  
(Follow-up: Looking forwards, in that situation, what would an appropriate model for Voice include for you?)
10. If the referendum failed and the constitution did not change, what would you say?

#### **5 Finishing Questions**

1. How do you see the relationship between traditional law and the national constitutional law? (If needed: what does the constitution mean to you?)
2. How does the Uluru Statement fit with what law and justice mean for you on country?
3. What does self-determination mean to you?
4. Is there anything else you would like to say about the Uluru Statement, constitutional change, law, justice, human rights or sovereignty in Australia?
5. Is there anything else you would like to discuss with me?

After the questions are complete, at this stage I will ask the interviewee to confirm the spelling of names of nations, places or people which I have noted during the interview.

## APPENDIX C: DOT POINT TOPICS LIST

(Scan from print copy).

Some specific legal topics:

- The Uluru Statement
- Referendum
- Self-determination
- Sovereignty
- Voice to Parliament
- The Constitution
- Makarrata & Treaty

Some broader topics:

- Perspectives on the referendum campaign
- Law, rules and rights
- Justice
- Leadership and representation
- Advocacy techniques within Indigenous groups, between Indigenous groups and between Indigenous Australians and non-Indigenous Australians
- Activism and getting outcomes as a minority group
- Place within the broader Australian <sup>colonised</sup> community
- National and local identity
- Local ways of seeing the world

## **APPENDIX D: REFERENDUM COUNCIL MEMBERSHIP**

Referendum Council members, as described in the Final Report (2017a: 42-5):

- Pat Anderson AO, Co-Chair (Alyawarre)
- Mark Liebler AC, Co-Chair
- Megan Davis (Cobble Cobble)
- Andrew Demetriou
- Natasha Stott Despoja AM
- Murray Gleeson AC
- Tanya Hosch (Torres Strait Islander)
- Kristina Kenneally
- Jane McAloon
- Noel Pearson (Guugu Yimidhirr)
- Michael Rose AM
- Amanda Vanstone
- Dalasa Yorkston (Torres Strait Islander)
- Mr Yunupingu AM (Gumatj clan, Yolngu)
- Denise Bowden, proxy representative for Mr Yunupingu (Indigenous)

Past Council members:

- Patrick Dodson (Yawuru)
- Mick Gooda (Gangulu)
- Stan Grant (Wiradjuri)

## BIBLIOGRAPHY

- ABC, NLSA & AIATSI (2017). *Right Wrongs: Dog Licence* [Online]. ABC, 2017-2025. Available: <https://www.abc.net.au/rightwrongs/story/dog-licence/> [Last accessed 17 August 2025].
- ABC NEWS (2007). *Jury finds Clark liable for rapes* [Online]. ABC News, 31 January 2007. Available: <https://www.abc.net.au/news/2007-01-31/jury-finds-clark-liable-for-rapes/2184488> [Last accessed 23 August 2025].
- ABC NEWS (2023). *Voice to Parliament referendum Yes campaigners call for week of silence after defeat* [Online]. ABC News, 14 October 2023. Available: <https://www.abc.net.au/news/2023-10-14/yes-campaigners-call-for-week-of-silence-after-voice-defeat/102977864> [Last accessed 1 October 2025].
- ABERDEEN, LUCINDA & JONES, JENNIFER (2021). *Black, White and Exempt: Aboriginal and Torres Strait Islander Lives Under Exemption*. Canberra, Aboriginal Studies Press.
- ABN LOOKUP (2025). *Current details for ABN 70 636 542 204 (AUSTRALIANS FOR INDIGENOUS CONSTITUTIONAL RECOGNITION LTD)* [Online]. Australian Government: Australian Business Register, ABN Lookup, 4 August 2025. Available: <https://abr.business.gov.au/ABN/View/70636542204> [Last accessed 29 September 2025].
- ABU-LABAN, YASMEEN, GAGNON, ALAIN- G. & TREMBLAY, ARJUN (2023). Conclusion: Towards a New Diversity Politics for the 21st Century? Building on Multiculturalism through Solidarity. In: ABU-LABAN, Y., GAGNON, A.-G. & TREMBLAY, A. (eds.) *Assessing Multiculturalism in Global Comparative Perspective*. Routledge.
- ACKLEY, KRISTINA (2008). Renewing Haudenosaunee Ties: Laura Cornelius Kellogg and the Idea of Unity in the Oneida Land Claim. *American Indian Culture and Research Journal*, 32 (1), 57-81.
- ACT LEGISLATIVE ASSEMBLY (2025). *First Australians and the Assembly* [Online]. ACT Legislative Assembly (Factsheet). Available: <https://www.parliament.act.gov.au/visit-and-learn/learn/resources/fs/first-australians> [Last accessed 4 November 2025].
- AGANA, THOMAS AZAGSIBA, NAAIKUUR, LAWRENCE & SAANI, ISMAIL (2025). The Role of Indigenous Play in Promoting Peace and Cohesion Among Ghanaian Ethnic Groups: A Case of the Frafras and Dagaabas. *Educational Psychology*, 6 (4), 33-48.
- AIATSI, THE AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES (2025a). *The 1938 Day of Mourning* [Online]. The Australian Institute of Aboriginal and Torres Strait Islander Studies. Available: <https://aiatsis.gov.au/explore/day-of-mourning> [Last accessed 15 August 2025].

- AIATSIS, THE AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES (2025b). *The Barunga Statement* [Online]. Australian Institute of Aboriginal and Torres Strait Islander Studies Website. Available: <https://aiatsis.gov.au/explore/barunga-statement> [Last accessed 15 August 2025].
- AIATSIS, THE AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES (2025c). Native Title Snapshot. *Native Title Newsletter*, 2025 (1), 6-8.
- ALESSI, NICOLÒ P. & TRETTEL, MARTINA (eds.) (2025). *Federalism and the Law of Diversity: The Theoretical Contribution of Federalism to the Explanation of Emergent Models for the Accommodation of Diversity*, Boston: Brill.
- ALESSI, NICOLÒ PAOLO (2025). *A Global Law of Diversity: Evolving Models and Concepts*. Abingdon, Routledge.
- ALFRED, TAIAlAKE & CORNTASSEL, JEFF (2005). Being Indigenous: Resurgences against Contemporary Colonialism. *Government and Opposition*, 40 (4), 597-614.
- ALIA, VALERIE (2010). *The New Media Nation: Indigenous Peoples and Global Communication*. New York, Berghahn Books.
- ALLAM, LORENA & BUTLER, JOSH (2023). *Voice referendum: who's behind the yes and no campaigns and how do they plan to convince Australia?* [Online]. The Guardian, 19 February 2023. Available: <https://www.theguardian.com/australia-news/2023/feb/20/voice-referendum-whos-behind-the-yes-and-no-campaigns-and-how-do-they-plan-to-convince-australia> [Last accessed 29 September 2025].
- ALLISON, FIONA, CUNNEEN, CHRIS, COOMBES, LINDON & SELCUK, AYSE (2025). "If you don't think racism exists come take a walk with us": *The Call It Out Racism Register 2023-2024* [Online]. Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney. Available: <https://callitout.com.au/wp-content/uploads/2025/02/Jumbunna-Call-It-Out-Annual-Report-2023-2024-Final.pdf> [Last accessed 1 October 2025].
- ALLPORT, GORDON W. (1954). *The Nature of Prejudice*. Cambridge, Mass., Addison-Wesley.
- AMIN, ASH (2012). *Land of Strangers*. Cambridge, Polity Press.
- ANAYA, JAMES (2010). *Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya - Addendum: Situation of indigenous peoples in Australia*. 1 June 2010: United Nations General Assembly: Human Rights Council Fifteenth Session, Document A/HRC/15/37/Add.4.
- ANDERSON, PATRICIA & DAVIS, MEGAN (2023). *Our Voices From The Heart: The authorised story of the community campaign that changed Australia*. HarperCollins Australia.
- ANDERSON, PATRICIA, DAVIS, MEGAN, PEARSON, NOEL, BRENNAN, SEAN, APPLEBY, GABRIELLE, LINO, DYLAN & MCKINNON, GEMMA (2018). *Submission 479 to the Joint Select Committee on Constitutional Recognition relating*

to *Aboriginal and Torres Strait Islander Peoples*. 3 November 2018: Published by the Parliament of Australia.

- ANDERSON, STEPHANIE (2009). *Pelletier: The Forgotten Castaway of Cape York*. Melbourne, Melbourne Books.
- ANDERSON, STEPHANIE (2015). *Referendum Council to meet for first time, PM flags Indigenous-led consultations* [Online]. ABC News, 14 December 2015. Available: <https://www.abc.net.au/news/2015-12-14/indigenous-referendum-council-to-meet-for-first-time/7025800> [Last accessed 4 June 2024].
- ANDERSSON, DIANA (2021). *The Construct of Indigenous Australian 'Traditional Laws and Customs' in Contemporary Australian Law: A Conceptual Analysis*. Doctor of Philosophy Thesis, The Australian National University.
- ANTHONY, THALIA (2007). Reconciliation and Conciliation: The Irreconcilable Dilemma of the 1965 'Equal' Wage Case for Aboriginal Station Workers. *Labour History*, 93, 15-34.
- ANTHONY, THALIA (2010). A new national Indigenous representative body ... again. *Indigenous Law Bulletin*, 7 (18), 5-9.
- ANTHONY, THALIA (2017). *FactCheck: are first Australians the most imprisoned people on Earth?* [Online]. The Conversation, 6 June 2017. Available: <https://theconversation.com/factcheck-are-first-australians-the-most-imprisoned-people-on-earth-78528> [Last accessed 20 May 2025].
- APPLEBY, GABRIELLE, BRENNAN, SEAN, LINO, DYLAN, MCKINNON, GEMMA & PARKIN, DEAN (2018). *Submission 206 to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples*. 11 June 2018: Published by the Parliament of Australia.
- APPLEBY, GABRIELLE, LEVY, RON & WHALAN, HELEN (2023). Voice versus rights: The first nations voice and the Australian constitutional legitimacy crisis. *University of New South Wales law journal*, 46 (3), 761-790.
- APPLEBY, GABRIELLE & SYNOT, EDDIE (2020). A First Nations Voice: Institutionalising Political Listening. *Federal Law Review*, 48 (4), 529-542.
- ARABENA, KERRY-ANN (2009). *Indigenous to the Universe: A discourse of indigeneity, citizenship and ecological relationships*. Doctor of Philosophy, Australian National University.
- ARABENA, KERRY (2006). The Universal Citizen: An Indigenous Citizenship Framework for the Twenty-first Century. *Australian Aboriginal Studies*, 2006 (2), 36-46.
- ARABENA, KERRY (2008). *Indigenous Epistemology and Wellbeing: Universe-referent Citizenship*. Canberra, December 2008: Research Program, AIATSIS (AIATSIS Research Discussion Paper Number 22).
- ARCHIBALD-BINGE, ELLA (2025). *From Meanjin to Warrane, Apple Maps adds more than 250 Indigenous placenames in Australia* [Online]. The Guardian Australia, 27

- March 2025. Available: <https://www.theguardian.com/australia-news/2025/mar/27/apple-maps-indigenous-place-names-australia> [Last accessed 7 August 2025].
- ARCIONI, ELISA (2021). The Voice to Parliament proposal and ‘the people’ of the Constitution. *Alternative Law Journal*, 46 (3), 225-227.
- ARONSON, ELLIOT, WILSON, TIMOTHY D. & AKERT, ROBIN M. (2007). *Social Psychology*, Sixth edition. Upper Saddle River, N.J, Pearson Education International.
- ASHIYA, VIRENDRA (2023). *Silencing the Indigenous Voice: How Australians Have Failed Their Own People Part I* [Online]. Oxford Human Rights Hub, 24 October 2023. Available: <https://ohrh.law.ox.ac.uk/silencing-the-indigenous-voice-how-australians-have-failed-their-own-people-part-i/> [Last accessed 23 April 2025].
- ATKINSON, ALAN (1982). The Ethics of Conquest, 1786. *Aboriginal History*, 6 (1), 82-91.
- ATSIC & AIATSIS (eds.) (2003). *Treaty - Let's get it right! : A collection of essays from ATSIC's treaty think-tank and AIATSIS commissioned authors on the treaty concept*, Canberra: Aboriginal Studies Press.
- ATSIC, NATIVE TITLE SOCIAL JUSTICE ADVISORY COMMITTEE (1995). *Recognition, Rights and Reform: A Report to Government on Native Title Social Justice Measures*. Canberra: Aboriginal and Torres Strait Islander Commission.
- ATTWOOD, BAIN (2009). *Possession: Batman's Treaty and the Matter of History*. Carlton, Victoria, The Miegunyah Press.
- ATTWOOD, BAIN (2020). *Empire and the Making of Native Title: Sovereignty, Property and Indigenous People*. Cambridge, Cambridge University Press.
- ATTWOOD, BAIN & MARKUS, ANDREW (2004). *Thinking Black: William Cooper and the Australian Aborigines' League*. Canberra, Aboriginal Studies Press.
- ATTWOOD, BAIN & MARKUS, ANDREW (2007). *1967 Referendum: Race, Power and the Australian Constitution*, Second edition. Canberra, Aboriginal Studies Press.
- AUSTRALASIAN FEDERAL CONVENTION (1898). *Official Record of the Debates of the Australasian Federal Convention, Third Session, Melbourne, 20th January to 17th March, 1898: Volume 1*. Melbourne, Robt. S. Brain, Government Printer.
- AUSTRALIAN BUREAU OF STATISTICS (2023). *Estimates of Aboriginal and Torres Strait Islander Australians: Final 2021 Census-based estimated resident population of Aboriginal and Torres Strait Islander and non-Indigenous Australians for various geographies* [Online]. Australian Bureau of Statistics, 31 August 2023. Available: <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/30-june-2021> [Last accessed 15 September 2025].
- AUSTRALIAN BUREAU OF STATISTICS (2024). *Prisoners in Australia* [Online]. Australian Bureau of Statistics, 19 December 2024. Available:

<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release> [Last accessed 20 May 2025].

AUSTRALIAN ELECTORAL COMMISSION (2012). *1999 Referendum Report* [Online]. Australian Electoral Commission, 24 October 2012. Available: [https://www.aec.gov.au/Elections/referendums/1999\\_Referendum\\_Reports\\_Statistics/index.htm](https://www.aec.gov.au/Elections/referendums/1999_Referendum_Reports_Statistics/index.htm) [Last accessed 23 August 2025].

AUSTRALIAN ELECTORAL COMMISSION (2023a). *Referendum 2023 - YES and NO cases to be published on Tuesday (Media Release)* [Online]. Australian Electoral Commission, 14 July 2023. Available: <https://www.aec.gov.au/media/2023/07-14.htm> [Last accessed 1 October 2025].

AUSTRALIAN ELECTORAL COMMISSION (2023b). *Referendum Report 2023*. Canberra, Australian Electoral Commission, Commonwealth of Australia.

AUSTRALIAN ELECTORAL COMMISSION (2023c). *Your Official Referendum Booklet* [Online]. Australian Electoral Commission, 2023. Available: <https://www.aec.gov.au/referendums/files/pamphlet/referendum-booklet.pdf> [Last accessed 1 October 2025].

AUSTRALIAN ELECTORAL COMMISSION (2025). *Referendum dates and results* [Online]. Australian Electoral Commission, 12 August 2025. Available: [https://www.aec.gov.au/Elections/referendums/Referendum\\_Dates\\_and\\_Results.htm](https://www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm) [Last accessed 1 October 2025].

AUSTRALIAN HUMAN RIGHTS COMMISSION (2022). *Close the Gap: Indigenous Health Campaign* [Online]. Australian Human Rights Commission, 17 March 2022. Available: <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/close-gap-indigenous-health> [Last accessed 20 May 2025].

AUSTRALIAN INSTITUTE OF HEALTH AND WELFARE (2025). *Child protection Australia 2023–24: Insights - Supporting Children* [Online]. Australian Institute of Health and Welfare, 30 September 2025. Available: <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/contents/insights/supporting-children> [Last accessed 8 November 2025].

BÄCHTIGER, ANDRÉ, DRYZEK, JOHN S., MANSBRIDGE, JANE & WARREN, MARK E. (2018). *The Oxford Handbook of Deliberative Democracy*. Oxford, Oxford University Press.

BAKER, RICHARD MUNRO (1999). *Land is Life: From Bush to Town, the Story of the Yanyuwa People*. St Leonards, NSW, Allen & Unwin.

BALDRY, HANNAH, MCKEON, AILSA & MCDOUGALL, SCOTT (2015). Queensland's Frontier Killing Times: Facing Up To Genocide. *QUT Law Review*, 15 (1), 92-113.

BANAKAR, REZA & TRAVERS, MAX (eds.) (2005). *Theory and Method in Socio-Legal Research*, Oxford: Hart Publishing.

BANIVANUA-MAR, TRACEY (2007). *Violence and Colonial Dialogue: The Australian-Pacific Indentured Labor Trade*. Honolulu, University of Hawai'i Press.

- BANKS, ROBIN (2008). Stolen Wages: Settling the Debt. *Australian Indigenous Law Review*, 12 (Special Edition), 55-67.
- BANNER, STUART (2007). *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska*. Cambridge, Mass., Harvard University Press.
- BARTROP, PAUL R. (2001). The Holocaust, the Aborigines, and the bureaucracy of destruction: An Australian dimension of genocide. *Journal of Genocide Research*, 3 (1), 75-87.
- BARUNGA STATEMENT (1988). *Barunga Statement. Natural pigments on composition board with attached printed text on paper presented by the Central Land Council and Northern Land Council in 1988. Gifts collection, Parliament House Art Collection*. [Online]. Australian Institute of Aboriginal and Torres Strait Islander Studies (Transcript provided), 2025. Available: <https://aiatsis.gov.au/explore/barunga-statement> [Last accessed 15 August 2025].
- BATESON, GREGORY (1935). Culture Contact and Schismogenesis. *Man (London)*, 35, 178-183.
- BATESON, GREGORY (1936). *Naven: A Survey of the Problems Suggested By a Composite Picture of the Culture of a New Guinea Tribe Drawn From Three Points of View*. Cambridge, Cambridge University Press.
- BATMAN, JOHN (1835). *Melbourne Deed: John Batman Deeds, MS 2292*. Canberra, National Library of Australia.
- BATSON, C. DANIEL (1991). *The Altruism Question: Toward a Social-Psychological Answer*. Hillsdale, N.J, Erlbaum.
- BAUBÖCK, RAINER & SCHOLTEN, PETER (2016). Introduction to the special issue: “Solidarity in diverse societies: beyond neoliberal multiculturalism and welfare chauvinism”: Coping with ‘the progressive’s dilemma’; nationhood, immigration and the welfare state. *Comparative Migration Studies*, 4 (4), 1-7.
- BEAUMONT, TIM (2022). Kymlicka’s Alignment of Mill and Engels: Nationality, Civilization, and Coercive Assimilation. *Nationalities Papers*, 50 (5), 1003-1021.
- BEAZLEY, JORDYN (2023). *Indigenous communities overwhelmingly voted yes to Australia’s voice to parliament* [Online]. The Guardian, 15 October 2023. Available: <https://www.theguardian.com/australia-news/2023/oct/15/indigenous-communities-overwhelmingly-voted-yes-to-australias-voice-to-parliament> [Last accessed 6 October 2025].
- BECKETT, JEREMY R. (1972). The Torres Strait Islanders. In: WALKER, D. (ed.) *Bridge and Barrier: The Natural and Cultural History of Torres Strait*. Canberra: Australian National University.
- BEHRENDT, LARISSA (1995). *Aboriginal Dispute Resolution: A Step Towards Self-Determination and Community Autonomy*. Annandale, NSW, Federation Press.

- BEHRENDT, LARISSA (2003). Power From the People: A Community-Based Approach to Indigenous Self-Determination. *The Flinders Journal of Law Reform*, 6 (2), 135-150.
- BEHRENDT, LARISSA (2011). Aboriginal Australia and Democracy: Old Traditions, New Challenges. In: ISAKHAN, B. & STOCKWELL, S. (eds.) *The Secret History of Democracy*. Basingstoke: Palgrave Macmillan.
- BEHRENDT, LARISSA (2021). *Indigenous Australia for Dummies*, Second edition. Milton, Australia, John Wiley & Sons.
- BEHRENDT, LARISSA, CUNNEEN, CHRIS, LIBESMAN, TERRY & WATSON, NICOLE (2019). *Aboriginal and Torres Strait Islander Legal Relations*, Second edition. Docklands, Melbourne, Oxford University Press.
- BENTHAM, JEREMY (1803). *Writings on Australia, VI. A Plea for the Constitution: Shewing the Enormities Committed to the Oppression of British Subjects, Innocent as Well as Guilty*, The Bentham Project pre-publication version (2018). The Bentham Project.
- BENTON, LAUREN & STRAUMANN, BENJAMIN (2010). Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice. *Law and History Review*, 28 (1), 1-38.
- BESSIRE, LUCAS & BOND, DAVID (2014). Ontological anthropology and the deferral of critique. *American Ethnologist*, 41 (3), 440-456.
- BHATIA, AMAR (2021). Statehood, Canadian sovereignty, and the attempted domestication of Indigenous legal relations. In: XAVIER, S., JACOBS, B., WABOOSE, V., HEWITT, J. G. & BHATIA, A. (eds.) *Decolonizing Law: Indigenous, Third World and Settler Perspectives*. London: Routledge.
- BIDDLE, NICHOLAS, GRAY, MATTHEW, MCALLISTER, IAN & QVORTRUP, MATT (2023). *Detailed analysis of the 2023 Voice to Parliament Referendum and related social and political attitudes*. 28 November 2023: ANU Centre for Social Research and Methods.
- BIRCH, TONY (1992). 'Nothing Has Changed': The Making and Unmaking of Koori Culture. *Meanjin*, 51 (2), 229-246.
- BIRCH, TONY (2020). 'The Invisible Fire': Indigenous Sovereignty, History and Responsibility. In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Abingdon: Routledge.
- BLACKSTONE, WILLIAM (2016). *Commentaries on the Laws of England. Book I: Of the Rights of Persons*. Oxford, Oxford University Press.
- BLAK SOVEREIGN MOVEMENT (2023). *The Blak Sovereign Movement on the Voice to Parliament: What Voters Should Know Before Voting in the Referendum* [Online]. Blak Sovereign Movement (Authorised by Fred Hooper), August 2023. Available: <https://blaksovereignmovement.com/wp-content/uploads/2023/08/bsm-booklet.pdf> [Last accessed 1 October 2025].

- BLANCO, CLAUDIANNA (2017). “*We won’t sell out our mob*”: *Delegates walk out of Constitutional recognition forum in protest* [Online]. NITV News, 25 May 2017. Available: <https://www.sbs.com.au/nitv/article/we-wont-sell-out-our-mob-delegates-walk-out-of-constitutional-recognition-forum-in-protest/v42y9atu4> [Last accessed 3 July 2024].
- BOLGER, ROSEMARY (2019). *Barnaby Joyce admits he was wrong to call Indigenous voice a ‘third chamber’* [Online]. SBS News, 19 July 2019. Available: <https://www.sbs.com.au/news/article/barnaby-joyce-admits-he-was-wrong-to-call-indigenous-voice-a-third-chamber/u4gwj9kb0> [Last accessed 29 September 2025].
- BOLTJE, STEPHANIE (2024). *Treaty now or never? Concerns treaties will become ‘political football’ as Aboriginal advocates across the country call for action* [Online]. ABC News, 9 February 2024. Available: <https://www.abc.net.au/news/2024-02-10/where-the-calls-for-indigenous-treaty-sit-post-voice-referendum/103442492> [Last accessed 1 October 2025].
- BORODITSKY, LERA & GABY, ALICE (2010). Remembrances of Times East: Absolute Spatial Representations of Time in an Australian Aboriginal Community. *Psychological Science*, 21 (11), 1635-1639.
- BORROWS, JOHN (2001). Uncertain Citizens: Aboriginal Peoples and the Supreme Court. *Canadian Bar Review*, 80 (1-2), 15-41.
- BORROWS, JOHN (2005). Indigenous Legal Traditions in Canada. *Washington University Journal of Law & Policy*, 19, 167-223.
- BOULANGER, LORI A. (1999). “*Resisting Coercive Assimilation*”: *Identity, Empowerment, and Activism in the Native Hawaiian Movement on Hawai‘i Island*. Doctor of Philosophy, The State University of New York at Albany.
- BOURCHIER, DAN (2020). *King Billy and Marvellous were not invited to the 1927 opening of Parliament House – but that didn’t stop their fight for sovereignty* [Online]. ABC News, 21 September 2020. Available: <https://www.abc.net.au/news/2020-09-21/king-billy-and-marvellous-fight-for-sovereignty-at-parliament/12682986> [Last accessed 15 August 2025].
- BOURKE, RICHARD (1835a). Letter to Lord Glenelg (10 October 1835). *Historical Records of Australia: Series 1, Volume 18*. The Library Committee of the Commonwealth Parliament (1923), 156.
- BOURKE, RICHARD (1835b). *Proclamation*. 26 August 1835: New South Wales Government Gazette, 9 September 1835 issue.
- BOURKE, SARAH (2021). Enacting an Indigenist Anthropology: Diversity and Decolonising the Discipline. *Teaching Anthropology*, 10 (1), 30-36.
- BRACKNELL, CLINT (2020). Rebuilding as Research: Noongar Song, Language and Ways of Knowing. *Journal of Australian Studies*, 44 (2), 210-223.
- BRADNEY, ANTHONY (1998). Law as a Parasitic Discipline. *Journal of Law and Society*, 25 (1), 71-84.

- BRADY, WENDY (2020). That Sovereign Being: History Matters. In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Abingdon: Routledge.
- BREEN, MICHAEL G. (2020). Federalism, constitutional recognition and Indigenous Peoples: how a new identity-based state can be established in Australia. *Australian Journal of Political Science*, 55 (3), 311-327.
- BRENNAN, BRIDGET (2017a). *Indigenous leaders enraged as advisory board referendum is rejected by Malcolm Turnbull* [Online]. ABC News, 26 October 2017. Available: <https://www.abc.net.au/news/2017-10-27/indigenous-leaders-enraged-by-pms-referendum-rejection/9090762> [Last accessed 12 March 2024].
- BRENNAN, BRIDGET (2017b). *Recognise campaign ends after making 'significant contribution'* [Online]. ABC News, 11 August 2017. Available: <https://www.abc.net.au/news/2017-08-11/recognise-campaign-wound-up/8797540> [Last accessed 19 August 2025].
- BRENNAN, BRIDGET (2023a). *What is the 'progressive no' campaign and could it sway the Voice referendum?* [Online]. ABC News, 6 October 2023. Available: <https://www.abc.net.au/news/2023-10-07/progressive-no-campaign-voice-referendum/102934288> [Last accessed 1 October 2025].
- BRENNAN, DECHLAN (2023b). *"Deeply Saddening": Land Councils respond to referendum result after week of mourning* [Online]. National Indigenous Times, 23 October 2023. Available: <https://nit.com.au/23-10-2023/8259/deeply-saddening-indigenous-groups-respond-to-referendum-result-after-week-of-mourning> [Last accessed 6 October 2025].
- BRENNAN, DECHLAN (2023c). *New poll shows decline in support for Treaty and truth-telling, despite Victoria moving forward with the process* [Online]. National Indigenous Times, 20 November 2023. Available: <https://nit.com.au/20-11-2023/8692/new-poll-shows-decline-in-support-for-treaty-and-truth-telling-despite-victoria-moving-forward-with-the-process> [Last accessed 1 October 2025].
- BRENNAN, DECHLAN (2024). *Queensland government shuts down truth-telling Inquiry in "extraordinary act"* [Online]. National Indigenous Times, 28 November 2024. Available: <https://nit.com.au/28-11-2024/15119/queensland-government-shuts-down-truth-telling-inquiry-in-extraordinary-act> [Last accessed 1 October 2025].
- BRENNAN, DECHLAN (2025). *"Unfortunately not surprising": Treaty process in the NT officially "dismantled"* [Online]. National Indigenous Times, 11 February 2025. Available: <https://nit.com.au/11-02-2025/16199/unfortunately-not-surprising-treaty-process-in-the-nt-officially-dismantled> [Last accessed 1 October 2025].
- BRIGHAM, CLARENCE S. (ed.) (2014). *British Royal Proclamations Relating to America: 1603-1783*, New York: Burt Franklin.
- BROAD, GAYLE, BOYER, STEPHANIE & CHATAWAY, CYNTHIA (2006). We Are Still the Anishnaabe Nation: Embracing Culture and Identity in Batchewana First Nation. *Canadian Journal of Communication*, 31 (1), 35-58.

- BROUGH, MAL (2007). *National emergency response to protect Aboriginal children in the NT* [Online]. The Hon Mal Brough MP (Media Release), Commonwealth of Australia, 21 June 2007. Available: [https://formerministers.dss.gov.au/3581/emergency\\_21june07/](https://formerministers.dss.gov.au/3581/emergency_21june07/) [Last accessed 21 May 2025].
- BUREAU OF INDIAN AFFAIRS (2024). *Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs* [Online]. United States National Archives: Federal Register, the Daily Journal of the United States Government, 12 November 2024. Available: <https://www.federalregister.gov/documents/2024/12/11/2024-29005/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of> [Last accessed 23 August 2025].
- BURKE, PAUL (2018). *An Indigenous Australian Diaspora: Warlpiri Matriarchs and the Refashioning of Tradition*. New York, Berghahn Books.
- BURNEY, THE HON LINDA MP (2022). *Referendum Working Group Communique* [Online]. Department of Prime Minister and Cabinet Website, 28 October 2022. Available: <https://ministers.pmc.gov.au/burney/2022/referendum-working-group-communicue> [Last accessed 21 May 2024].
- BURNS, JUSTINE, HULL, GEORGE, LEFKO-EVERETT, KATE & NJOZELA, LINDOKUHLE (2018). *Defining Social Cohesion*. Cape Town, January 2018: Southern Africa Labour and Development Research Unit, University of Cape Town (SALDRU Working Paper Number 216).
- BUTLER, DAN (2023a). *Public support for treaty has plummeted in the wake of the referendum. Where to from here?* [Online]. NITV News, 19 December 2023. Available: <https://www.sbs.com.au/nitv/article/support-for-treaty-has-plummeted-in-the-wake-of-the-referendum-where-to-from-here/0v3ym2461> [Last accessed 1 October 2025].
- BUTLER, DAN (2023b). *The Yes campaign is keen to leave Canberra behind, as the No vote pulls ahead for the first time* [Online]. SBS NITV News, 27 June 2023. Available: <https://www.sbs.com.au/nitv/article/the-yes-campaign-is-keen-to-leave-canberra-behind-as-the-no-vote-pulls-ahead-for-the-first-time/o0s23vkew> [Last accessed 30 September 2025].
- BUTLER, DAN (2024). *'We are not happy': Uluru Statement supporters react to Albanese's shifting language on Makarrata Commission* [Online]. NITV News, 6 August 2024. Available: <https://www.sbs.com.au/nitv/article/we-are-not-happy-uluru-statement-supporters-react-to-albaneses-shifting-language-on-makarrata-commission/d5gjy9xtk> [Last accessed 1 October 2025].
- CALMA, TOM (2005). *Social Justice Report 2005*. Sydney, 22 November 2005: Aboriginal & Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.
- CAMPBELL, DAVID (2023). *Tony Abbott is wrong – the NIAA doesn't spend \$30 billion a year on Indigenous programs* [Online]. RMIT Fact Check, 5 October 2023.

Available: [https://www.rmit.edu.au/news/factlab-meta/niaa-does-not-spend-\\$30b-on-indigenous-programs-annually](https://www.rmit.edu.au/news/factlab-meta/niaa-does-not-spend-$30b-on-indigenous-programs-annually) [Last accessed 3 December 2025].

CAPE YORK INSTITUTE (2014). *Submission 38 to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples*. October 2014: Published by the Parliament of Australia.

CAPOZZA, DORA & BROWN, RUPERT (eds.) (2000). *Social Identity Processes: Trends in Theory and Research*, London: SAGE Publications.

CHALMERS, THE HONOURABLE JIM MP & GALLAGHER, SENATOR THE HONOURABLE KATY (2022). *Budget Measures: Budget Paper No. 2 (Budget October 2022-23)*. 25 October 2022: Commonwealth of Australia.

CHALMERS, THE HONOURABLE JIM MP & GALLAGHER, SENATOR THE HONOURABLE KATY (2023). *Budget Measures: Budget Paper No. 2 (Budget 2023-24)*. 9 May 2023: Commonwealth of Australia.

CHANDLER, DAVID & REID, JULIAN (2019). *Becoming Indigenous: Governing Imaginaries in the Anthropocene*. London, Rowman & Littlefield.

CHARLES, BRONTE & KNOWLES, RACHEL (2023). *The referendum failed. But data shows the majority of Indigenous communities voted yes* [Online]. SBS NITV News, 16 October 2023. Available: <https://www.sbs.com.au/nitv/article/the-referendum-for-a-voice-to-parliament-failed-but-what-outcome-did-most-indigenous-voters-support/i2reavyqn> [Last accessed 13 June 2024].

CHARMAZ, KATHY & BRYANT, ANTONY (2011). Grounded Theory and Credibility. In: SILVERMAN, D. (ed.) *Qualitative Research*. Third ed. London: SAGE Publications.

CHIDESTER, DAVID, DEXTER, PHILLIP & JAMES, WILMOT (eds.) (2003). *What Holds Us Together: Social Cohesion in South Africa*, Cape Town: Human Sciences Research Council Press.

CHILDS, JOHN BROWN (2003). *Transcommunitality: From the Politics of Conversion to the Ethics of Respect*. Philadelphia, Temple University Press.

CHRYSANTHOS, NATASSIA (2019). *What is the Uluru Statement from the Heart?* [Online]. The Sydney Morning Herald, 23 May. Available: <https://www.smh.com.au/national/what-is-the-uluru-statement-from-the-heart-20190523-p51qlj.html> [Last accessed 12 March 2024].

CLARK, MARSHALL & MAY, SALLY K. (eds.) (2013). *Macassan History and Heritage: Journeys, Encounters and Influences*, Canberra: ANU E Press.

CLARKSON, CHRIS, JACOBS, ZENOBIA, MARWICK, BEN, FULLAGAR, RICHARD, WALLIS, LYNLEY, SMITH, MIKE, ROBERTS, RICHARD G., HAYES, ELSPETH, LOWE, KELSEY, CARAH, XAVIER, et al. (2017). Human Occupation of Northern Australia by 65,000 Years Ago. *Nature*, 547 (7663), 306-310.

CLASTRES, PIERRE (1989). *Society Against the State: Essays in Political Anthropology*, Zone Books Edition. New York, Zone Books.

- CLEMENTS, NICHOLAS PATRICK (2013). *Frontier Conflict in Van Diemen's Land*. Doctor of Philosophy, University of Tasmania.
- CLIFFORD, JAMES (1994). Diasporas. *Cultural Anthropology*, 9 (3), 302-338.
- CLOSING THE GAP (2020). *National Agreement on Closing the Gap* [Online]. Closing the Gap, Australian Government, July 2020. Available: [https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement\\_apr-21-comm-infra-targets-updated-24-august-2022\\_0.pdf](https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement_apr-21-comm-infra-targets-updated-24-august-2022_0.pdf) [Last accessed 30 September 2025].
- COALITION OF PEAKS (2023). *Elevating Indigenous voices* [Online]. Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks), 30 July 2023. Available: <https://www.coalitionofpeaks.org.au/media/elevating-indigenous-voices> [Last accessed 6 October 2025].
- COE, LES, COE, NIOKA & GILBERT, RUTH (2017). *Aboriginal Embassy Statement from the Sacred Fire Walkout Statement: Opposing Constitutional Recognition and Manufactured Consent* [Online]. Sovereign Union, 6 July 2017. Available: <https://nationalunitygovernment.org/content/walkout-statement-aboriginal-embassy-statement-sacred-fire> [Last accessed 12 March 2024].
- COLLINGWOOD-WHITTICK, SHEILA (2018). Settler Colonial Biopolitics and Indigenous Resistance: The Refusal of Australia's First Peoples "to fade away or assimilate or just die". *American Indian Culture and Research Journal*, 42 (2), 11-37.
- COMMONWEALTH GOVERNMENT (2002). Commonwealth Government Response to the Council for Aboriginal Reconciliation Final Report Reconciliation: Australia's Challenge. *Australian Indigenous Law Reporter*, 7 (4), 54-72.
- COMMONWEALTH OF AUSTRALIA (2010). *Australia's Constitution: With Overview and Notes by the Australian Government Solicitor*, Seventh edition. Canberra, Parliamentary Education Office and Australian Government Solicitor.
- COMMONWEALTH OF AUSTRALIA (2023). *Writ for a Referendum* [Online]. Australian Electoral Commission, 11 September 2023. Available: <https://www.aec.gov.au/Elections/referendums/files/writ-for-2023-referendum.pdf> [Last accessed 24 April 2025].
- COOK, JAMES (2014). *Captain Cook's Journal During His First Voyage Round the World Made in H.M. Bark Endeavour, 1768-71: A Literal Transcription of the Original MSS*, Digitally printed edition. Cambridge, Cambridge University Press.
- COOK, STUART W. (1984). Cooperative Interaction in Multiethnic Contexts. In: MILLER, N. & BREWER, M. B. (eds.) *Groups in Contact: The Psychology of Desegregation*. Orlando, Florida: Academic Press Inc.
- COOMBS, H. C. (1994). *Aboriginal Autonomy: Issues and Strategies*. Cambridge, Cambridge University Press.
- COTTERRELL, ROGER (1995). *Law's Community: Legal Theory in Sociological Perspective*. Oxford, Oxford University Press.

- COUNCIL FOR ABORIGINAL RECONCILIATION (2000). *Reconciliation: Australia's challenge. Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament*. Canberra, December 2000: Council for Aboriginal Reconciliation.
- COWAN, ANNA (2013). UNDRIP and the intervention: Indigenous self-determination, participation, and racial discrimination in the Northern Territory of Australia. *Pacific Rim Law & Policy Journal*, 22 (2), 247-310.
- COX, TERRANCE, HOANG, HA, MOND, JONATHON & CROSS, MERYLIN (2021). 'It all comes back to community!': A qualitative study of Aboriginal Elders promoting cultural well-being. *Australian Journal of Rural Health*, 29, 910-918.
- CREAMER, JOSHUA (2024). *Final statement from the Truth-telling and Healing Inquiry* [Online]. Queensland Truth-telling and Healing Inquiry, 29 November 2024. Available: <https://www.truth-telling-qld.com.au/final-statement-truth-telling-and-healing-inquiry> [Last accessed 1 October 2025].
- CREUTZFELDT, NAOMI (2020). Traditions of studying the social and the legal: A short introduction to the institutional and intellectual development of socio-legal studies. In: CREUTZFELDT, N., MASON, M. & MCCONNACHIE, K. (eds.) *Routledge Handbook of Socio-Legal Theory and Methods*. Abingdon: Routledge.
- CRONIN, DARRYL (2003). Indigenous Disadvantage, Indigenous Governance and the Notion of a Treaty in Australia: An Indigenous Perspective. In: ATSIK & AIATSIK (eds.) *Treaty : Let's get it right!* Canberra: Aboriginal Studies Press.
- CROSS, JARRED (2023). 'Reconciliation is not dead': Indigenous voices call for action [Online]. National Indigenous Times, 16 October 2023. Available: <https://nit.com.au/16-10-2023/8159/reconciliation-is-not-dead-indigenous-voices-call-for-action> [Last accessed 1 October 2025].
- CROWE, DAVID (2023). *Indigenous support for Voice falls, but keeps majority* [Online]. The Sydney Morning Herald, 11 October 2023. Available: <https://www.smh.com.au/politics/federal/indigenous-support-for-voice-falls-but-keeps-majority-20231010-p5eb19.html> [Last accessed 4 July 2024].
- CURKPATRICK, SAMUEL, BACALLER, SARAH, PAWU, WANTA JAMPIJINPA & WILFRED, DANIEL (2023). Interweaving Fibres: Relational Dynamics in Indigenous Australian Thought and Performance. *Journal of Intercultural Studies*, 44 (5), 649-657.
- CURKPATRICK, SAMUEL, SUSANTO, HERY & PAWU, WANTA JAMPIJINPA (2024). Symbolic Cohesion and Interpretive Freedom: Embodying Unity in Diversity through Warlpiri *ngurra-kurlu* and Indonesian Pancasila. *Journal for the Academic Study of Religion*, 37 (2), 243-266.
- CURTHOYS, ANN & MITCHELL, JESSIE (2012). "Bring this paper to the Good Governor": Aboriginal Petitioning in Britain's Australian Colonies. In: BELMESSOUS, S. (ed.) *Native Claims: Indigenous Law Against Empire, 1500-1920*. Oxford University Press.

- DAHL, ROBERT A. (1982). *Dilemmas of Pluralist Democracy: Autonomy vs. Control*. New Haven, Yale University Press.
- DALEY, PAUL (2018). Enduring traditions of aboriginal protest: Truth-telling amid the dark shadows of history. *Griffith Review*, (60), 67-81.
- DARDANELLI, PAOLO & MUELLER, SEAN (2019). Dynamic De/Centralization in Switzerland, 1848–2010. *Publius: The Journal of Federalism*, 49 (1), 138-165.
- DAVIES, ANNE (2021). *Where ‘mutual obligation’ began: John Howard’s paradigm shift on welfare* [Online]. The Guardian, 31 December 2021. Available: <https://www.theguardian.com/australia-news/2022/jan/01/where-mutual-obligation-began-john-howards-paradigm-shift-on-welfare> [Last accessed 23 August 2025].
- DAVIS, FIONA (2014a). *Australian Settler Colonialism and the Cummeragunja Aboriginal Station: Redrawing Boundaries*. Eastbourne, Sussex Academic Press.
- DAVIS, MEGAN (2012). Aboriginal Women: The Right To Self-Determination. *Australian Indigenous Law Review*, 16 (1), 78-88.
- DAVIS, MEGAN (2014b). Correspondence: A Rightful Place. *Quarterly Essay*, (56), 73-81.
- DAVIS, MEGAN (2015). Indigenous Constitutional Recognition from the Point of View of Self-Determination and Its Exercise through Democratic Participation. *Indigenous Law Bulletin*, 8 (19), 10-14.
- DAVIS, MEGAN (2022). *Address to the National Press Club on the Uluru Statement from the Heart* [Online]. National Press Club of Australia (YouTube), 9 November 2022. Available: <https://www.youtube.com/watch?v=lvvt1qfjwfY> [Last accessed 25 October 2025].
- DAVIS, MEGAN & DIXON, ROSALIND (2016). Constitutional recognition through a (justiciable) duty to consult? Towards entrenched and judicially enforceable norms of indigenous consultation. *Public Law Review*, 27, 255-263.
- DAVIS, MEGAN & WILLIAMS, GEORGE (2015). *Everything You Need to Know about the Referendum to Recognise Indigenous Australians*. Sydney, NewSouth Publishing.
- DAVIS, MEGAN & WILLIAMS, GEORGE (2021). *Everything You Need to Know About the Uluru Statement From The Heart*. Sydney, UNSW Press.
- DAVIS, RUFUS S. (1978). *The Federal Principle: A Journey Through Time in Quest of a Meaning*. Berkeley, University of California Press.
- DAYLIGHT, PHYLLIS & JOHNSTONE, MARY (1986). *Women’s Business: Report of the Aboriginal Women’s Task Force*. Canberra: Australian Government Publishing Service.
- DE VATTEL, EMMERICH (2011). *The Law of Nations: Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, 1834 edition, edited by Joseph Chitty, as republished in 2011. Cambridge, Cambridge University Press.

- DEAN, MOHSEEN RIAZ UD (2023). Indigenous knowledge for social cohesion, ecological and community well-being, and climate resilience: reviving Indigenous salt crafting in Vusama, Fiji. *AlterNative*, 19 (3), 711-724.
- DELANTY, GERARD (2009). *The Cosmopolitan Imagination : The Renewal of Critical Social Theory*. Cambridge, UK, Cambridge University Press.
- DELHEY, JAN, BOEHNKE, KLAUS, DRAGOLOV, GEORGI, IGNÁ CZ, ZSÓFIA S., LARSEN, MANDI, LORENZ, JAN & KOCH, MICHAEL (2018). Social Cohesion and Its Correlates: A Comparison of Western and Asian Societies. *Comparative Sociology*, 17, 426-455.
- DELOITTE ACCESS ECONOMICS (2018). *Review of the implementation of the recommendations of the Royal Commission into Aboriginal deaths in custody*. Canberra, August 2018: Department of the Prime Minister and Cabinet.
- DISS, KATHRYN & WILSON, ADRIAN (2024). 'Emotional moment' as spears taken by Captain Cook are returned to Indigenous community [Online]. ABC News, 23 April 2024. Available: <https://www.abc.net.au/news/2024-04-23/gweagal-spears-captain-cook-took-handed-to-indigenous-community/103756446> [Last accessed 21 August 2025].
- DOCKER, JOHN (2015). A plethora of intentions: genocide, settler colonialism and historical consciousness in Australia and Britain. *The International Journal of Human Rights*, 19 (1), 74-89.
- DODSON, PATRICK & CRONIN, DARRYL (2011). An Australian Dialogue: Decolonising the Country. In: MADDISON, S. & BRIGG, M. (eds.) *Unsettling the Settler State: Creativity and Resistance in Indigenous Settler-State Governance*. Sydney: The Federation Press.
- DOW, CORAL (2000). *Aboriginal Tent Embassy: Icon or Eyesore*. Canberra: Department of the Parliamentary Library Information and Research Services.
- DOWLING, JAMES (1842). Advice to Sir George Gipps (8 January 1842). *Historical Records of Australia: Series 1, Volume 21*. The Library Committee of the Commonwealth Parliament (1924), 654.
- DOYLE, HELEN (2001). Makarrata. In: DAVISON, G., HIRST, J. & MACINTYRE, S. (eds.) *The Oxford Companion to Australian History*. Oxford: Oxford University Press.
- DRAKE, ANNA (2021). *Activism, Inclusion, and the Challenges of Deliberative Democracy*. Vancouver, UBC Press.
- DREYFUS, THE HON MARK KC MP (2022). *First Meetings of Referendum Working Group & Referendum Engagement Group (Media Release)* [Online]. Attorney-General's Department Media Centre, 29 September 2022. Available: <https://ministers.ag.gov.au/media-centre/first-meetings-referendum-working-group-referendum-engagement-group-29-09-2022> [Last accessed 21 May 2024].

- DUHAIME, GÉRARD, SEARLES, EDMUND, USHER, PETER J., MYERS, HEATHER & FRÉCHETTE, PIERRE (2004). Social Cohesion and Living Conditions in the Canadian Arctic: From Theory to Measurement. *Social indicators research*, 66 (3), 295-317.
- DUNSTAN, JOSEPH (2019). *Victorian Aboriginal voters have elected an Assembly to advance the treaty process. So what's next?* [Online]. ABC News, 4 November 2019. Available: <https://www.abc.net.au/news/2019-11-05/victorian-aboriginal-treaty-assembly-elected-what-happens-next/11650520> [Last accessed 8 October 2025].
- DUONG, QUYNH-LY & DAVIDSON, RENEE (2023). *New online channel echoes old misinformation* [Online]. RMIT University, 20 July 2023. Available: <https://www.rmit.edu.au/news/factlab-meta/new-online-channel-echoes-old-misinformation> [Last accessed 29 September 2025].
- DURKHEIM, ÉMILE (2008). *The Elementary Forms of Religious Life*. Translated by COSMAN, C. Oxford, Oxford University Press.
- DURKHEIM, ÉMILE (2013). *The Division of Labour in Society*. LUKES, S. (ed.), Second edition. Translated by HALLS, W. D. Basingstoke, Hampshire, Palgrave Macmillan.
- DUTTON, PETER MP (2023). *Speech to the House of Representatives on the Second Reading of the Constitutional Alteration (Aboriginal And Torres Strait Islander Voice) 2023 Bill* [Online]. House of Representatives Official Hansard, 22 May 2023. Available: [https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/26695/toc\\_pdf/House%20of%20Representatives\\_2023\\_05\\_22\\_Official.pdf;fileType%3Dapplication%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/26695/toc_pdf/House%20of%20Representatives_2023_05_22_Official.pdf;fileType%3Dapplication%2Fpdf) [Last accessed 1 October 2025].
- DZIEDZIC, STEPHEN & CONIFER, DAN (2017). *Shorten says Uluru statement deserves 'open mind', but Turnbull cautious of challenges* [Online]. ABC News, 27 May 2017. Available: <https://www.abc.net.au/news/2017-05-27/malcolm-turnbull,-bill-shorten-address-uluru-statement/8565872> [Last accessed 12 March 2024].
- EDER, JAMES F. (2013). The Future of Indigenous Peoples in the Philippines: Sources of Cohesion, Forms of Difference. *Philippine Quarterly of Culture and Society*, 41 (3/4), 273-294.
- ELDER, BRUCE (1998). *Blood on the Wattle: Massacres and Maltreatment of Australian Aborigines since 1788*, Revised Edition. Frenchs Forest, NSW, New Holland Publishers (Australia).
- ELKIN, A. P. (1951). Reaction and Interaction: A Food Gathering People and European Settlement in Australia. *American Anthropologist*, 53 (2), 164-186.
- ENSIGN, PRESCOTT C., GILES, AUDREY R. & ONCESCU, JACQUELYN (2014). Natural Resource Exploration and Extraction in Northern Canada: Intersections with Community Cohesion and Social Welfare. *Journal of Rural and Community Development*, 9 (1), 112-133.
- ESTES, NICK & DHILLON, JASKIRAN (eds.) (2019). *Standing with Standing Rock: Voices from the #NoDAPL Movement*: University of Minnesota Press.

- EVANS, RAYMOND & ØRSTED-JENSEN, ROBERT (2019). 'Pale Death ... around our Footprints Springs': Assessing Violent Mortality on the Queensland Frontier from State and Private Exterminatory Practices. In: ADHIKARI, M. (ed.) *Civilian-Driven Violence and the Genocide of Indigenous Peoples in Settler Societies*. London: Routledge.
- EWERS, JOHN K. (1971). *The Western Gateway: A History of Fremantle* [Online]. Fremantle City Council with UWAP (revised edition), republished online by Garry Gillard at Freotopia, 12 July 2021. Available: <https://freotopia.org/ewers/ch1.html> [Last accessed 29 August 2025].
- EXPERT PANEL ON CONSTITUTIONAL RECOGNITION OF INDIGENOUS AUSTRALIANS (2012). *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*. Blue Star Print, Canberra, 16 January 2012: Commonwealth of Australia.
- FALCH, TORVALD, SELLE, PER & STRØMSNES, KRISTIN (2016). The Sámi: 25 Years of Indigenous Authority in Norway. *Ethnopolitics*, 15 (1), 125-143.
- FALK, PHILLIP & MARTIN, GARY (2020). Misconstruing Indigenous Sovereignty: Maintaining the Fabric of Australian Law. In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Routledge ed. Abingdon: Routledge.
- FARMILO, KATHLEEN (2023). *These progressive No campaigners are looking beyond the vote. Here's what they want* [Online]. SBS News: The Feed, 7 October 2023. Available: <https://www.sbs.com.au/news/the-feed/article/these-progressive-no-campaigners-are-looking-beyond-the-vote-heres-what-they-want/tdyj2ilx6> [Last accessed 1 October 2025].
- FENLEY, JULIE (2011). The National Aboriginal Conference and the Makarrata: Sovereignty and Treaty Discussions, 1979-1981. *Australian Historical Studies*, 42 (3), 372-389.
- FERGUSON, BARRY, LANGLOIS, SIMON & ROBERTS, LANCE W. (2009). Social Cohesion in Canada. *The Tocqueville Review*, 30 (2), 69-101.
- FERGUSON, GEMMA (2023). *Yes advocates rally support for Voice to Parliament at events around the country* [Online]. ABC News, 2 July 2023. Available: <https://www.abc.net.au/news/2023-07-02/voice-to-parliament-yes-campaign-community-events/102550732> [Last accessed 30 September 2025].
- FERGUSON, SARAH (2022). *Video: Former prime minister Malcolm Turnbull speaks on his support for an Indigenous Voice to Parliament* [Online]. ABC News, 15 August 2022. Available: <https://www.abc.net.au/news/2022-08-15/former-prime-minister-malcolm-turnbull-speaks-on/14020458> [Last accessed 29 September 2025].
- FISHKIN, JAMES S. (2009). *When the People Speak: Deliberative Democracy and Public Consultation*. Oxford, Oxford University Press.

- FISHKIN, JAMES S. (2018a). Deliberative Polling. In: BÄCHTIGER, A., DRYZEK, J. S., MANSBRIDGE, J. & WARREN, M. E. (eds.) *The Oxford Handbook of Deliberative Democracy*. Oxford: Oxford University Press.
- FISHKIN, JAMES S. (2018b). *Democracy When the People Are Thinking: Revitalizing Our Politics Through Public Deliberation*. Oxford, Oxford University Press.
- FLEW, TERRY, FITZGERALD, SCOTT, MCTERNAN, CAMERON & NICHOLLS, ROB (2024). *Communications, Media, and Internet Concentration in Australia, 2019-2022*. 6 September 2024: Global Media and Internet Concentration Project.
- FLYNN, MARTIN & STANTON, SUE (1997). Another Failed Sovereignty Claim: Thorpe v Commonwealth of Australia (No. 3). *Indigenous Law Bulletin*, 4 (7), 19.
- FOLEY, GARY (2021). *White Police and Black Power: The Origins of the Aboriginal Legal Service (Part Two)* [Online]. Aboriginal Legal Service NSW/ACT, 16 July 2021. Available: [https://www.alsnswact.org.au/white\\_police\\_black\\_power\\_2](https://www.alsnswact.org.au/white_police_black_power_2) [Last accessed 22 August 2025].
- FOLEY, GARY & ANDERSON, TIM (2006). Land rights and Aboriginal voices. *Australian Journal of Human Rights*, 12 (1), 83-108.
- FOLEY, GARY, SHAAP, ANDREW & HOWELL, EDWINA (eds.) (2014). *The Aboriginal Tent Embassy: Sovereignty, Black Power, Land Rights and the State*, Abingdon, Oxfordshire: Routledge.
- FONSECA, XAVIER, LUKOSCH, STEPHAN & BRAZIER, FRANCES (2019). Social cohesion revisited: a new definition and how to characterize it. *Innovation: The European Journal of Social Science Research*, 32 (2), 231-253.
- FOSTER, CECIL (2014). *Genuine Multiculturalism: The Tragedy and Comedy of Diversity*. Montreal, McGill-Queen's University Press.
- FROM THE HEART (2020). *Our People* [Online]. AICR (Australians for Indigenous Constitutional Recognition Ltd) (accessed via the Wayback Machine Internet Archive), 10 August 2020. Available: <https://web.archive.org/web/20200810104158/https://fromtheheart.com.au/about/our-people/> [Last accessed 29 September 2025].
- FROM THE HEART (2022). *Our People* [Online]. AICR (Australians for Indigenous Constitutional Recognition Ltd) (accessed via the Wayback Machine Internet Archive), 28 January 2022. Available: <https://web.archive.org/web/20220128213248/https://fromtheheart.com.au/about/our-people/> [Last accessed 29 September 2025].
- FUCHS, STEPHAN (2001). *Against Essentialism: A Theory of Culture and Society*. Cambridge, Mass., Harvard University Press.
- GAGNON, ALAIN & KEATING, MICHAEL (eds.) (2012). *Political Autonomy and Divided Societies: Imagining Democratic Alternatives in Complex Settings*, London: Palgrave Macmillan.

- GAITA, RAIMOND (1997). Genocide: The Holocaust and the Aborigines. *Quadrant*, 41 (11), 17-22.
- GAMMAGE, BILL (2011). *The Biggest Estate on Earth: How Aborigines Made Australia*. Sydney, Allen & Unwin.
- GARDINER-GARDEN, JOHN (2011). *Overview of Indigenous Affairs: Part 2: 1992 to 2010*. 10 May 2011: Parliament of Australia, Parliamentary Library.
- GARRICK, MATT (2025). *NT CLP government ‘dismantles’ treaty plans, ending seven-year process* [Online]. ABC News, 10 February 2025. Available: <https://www.abc.net.au/news/2025-02-11/nt-clp-government-scraps-treaty-process/104918700> [Last accessed 1 October 2025].
- GAYKAMANGU, JAMES GURRWANNGU (2012). Ngarra law: Aboriginal customary law from Arnhem Land. *Northern Territory Law Journal*, 2, 236-248.
- GAYMARANI, GEORGE PASCOE (2011). An introduction to the Ngarra law of Arnhem Land. *Northern Territory Law Journal*, 1, 283-304.
- GAZTAMBIDE-FERNÁNDEZ, RUBÉN A. (2012). Decolonization and the pedagogy of solidarity. *Decolonization: Indigeneity, Education & Society*, 1 (1), 41-67.
- GERMANN, MICHA, MARIEN, SOFIE & MURADOVA, LALA (2024). Scaling Up? Unpacking the Effect of Deliberative Mini-Publics on Legitimacy Perceptions. *Political studies*, 72 (2), 677-700.
- GIANNINI, DOMINIC (2023). *Aboriginal tent embassy rejects ‘token’ voice vote* [Online]. AAP, 30 August 2023. Available: <https://aapnews.aap.com.au/news/aboriginal-tent-embassy-rejects-token-voice-vote> [Last accessed 1 October 2025].
- GIDDENS, ANTHONY & SUTTON, PHILIP W. (2021). *Sociology*, Ninth edition. Cambridge, Polity.
- GIPPS, GEORGE (1842). Letter to Lord Stanley (24 January 1842). *Historical Records of Australia: Series 1, Volume 21*. The Library Committee of the Commonwealth Parliament (1924), 653.
- GOH, DANIEL P. S. (2010). Multiculturalism and the Problem of Solidarity. In: CHONG, T. (ed.) *Management of Success: Singapore Revisited*. Singapore: ISEAS–Yusof Ishak Institute Singapore.
- GONIAN, JASON (2018). There Are No Halves. In: HEISS, A. (ed.) *Growing Up Aboriginal in Australia*. Carlton: Black Inc.
- GOOT, MURRAY (2024). Without “Bipartisanship” Have Referendums to Change the Australian Constitution Ever Succeeded? An Unnoticed Success, Several Near-Misses, and the Struggle to Explain Why Referendums Fail. *The Australian Journal of Politics and History*, 71 (1), 73-105.

- GORDON, MICHAEL (2017). *Tjukurpa: five days in Uluru* [Online]. The Sydney Morning Herald, 30 May 2017. Available: <https://www.smh.com.au/interactive/2017/uluru/> [Last accessed 11 June 2024].
- GORRIE, NAYUKA (2016). *Fuck Your Constitutional Recognition, I Want a Treaty* [Online]. VICE, 16 March 2016. Available: <https://www.vice.com/en/article/qb5zdp/fuck-your-recognition> [Last accessed 15 August 2025].
- GRAEBER, DAVID & WENGROW, D. (2021). *The Dawn of Everything: A New History of Humanity*. London, Allen Lane.
- GRAHAM, CHRIS (2017). *Bad Aunty: 10 Years On, How ABC Lateline Sparked The Racist NT Intervention (With Introduction By John Pilger)* [Online]. New Matilda, 23 June 2017. Available: <https://newmatilda.com/2017/06/23/bad-aunty-seven-years-how-abc-lateline-sparked-racist-nt-intervention/> [Last accessed 1 September 2025].
- GRAHAM, LAURA R. & PENNY, H. GLENN (2014a). Performing Indigeneity: Emergent Identity, Self-Determination, and Sovereignty. In: GRAHAM, L. R. & PENNY, H. G. (eds.) *Performing Indigeneity: Global Histories and Contemporary Experiences*. Lincoln: University of Nebraska Press.
- GRAHAM, LAURA R. & PENNY, H. GLENN (eds.) (2014b). *Performing Indigeneity: Global Histories and Contemporary Experiences*, Lincoln: University of Nebraska Press.
- GRAHAM, MARY (1999). Some Thoughts about the Philosophical Underpinnings of Aboriginal Worldviews. *Worldviews: Global Religions, Culture, and Ecology*, 3 (2), 105-118.
- GRAHAM, MARY (2006). *Introduction to Kummara Conceptual Framework: A Discourse on a Proposed Aboriginal Research Methodology*. West End, Queensland, Australia: Kummara Stronger Families Community Organisation.
- GRAHAM, MARY (2014). Aboriginal notions of relationality and positionalism: a reply to Weber. *Global Discourse*, 4 (1), 17-22.
- GRAHAM, MARY (2023). the law of obligation, aboriginal ethics: australia becoming, australia dreaming. *parrhesia*, 37, 1-21.
- GRAHAM, MARY, BRIGG, MORGAN & WALKER, POLLY O. (2011). Conflict Murri Way: Managing through Place and Relatedness. In: BRIGG, M. & BLEIKER, R. (eds.) *Mediating Across Difference: Oceanic and Asian Approaches to Conflict Resolution*. University of Hawai'i Press.
- GRAY, MARION A. & OPRESCU, FLORIN I. (2016). Role of non-Indigenous researchers in Indigenous health research in Australia: a review of the literature. *Australian Health Review*, 40, 459-465.
- GROTIUS, HUGO (1625). *The Law of War and Peace in Three Books* [Online]. Lonang Institute (Electronic edition, translation by Kelsey, Francis W., 1925), 2005.

Available: <https://lonang.com/wp-content/download/Grotius-LawOfWarAndPeace.pdf> [Last accessed 20 August 2025].

GROTIUS, HUGO (1633). *Mare Liberum: Freedom of the Seas, or The Right Which Belongs to the Dutch to Take Part in the East Indian Trade* [Online]. New York: Oxford University Press (1916 edition, translated by Ralph Van Deman Magoffin and edited by James Brown Scott), as republished by Project Gutenberg, 1916. Available: <https://www.gutenberg.org/cache/epub/75962/pg75962-images.html> [Last accessed 20 August 2025].

GUNN, GILES (2003). Human solidarity in postcolonial, Holocaust and African-American literature. In: CHIDESTER, D., DEXTER, P. & JAMES, W. (eds.) *What Holds Us Together: Social Cohesion in South Africa*. Cape Town: Human Sciences Research Council Press.

GUNSTONE, ANDREW (2007). ‘These Blokes are Re-inventing the 19th Century’: the Howard Government’s Record on Indigenous Affairs 1996-2006. *Journal of Indigenous Policy*, 7, 42-53.

HAEBICH, ANNA (2023). Genocide and the Forcible Removal of Aboriginal Children in Australia, 1800–1920. In: BLACKHAWK, N., KIERNAN, B., MADLEY, B. & TAYLOR, R. (eds.) *The Cambridge World History of Genocide, Volume 2: Genocide in the Indigenous, Early Modern and Imperial Worlds, from c.1535 to World War One*. Cambridge: Cambridge University Press.

HAMMOND, MARIT (2025). Deliberative Democracy Without Deliberation. *Journal of Deliberative Democracy*, 21 (1), 1-10.

HANNAFORD, JOHN, HUGGINS, JACKIE & COLLINS, BOB (2003). In the Hands of the Regions – A New ATSIC, Report of the Review of the Aboriginal and Torres Strait Islander Commission. *Australian Indigenous Law Reporter*, 8 (3), 105-112.

HARDING, SANDRA G. (1986). *The Science Question in Feminism*. Ithaca, Cornell University Press.

HARRINGTON, JOHN & MANJI, AMBREENA (2017). The Limits of Socio-Legal Radicalism: Social and Legal Studies and Third World Scholarship. *Social & Legal Studies*, 26 (6), 700-715.

HASANAKOS, GEORGE (2023). *Voice to Parliament Research - What Drove The No Victory?* [Online]. DemosAU, 16 October 2023. Available: <https://demosau.com/wp-content/uploads/2023/10/Voice-to-Parliament-Research-What-Drove-The-No-Victory.pdf> [Last accessed 1 October 2025].

HAVILAND, JOHN B. (1993). Anchoring, Iconicity, and Orientation in Guugu Yimithirr Pointing Gestures. *Journal of Linguistic Anthropology*, 3 (1), 3-45.

HAVILAND, JOHN B. (1998). Guugu Yimithirr Cardinal Directions. *Ethos*, 26 (1), 25-47.

HÉBERT, MARTIN (2018). Indigenous Spheres of Deliberation. In: BÄCHTIGER, A., DRYZEK, J. S., MANSBRIDGE, J. & WARREN, M. E. (eds.) *The Oxford Handbook of Deliberative Democracy*. Oxford: Oxford University Press.

- HELLY, DENISE (2003). Social Cohesion and Cultural Plurality. *Canadian Journal of Sociology*, 28 (1), 19-42.
- HENRIQUES-GOMES, LUKE (2017). *Indigenous Australians want a new voice, but our politicians are now divided* [Online]. The New Daily, 29 May 2017. Available: <https://www.thenewdaily.com.au/news/national/2017/05/29/indigenous-recognition-constitution> [Last accessed 31 March 2025].
- HESS, MICHAEL (1994). Black and red: The Pilbara pastoral workers' strike, 1946. *Aboriginal History*, 18, 65-83.
- HIATT, L.R. (1990). ATSIC: A New Aboriginal National Organisation. *Oceania*, 60 (3), 235-237.
- HIDALGO, VICENTE GONZÁLEZ, FLORES, VERONICA MARLENE CORREA, GONZÁLEZ-AVILÉS, MAURICIO & MONTOYA, VIRIDIANA NATIVITAS (2024). Bases for the Construction of the Social Cohesion Index in the Indigenous Communities of Michoacán. *Social Indicators Research*, 174, 797-815.
- HIGGINS, ISABELLA, COLLARD, SARAH & RYAN, BRAD (2020). *Closing the Gap agreement reset with 16 new targets to improve lives of Aboriginal and Torres Strait Islander Australians* [Online]. ABC News, 30 July 2020. Available: <https://www.abc.net.au/news/2020-07-30/closing-gap-targets-agreement-aboriginal-torres-strait-islander/12506232> [Last accessed 30 September 2025].
- HINCHCLIFFE, JOSEPH (2015). *On this day: Australia's first indigenous MP born* [Online]. Australian Geographic, 27 March 2015. Available: <https://www.australiangeographic.com.au/blogs/on-this-day/2015/03/on-this-day-in-history-neville-bonner-is-born/> [Last accessed 21 August 2025].
- HITCHCOCK, JOSEPH K. (1929). *The History of Fremantle: The Front Gate of Australia, 1829-1929* [Online]. Fremantle City Council, republished online by Garry Gillard at Freotopia, 26 July 2023. Available: <https://freotopia.org/hitchcock.html> [Last accessed 29 August 2025].
- HOBBS, HARRY (2018). Aboriginal and Torres Strait Islander peoples and multinational federalism in Australia. *Griffith Law Review*, 27 (3), 307-336.
- HOBBS, HARRY (2020). *Indigenous Aspirations and Structural Reform in Australia*. Oxford, UK, Hart Publishing.
- HOBBS, HARRY & WILLIAMS, GEORGE (2018). The Noongar settlement: Australia's first treaty. *Sydney Law Review*, 40 (1), 1-38.
- HOKARI, MINORU (2011). *Gurindji Journey: A Japanese Historian in the Outback*. Sydney, University of New South Wales Press.
- HOKOWHITU, BRENDAN (2014). Haka: Colonized Physicality, Body-Logic, and Embodied Sovereignty. In: GRAHAM, L. R. & PENNY, H. G. (eds.) *Performing Indigeneity: Emergent Identity, Self-Determination, and Sovereignty*. Lincoln: University of Nebraska Press.

- HOOKE, JULIET (2009). *Race and the Politics of Solidarity*. Oxford, Oxford University Press.
- HOOKE, M. B. (1975). *Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws*. Oxford, Clarendon Press.
- HOOKEY, JOHN (1972). The Gove Land Rights Case: A Judicial Dispensation for the Taking of Aboriginal Lands in Australia? *Federal Law Review*, 5, 85-114.
- HORNE, NICHOLAS (2007). *A chronology of Northern Territory constitutional and statehood milestones 1825–2007* [Online]. ParInfo Archive, Parliament of Australia, 31 May 2007. Available: <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2F6121058%22> [Last accessed 23 August 2025].
- HORNER, JACK (1974). *Vote Ferguson for Aboriginal Freedom*. Sydney, Australian and New Zealand Book Company.
- HORNSEY, MATTHEW J. & HOGG, MICHAEL A. (2000). Assimilation and Diversity: An Integrative Model of Subgroup Relations. *Personality and Social Psychology Review*, 4 (2), 143-156.
- HOULBROOK-WALK, MYLES (2022). *Northern Territory land councils meet to share support of Indigenous Voice to Parliament* [Online]. ABC News, 30 August 2022. Available: <https://www.abc.net.au/news/2022-08-31/indigenous-voice-to-parliament-nt-land-councils-meeting/101389200> [Last accessed 6 October 2025].
- HOWARD, JOHN (1997a). *Transcript of the Prime Minister The Hon John Howard MP Opening Address to the Australian Reconciliation Convention - Melbourne* [Online]. Prime Minister Transcripts, Department of Prime Minister and Cabinet, 26 May 1997. Available: <https://pmtranscripts.pmc.gov.au/sites/default/files/original/00010359.pdf> [Last accessed 15 August 2025].
- HOWARD, JOHN (1997b). *Wik 10 Point Plan (Media Statement)*. 1 May 1997: The Department of the Prime Minister and Cabinet Wik Task Force.
- HOWARD, JOHN (2000). *Interview with John Laws, 2UE Radio* [Online]. PM Transcripts, Department of the Prime Minister and Cabinet, 29 May 2000. Available: <https://pmtranscripts.pmc.gov.au/release/transcript-22788> [Last accessed 13 May 2025].
- HUGGINS, JACKIE (2022). *Sister Girl: Reflections on Tiddaism, Identity and Reconciliation*. University of Queensland Press (ebook).
- HUITSON, JOSEPH (2023). *'Recognise a Better Way': Committee urging Australians to oppose the Indigenous Voice to Parliament launches campaign* [Online]. Sky News Australia, 30 January 2023. Available: <https://www.skynews.com.au/australia-news/recognise-a-better-way-committee-urging-australians-to-oppose-the-indigenous-voice-to-parliament-launches-campaign/news-story/78ae1192ae28af8781f01997d46562a1> [Last accessed 6 October 2025].

- HYMAN, STANLEY EDGAR (1948). *The Armed Vision: A Study in the Methods of Modern Literary Criticism*. New York, Alfred A. Knopf.
- IBN KHALDŪN (2005). *The Muqaddimah : An Introduction to History*, 1st Princeton Classic Abridged Edition. Princeton, N.J, Princeton University Press.
- INDIGENOUS VOICE CO-DESIGN PROCESS (2021). *Final Report to the Australian Government*. Commonwealth of Australia, July 2021: National Indigenous Australians Agency.
- INTERNATIONAL COURT OF JUSTICE (1975). *Western Sahara Advisory Opinion*.
- JANKS, AVRIL (2023). *LSJ explains: The Voice referendum* [Online]. Law Society Journal Online (Law Society of NSW), 18 August 2023. Available: <https://lsj.com.au/articles/lsj-explains-the-voice-referendum/> [Last accessed 1 October 2025].
- JENSON, JANE (2002). Identifying the Links: Social Cohesion and Culture. *Canadian Journal of Communication*, 27 (2-3), 141-151.
- JOINT SELECT COMMITTEE (2015). *Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples: Final Report*. Commonwealth of Australia, June 2015: Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples.
- JOINT SELECT COMMITTEE (2018). *Final Report*. Commonwealth of Australia, November 2018: Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples.
- JORDAN, BILL (2023). *Collective Action: Tribes, Empires, Nations, and Protest Movements*. Abingdon, Routledge.
- KALKARINGI STATEMENT (1998). The Kalkaringi Statement. *Indigenous Law Bulletin*, 4 (15), 14-15.
- KARP, PAUL & HURST, DANIEL (2024). *Guardian Essential poll: only one-third of voters want a treaty, truth-telling commission or Indigenous voice* [Online]. The Guardian, 12 August 2024. Available: <https://www.theguardian.com/australia-news/article/2024/aug/13/guardian-essential-poll-only-one-third-of-voters-want-a-treaty-truth-telling-commission-or-indigenous-voice> [Last accessed 1 October 2025].
- KARVELAS, PATRICIA (2024). *Timidity reigns as Anthony Albanese backs away from Makarrata at Garma Festival* [Online]. ABC News, 4 August 2024. Available: <https://www.abc.net.au/news/2024-08-05/albanese-backs-away-from-makarrata-commission-promise/104181776> [Last accessed 1 October 2025].
- KAUR, HERLYN & BOURKE, KEANE (2023). *Perth activist Megan Krakouer changes mind on Voice to Parliament referendum vote* [Online]. ABC News, 3 August 2023. Available: <https://www.abc.net.au/news/2023-08-04/megan-krakouer-voice-activist-changes-mind-on-voting-no/102685454> [Last accessed 15 September 2025].

- KEARNEY, AMANDA, BRADLEY, JOHN & BRADY, LIAM M. (2021). Nalankulurr, the Spirit Beings, and the Black-Nosed Python: Ontological Self-Determination and Yanyuwa Law in Northern Australia's Gulf Country. *American Anthropologist*, 123 (1), 67-81.
- KEDDIE, AMANDA (2014). Australian multicultural policy: Social cohesion through a political conception of autonomy. *Journal of Sociology*, 50 (4), 408-421.
- KEEN, IAN (2004). *Aboriginal Economy and Society: Australia at the Threshold of Colonisation*. Oxford, Oxford University Press.
- KERCHER, BRUCE (1998a). R v Ballard, R v Murrell and R v Bonjon. *Australian Indigenous Law Reporter*, 3 (3), 410-425.
- KERCHER, BRUCE (1998b). Recognition of Indigenous Legal Autonomy in Nineteenth Century New South Wales. *Indigenous Law Bulletin*, 4 (13), 7-9.
- KERWIN, DALE (2010). *Aboriginal Dreaming Paths and Trading Routes: The Colonisation of the Australian Economic Landscape*. Brighton, Sussex Academic Press.
- KILDEA, PAUL (2011). Achieving Citizen Engagement in the Referendum on Indigenous Recognition. *Indigenous Law Bulletin*, 7 (25), 27-30.
- KIM, DAVID D. (2024). *Arendt's Solidarity: Anti-Semitism and Racism in the Atlantic World*. Stanford, Stanford University Press.
- KIMMERER, ROBIN WALL (2013). *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*. Minneapolis, Minnesota, Milkweed Editions.
- KLEINERT, SYLVIA (2010). Aboriginal Enterprises: negotiating an urban Aboriginality. *Aboriginal History*, 34, 171-196.
- KNOWLES, RACHEL (2024). *The Voice referendum failed and racism rose. Is misinformation responsible?* [Online]. NITV News, 14 October 2024. Available: <https://www.sbs.com.au/nitv/article/the-referendum-failed-and-racism-rose-is-misinformation-responsible/occp57xw> [Last accessed 1 October 2025].
- KOELBLE, THOMAS A. (2003). Building a new nation: solidarity, democracy and nationhood in the age of circulatory capitalism. In: CHIDESTER, D., DEXTER, P. & JAMES, W. (eds.) *What Holds Us Together: Social Cohesion in South Africa*.
- KOESTLER, ARTHUR (1967). *The Ghost in the Machine*. London, Hutchinson & Co.
- KOHEN, J.L. (2006). *Pemulwuy (1750–1802)* [Online]. Australian Dictionary of Biography, National Centre of Biography, Australian National University. Available: <https://adb.anu.edu.au/biography/pemulwuy-13147> [Last accessed 14 August 2025].
- KOHN, EDUARDO (2015). Anthropology of Ontologies. *Annual Review of Anthropology*, 44 (1), 311-327.
- KOHN, PETER (2008). Outlook: Night of Broken Glass. *The Australian Jewish News*, 7 November 2008, p.23.

- KRUGER, CANDACE (2019). A festival of song: Developing social capital and safeguarding Australian Aboriginal culture through authentic performance. *In: MAIR, J. (ed.) The Routledge Handbook of Festivals*. Abingdon: Routledge.
- KRUSZ, EMILY, DAVEY, TAMZYN, WIGGINTON, BRITTA & HALL, NINA (2020). What Contributions, if Any, Can Non-Indigenous Researchers Offer Toward Decolonizing Health Research? *Qualitative Health Research*, 30 (2), 205-216.
- KWAYMULLINA, AMBELLIN (2018). Aboriginal Nations, the Australian nation-state and Indigenous international legal traditions. *In: WATSON, I. (ed.) Indigenous Peoples as Subjects of International Law*. Abingdon: Routledge.
- KYMLICKA, WILL (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford, Clarendon Press.
- LAFONT, CRISTINA (2020). *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*. Oxford, Oxford University Press.
- LAKE, ANNE (1990). Building Strength and Unity Across All Boundaries. *Aboriginal and Islander Health Worker Journal*, 14 (3), 30-32.
- LANDZELIUS, KYRA (ed.) (2006). *Native on the Net: Indigenous and Diasporic Peoples in the Virtual Age*, Abingdon: Routledge.
- LANGTON, MARCIA (2010). The shock of the new: A postcolonial dilemma for Australianist anthropology. *In: ALTMAN, J. & HINKSON, M. (eds.) Culture Crisis: Anthropology and Politics in Aboriginal Australia*. Sydney: UNSW Press.
- LANGTON, MARCIA (2023). *Marcia Langton: 'Whatever the outcome, reconciliation is dead'* [Online]. The Saturday Paper, 14 October 2023. Available: <https://www.thesaturdaypaper.com.au/news/indigenous-affairs/2023/10/14/marcia-langton-whatever-the-outcome-reconciliation-dead> [Last accessed 4 November 2025].
- LARKINS, ROBERT (2020). *The Personal History of William Buckley: Murrangurk Among the First People*. North Melbourne, Arcadia.
- LARRAKIA PETITIONERS (1972). *Larrakia Petition to the Queen for Land Rights* [Online]. National Archives of Australia, 2010. Available: <https://www.naa.gov.au/students-and-teachers/learning-resources/learning-resource-themes/first-australians/politics-and-advocacy/larrakia-petition-queen-land-rights> [Last accessed 15 August 2025].
- LATOUR, BRUNO (2014). Anthropology at the Time of the Anthropocene: A Personal View of What Is to Be Studied. *Distinguished Lecture (December 2014)*. Washington: American Association of Anthropologists.
- LATTAS, ANDREW (1997). Aborigines and contemporary Australian nationalism: promordiality and the cultural politics of otherness. *In: COWLISHAW, G. & MORRIS, B. (eds.) Race Matters : Indigenous Australians and 'Our' Society*. Canberra: Aboriginal Studies Press.

- LAW REFORM COMMISSION (1986). *Recognition of Aboriginal Customary Laws*, ALRC Report 31. Commonwealth of Australia: Law Reform Commission.
- LAW REFORM COMMISSION OF WESTERN AUSTRALIA (2006). *Aboriginal Customary Laws: The interaction of Western Australian law with Aboriginal law and culture*, Project 94. Government of Western Australia, Perth, September 2006: Law Reform Commission of Western Australia,.
- LAWRENCE, DAVID (1994). Customary exchange across the Torres Strait. *Memoirs of the Queensland Museum*, 34 (2), 241-446.
- LAWSON, TOM (2014). *The Last Man: A British Genocide in Tasmania*. London, I.B. Tauris & Co.
- LEA, TESS (2012). Contemporary Anthropologies of Indigenous Australia. *Annual Review of Anthropology*, 41, 187-202.
- LEA, TESS (2020). *Wild Policy: Indigeneity and the Unruly Logics of Intervention*. Stanford, California, Stanford University Press.
- LEE, EMMA, RICHARDSON, BENJAMIN J. & ROSS, HELEN (2020). The ‘Uluru statement from the heart’: Investigating Indigenous Australian sovereignty. *Journal of Australian Indigenous Issues*, 23 (1-2), 18-41.
- LEMKIN, RAPHAEL (1944). *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington, Carnegie Endowment for International Peace, Division of International Law.
- LINDLEY, M. F. (1926). *The Acquisition and Government of Backward Territory in International Law: Being a Treatise on the Law and Practice Relating to Colonial Expansion*. London, Longmans, Green and Co. Ltd.
- LINDSAY, KIRSTYN (2017). *Anangu Tribal Elders ask for the name of Uluru Statement from the Heart to be changed* [Online]. SBS NITV, 12 December 2017. Available: <https://www.sbs.com.au/language/nitv-radio/en/article/anangu-tribal-elders-ask-for-the-name-of-uluru-statement-from-the-heart-to-be-changed/fmmapokt2> [Last accessed 15 June 2025].
- LINGIARI, VINCENT, MANGUARI, PINCHER, NGALGARDJI, GERRY & KITGNAARI, LONG-JOHNNY (1967). *Petition to Lord Casey, Governor-General of Australia from four Gurindji spokesmen, April 1967* [Online]. National Museum of Australia. Available: [https://indigenoustrights.net.au/resources/documents/petition\\_to\\_lord\\_casey,\\_governor-general\\_of\\_australia\\_from\\_four\\_gurindji\\_spokesmen,\\_april\\_1967](https://indigenoustrights.net.au/resources/documents/petition_to_lord_casey,_governor-general_of_australia_from_four_gurindji_spokesmen,_april_1967) [Last accessed 15 August 2025].
- LINO, DYLAN (2016). What is Constitutional Recognition of Aboriginal and Torres Strait Islander People? *Indigenous Law Bulletin*, 8 (24), 3-9.
- LINO, DYLAN (2017). The Indigenous Franchise and Assimilation. *Australian Historical Studies*, 48 (3), 363-380.

- LITTLE, ADRIAN (2020). The Politics of Makarrata: Understanding Indigenous–Settler Relations in Australia. *Political Theory*, 48(1), 30-56.
- LORD GLENELG (1836). Letter to Sir Richard Bourke (13 April 1836). *Historical Records of Australia: Series 1, Volume 18*. The Library Committee of the Commonwealth Parliament (1923), 379.
- LORD STANLEY (1842). Letter to Sir George Gipps (2 July 1842). *Historical Records of Australia: Series 1, Volume 22*. The Library Committee of the Commonwealth Parliament (1924), 133.
- LOTHIAN, KATHY (2007). Moving Blackwards: Black Power and the Aboriginal Embassy. *Transgressions: Critical Australian Indigenous Histories*, (16), 19-34.
- LUCZAK, EWA BARBARA, POCHMARA, ANNA & DAYAL, SAMIR (eds.) (2019). *New Cosmopolitanisms, Race, and Ethnicity: Cultural Perspectives*, Warsaw: De Gruyter.
- LUKES, STEVEN (2013). Introduction to this Edition. In: DURKHEIM, É., *The Division of Labour in Society*. Second ed. LUKES, S. (ed.) Basingstoke, Hampshire: Palgrave Macmillan.
- MACLEAN, SARAH, RITTE, REBECCA, THORPE, ALISTER, EWEN, SHAUN & ARABENA, KERRY (2017). Health and wellbeing outcomes of programs for Indigenous Australians that include strategies to enable the expression of cultural identities: a systematic review. *Australian Journal of Primary Health*, 23, 309-318.
- MACLENNAN, LEAH (2023). *South Australia's Voice to Parliament will lag behind after six-month delay announced* [Online]. ABC News, 29 June 2023. Available: <https://www.abc.net.au/news/2023-06-30/sa-voice-to-parliament-delayed-analysis/102543692> [Last accessed 30 September 2025].
- MADDISON, SARAH & BRIGG, MORGAN (eds.) (2011). *Unsettling the Settler State: Creativity and Resistance in Indigenous Settler-State Governance*, Sydney: The Federation Press.
- MANN, TRISCHA (ed.) (2017). *Australian Law Dictionary*, Oxford: Oxford University Press.
- MANSELL, MICHAEL (1992). Perspectives on Mabo: The Aboriginal Provisional Government Perspective – The Court Gives an Inch but Takes Another Mile. *Aboriginal Law Bulletin*, 1 (57), 4-6.
- MANSELL, MICHAEL (2016). *Treaty and Statehood: Aboriginal Self-Determination*. The Federation Press.
- MARIA, STEPHANIE STA (2023). *Rachael McPhail: Making Traditional Place names part of mailing addresses* [Online]. Australia Post, 7 August 2023. Available: <https://auspost.com.au/community-hub/traditional-place-names/rachael-mcphail-making-traditional-place-names-part-of-mailing-addresses> [Last accessed 7 August 2025].

- MARKOFF, JOHN (1999). Where and When Was Democracy Invented? *Comparative Studies in Society and History*, 41 (4), 660-690.
- MARKUS, ANDREW (1983). William Cooper and the 1937 Petition to the King. *Aboriginal History*, 7 (1), 46-60.
- MARTIN, KAREN LILLIAN (2008). *Please Knock Before You Enter: Aboriginal Regulation of Outsiders and the Implications for Researchers*. Brisbane, Post Pressed.
- MARTIN, KAREN & MIRRABOOPA, BOORAN (2003). Ways of Knowing, Being and Doing: A Theoretical Framework and Methods for Indigenous and Indigenist Research. *Journal of Australian Studies*, 27 (76), 203-214.
- MARTÍNEZ-BASCUÑÁN, MÁRIAM (2016). Misgivings on Deliberative Democracy: Revisiting the Deliberative Framework. *World Political Science*, 12 (2), 195-218.
- MAXWELL, RUDI (2025). *Ironclad: case that will decide how much compo FMG pays Yindjibarndi wraps up* [Online]. SBS NITV News, 4 March 2025. Available: <https://www.sbs.com.au/nitv/article/yindjibarndi-vs-fmg/x33fvyxzb> [Last accessed 17 September 2025].
- MAY, SALLY K., TAYLOR, LUKE, FRIEMAN, CATHERINE, TAÇON, PAUL S. C., WESLEY, DARYL, JONES, TRISTEN, GOLDHAHN, JOAKIM & MUNGULDA, CHARLIE (2020). Survival, Social Cohesion and Rock Art: The Painted Hands of Western Arnhem Land, Australia. *Cambridge Archaeological Journal*, 30 (3), 491-510.
- MAYNARD, FRED & LACEY, TOM (1927). Appeal to Men and Women of New South Wales (For and on behalf of the members of the Australian Aboriginal Progressive Association). *The Shoalhaven Telegraph*, 6 July 1927, p.3.
- MAYNARD, JOHN (2002). *Fred Maynard and the Awakening of Aboriginal Political Consciousness and Activism in Twentieth Century Australia*. Doctor of Philosophy, The University of Newcastle.
- MAYNARD, JOHN (2005). 'In the interests of our people': the influence of Garveyism on the rise of Australian Aboriginal political activism. *Aboriginal History*, 29, 1-22.
- MAYNARD, JOHN & HASKINS, VICTORIA (2018). *Living with the locals: Six extraordinary first contact stories of friendship and survival* [Online]. ABC News, 6 April 2018. Available: <https://www.abc.net.au/news/2018-04-06/living-with-the-locals-stories-of-first-contact-survival/9613098> [Last accessed 21 August 2025].
- MAYOR, THOMAS (2019). *Finding the Heart of the Nation: The Journey of the Uluru Statement towards Voice, Treaty and Truth*. Melbourne, Hardie Grant Publishing.
- MCCARTHY, THERESA (2016). *In Divided Unity: Haudenosaunee Reclamation at Grand River*. Tucson, Arizona, The University of Arizona Press.
- MCCAUSLAND, RUTH & VIVIAN, ALISON (2010). Why Do Some Aboriginal Communities Have Lower Crime Rates Than Others? A Pilot Study. *Australian and New Zealand Journal of Criminology*, 43 (2), 301-332.

- MCHUGH, FINN (2022). *Indigenous Voice critics have likened it to a 'third chamber' of parliament. It could cost them \$50,000* [Online]. SBS News, 29 November 2022. Available: <https://www.sbs.com.au/news/article/indigenous-voice-critics-have-likened-it-to-a-third-chamber-it-could-cost-them-50-000/47lviv6zo> [Last accessed 29 September 2025].
- MCHUGH, FINN (2023a). *As Australians reject the Voice, Marcia Langton declares Reconciliation 'dead'* [Online]. SBS News, 14 October 2023. Available: <https://www.sbs.com.au/news/article/australians-say-no-to-the-voice-before-polls-close-in-the-west/yt2y7eb9s> [Last accessed 1 October 2025].
- MCHUGH, FINN (2023b). *'Window dressing': Lidia Thorpe's Blak Sovereign Movement releases its own Voice pamphlet* [Online]. SBS NITV News, 20 July 2023. Available: <https://www.sbs.com.au/news/article/window-dressing-lidia-thorpes-blak-sovereign-movement-releases-their-own-voice-pamphlet/w8e9dxg6t> [Last accessed 22 May 2024].
- MCHUGH, FINN & KWAN, BIWA (2023). *'It's on': Senate vote triggers Voice referendum within the next six months* [Online]. SBS News, 19 June 2023. Available: <https://www.sbs.com.au/news/article/voice-bill-passes-triggering-referendum/1r6qjkonb> [Last accessed 6 October 2025].
- MCILROY, TOM (2023). Colonisation had 'a positive impact': Jacinta Price. *The Australian Financial Review*, 14 September 2023.
- MCKINNON, ALEX (2019). *Blackbirds: Australia's Hidden Slave Trade History* [Online]. The Monthly, July 2019. Available: <https://www.themonthly.com.au/july-2019/essays/blackbirds-australias-hidden-slave-trade-history> [Last accessed 19 August 2025].
- MCKINNON, CRYSTAL (2020). Enduring Indigeneity and Solidarity in Response to Australia's Carceral Colonialism. *Biography*, 43 (4), 691-704.
- MCMAHON, WILLIAM (1972). *Australian Aborigines: Commonwealth Policy and Achievements (Statement by the Prime Minister)* [Online]. National Museum of Australia Website, 25 January 1972. Available: <https://www.nma.gov.au/?external-uuid=44b6b644-b499-4dad-b8e9-506a5b8223cd> [Last accessed 22 August 2025].
- MCNIVEN, IAN J. (2024). Torres Strait: Seascape Archaeologies Reveal 9000 Years of Dynamic Maritime Cultural History. In: FITZPATRICK, S. M. & ERLANDSON, J. (eds.) *The Oxford Handbook of Island and Coastal Archaeology (In Progress)*. Oxford: Oxford University Press.
- MCRAE, COSIMA HAY (2012). Suspending the Racial Discrimination Act, 1975 (Cth): Domestic and International Dimensions. *Journal of Indigenous Policy*, (13), 61-74.
- MEMMOTT, PAUL & MELTZER, ANNE (2005). Modelling Social Capital in a Remote Australian Indigenous Community. In: DALE, A. & ONYX, J. (eds.) *A Dynamic Balance: Social Capital and Sustainable Community Development*. Vancouver: UBC Press.

- MEMMOTT, PAUL, STACY, RACHAEL, CHAMBERS, CATHERINE & KEYS, CATHERINE (2001). *Violence in Indigenous Communities (Full Report): Report to Crime Prevention Branch of the Attorney-General's Department*. Canberra: Attorney-General's Department, Commonwealth of Australia.
- MERCER, DAVID (2003). 'Citizen minus'?: Indigenous Australians and the Citizenship Question. *Citizenship Studies*, 7 (4), 421-445.
- MERRITT, CHRIS (2023). Uluru statement from the heart ... of Africa. *The Australian*, 3 March 2023.
- MIGNOLO, WALTER D. (2000). The Many Faces of Cosmo-polis: Border Thinking and Critical Cosmopolitanism. *Public Culture*, 12 (3), 721-748.
- MOORE, GEORGIE (2021). *Labor criticises Indigenous voice timeline* [Online]. The Geraldton Guardian, 6 August 2021. Available: <https://www.geraldtonguardian.com.au/news/indigenous-australians/labor-criticises-indigenous-voice-timeline-c-3609862> [Last accessed 29 September 2025].
- MORETON-ROBINSON, AILEEN (2004). Whiteness, epistemology and Indigenous representation. In: MORETON-ROBINSON, A. (ed.) *Whitening Race: Essays in Social and Cultural Criticism*. Canberra: Aboriginal Studies Press.
- MORETON-ROBINSON, AILEEN (2016). *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis, University of Minnesota Press.
- MORETON-ROBINSON, AILEEN (2020a). Introduction. In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Routledge ed. Abingdon: Routledge.
- MORETON-ROBINSON, AILEEN (2020b). Writing Off Indigenous Sovereignty: The Discourse of Security and Patriarchal White Sovereignty. In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Abingdon: Routledge.
- MORPHY, HOWARD (1995). Landscape and the Reproduction of the Ancestral Past. In: HIRSCH, E. & O'HANLON, M. (eds.) *The Anthropology of Landscape: Perspectives on Place and Space*. Oxford: Oxford University Press.
- MORPHY, HOWARD (2009). Acting in a community: Art and social cohesion in Indigenous Australia. *Humanities Research*, XV (2), 115-131.
- MORSE, CALLAN (2024). *Members of South Australia's First Nations Voice announced* [Online]. National Indigenous Times, 29 March 2024. Available: <https://nit.com.au/29-03-2024/10546/members-of-south-australian-first-nations-voice-announced> [Last accessed 30 September 2025].
- MORSE, DANA & BOURCHIER, DAN (2023). *Key 'No' camps merge to form Australians for Unity to strengthen referendum campaign* [Online]. ABC News, 10 May 2023. Available: <https://www.abc.net.au/news/2023-05-11/key-no-camps-merge-to-strengthen-referendum-campaign/102329478> [Last accessed 22 May 2024].

- MULCAHY, LINDA, ROSSNER, MEREDITH & TSALAPATANIS, ANNA (2021). It's about time: investigating the temporal in socio-legal studies through unstructured interviews. *Journal of Law and Society*, 48 (Suppl. 1), S104-117.
- MULLER, DAMON (2023). *Constitutional referendums in Australia: a quick guide* [Online]. Parliament of Australia: Parliamentary Library, 8 May 2023. Available: [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_departments/Parliamentary\\_Library/Research/Quick\\_Guides/2022-23/ConstitutionalReferendumsAustralia](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Quick_Guides/2022-23/ConstitutionalReferendumsAustralia) [Last accessed 1 October 2025].
- MUSEUM OF AUSTRALIAN DEMOCRACY (2025a). *Governor Darling's Commission 1825 (UK)* [Online]. Museum of Australian Democracy. Available: <https://www.foundingdocs.gov.au/item-did-41.html> [Last accessed 29 August 2025].
- MUSEUM OF AUSTRALIAN DEMOCRACY (2025b). *Governor Phillip's Instructions 25 April 1787 (UK) Transcription* [Online]. Museum of Australian Democracy. Available: [https://www.foundingdocs.gov.au/resources/transcripts/nsw2\\_doc\\_1787.pdf](https://www.foundingdocs.gov.au/resources/transcripts/nsw2_doc_1787.pdf) [Last accessed 14 August 2025].
- MUSEUM OF AUSTRALIAN DEMOCRACY (2025c). *Instructions to the Admiralty to take formal possession of the western portion of the continent 5 November 1828 (UK)* [Online]. Museum of Australian Democracy. Available: <https://www.foundingdocs.gov.au/item-did-90.html> [Last accessed 29 August 2025].
- MUSEUM OF AUSTRALIAN DEMOCRACY (2025d). *Letters Patent establishing the Province of South Australia 19 February 1836 (UK)* [Online]. Museum of Australian Democracy. Available: <https://www.foundingdocs.gov.au/item-did-2.html> [Last accessed 9 May 2025].
- MUSEUMS OF HISTORY NSW (2025). *Land grants guide, 1788-1856* [Online]. Museums of History NSW Website. Available: <https://mhnsw.au/guides/land-grants-guide-1788-1856/> [Last accessed 16 August 2025].
- MUURRBAY ABORIGINAL LANGUAGE AND CULTURE COOPERATIVE (2025). *Bundjalung Dictionary* [Online]. Muurrbay Aboriginal Language and Culture Cooperative. Available: [https://bundjalung.dalang.com.au/plugin\\_wiki/page/dictionary](https://bundjalung.dalang.com.au/plugin_wiki/page/dictionary) [Last accessed 1 November 2025].
- NAKATA, MARTIN (1997). *The cultural interface: an exploration of the intersection of Western knowledge systems and Torres Strait Islanders positions and experiences*. PhD Thesis, James Cook University of North Queensland.
- NAKATA, MARTIN (2007). *Disciplining the Savages: Savaging the Disciplines*. Canberra, Aboriginal Studies Press.
- NATIONAL ARCHIVES OF AUSTRALIA (2025). *The Immigration Restriction Act 1901* [Online]. National Archives of Australia. Available: <https://www.naa.gov.au/explore-collection/immigration-and-citizenship/immigration-restriction-act-1901> [Last accessed 18 August 2025].

- NATIONAL CONGRESS OF AUSTRALIA'S FIRST PEOPLES (2016). *The Redfern Statement* [Online]. National Congress of Australia's First Peoples, via the Wayback Machine Internet Archive, 9 June 2016. Available: <https://web.archive.org/web/20160710140111/http://nationalcongress.com.au/the-redfern-statement/> [Last accessed 18 August 2025].
- NATIONAL INDIGENOUS AUSTRALIANS AGENCY (2022). *Ministerial appointments for Indigenous Australians* [Online]. National Indigenous Australians Agency Website, 2 June 2022. Available: <https://www.niaa.gov.au/news-and-media/ministerial-appointments-indigenous-australians> [Last accessed 21 May 2024].
- NATIONAL INDIGENOUS AUSTRALIANS AGENCY (2023a). *FOI/2223/016* [Online]. National Indigenous Australians Agency FOI Disclosure Logs, 10 March 2023. Available: <https://www.niaa.gov.au/foi/agency-foi-disclosure-logs> [Last accessed 12 March 2024].
- NATIONAL INDIGENOUS AUSTRALIANS AGENCY (2023b). *FOI/2223/026* [Online]. National Indigenous Australians Agency FOI Disclosure Logs, 23 June 2023. Available: <https://www.niaa.gov.au/foi/agency-foi-disclosure-logs> [Last accessed 12 March 2024].
- NATIONAL INDIGENOUS LANGUAGES REPORT (2020). *National Indigenous Languages Report*. Commonwealth of Australia.
- NATIONAL INDIGENOUS TELEVISION (2017). *Uluru Summit Day 1: NITV reports from National Convention for Constitutional Recognition* [Online]. Excerpt from *The Point* on NITV YouTube, 24 May 2017. Available: <https://www.youtube.com/watch?v=6L5kR2ZxLg4> [Last accessed 11 June 2024].
- NATIONAL INQUIRY INTO THE SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES (1997). *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, PDF edition. Sydney: Human Rights and Equal Opportunity Commission.
- NATIONAL MUSEUM OF AUSTRALIA (2014). *Collaborating for Indigenous Rights / Civil Rights / Albert Namatjira and citizenship, 1958-59 / The 'dog collar' acts* [Online]. National Museum of Australia Website, 2007-2014. Available: [https://indigenoustrights.net.au/civil\\_rights/albert\\_namatjira\\_and\\_citizenship\\_1958-59/the\\_dog\\_collar\\_acts](https://indigenoustrights.net.au/civil_rights/albert_namatjira_and_citizenship_1958-59/the_dog_collar_acts) [Last accessed 17 August 2025].
- NATIONAL MUSEUM OF AUSTRALIA (2025a). *Defining Moments: Indigenous Australians' Right to Vote* [Online]. National Museum of Australia, 27 May 2025. Available: <https://www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote> [Last accessed 21 August 2025].
- NATIONAL MUSEUM OF AUSTRALIA (2025b). *Defining Moments: Myall Creek Massacre* [Online]. National Museum of Australia, 10 June 2025. Available: <https://www.nma.gov.au/defining-moments/resources/myall-creek-massacre> [Last accessed 1 September 2025].

- NATIONAL MUSEUM OF AUSTRALIA (2025c). *Defining Moments: White Australia Policy* [Online]. National Museum of Australia, 6 March 2025. Available: <https://www.nma.gov.au/defining-moments/resources/white-australia-policy> [Last accessed 18 August 2025].
- NELSON, ROBERT (2007). Social cohesion and cultural fragility: a paradox of Indigenous rapports with Eurasian Australia. In: JUPP, J., NIEUWENHUYSEN, J. & DAWSON, E. (eds.) *Social Cohesion in Australia*. Cambridge: Cambridge University Press.
- NETTELBECK, AMANDA (2020). Protective Governance and Legal Order on the Colonial Frontier. In: FURPHY, S. & NETTELBECK, A. (eds.) *Aboriginal Protection and Its Intermediaries in Britain's Antipodean Colonies*. New York and London: Routledge.
- NETTELBECK, AMANDA & RYAN, LINDALL (2018). Salutory Lessons: Native Police and the 'Civilising' Role of Legalised Violence in Colonial Australia. *Journal of Imperial and Commonwealth History*, 46 (1), 47-68.
- NEUFELD, SCOTT D. & SCHMITT, MICHAEL T. (2019). Solidarity Not Homogeneity: Constructing a Superordinate Aboriginal Identity That Protects Subgroup Identities. *Political Psychology*, 40 (3), 599-616.
- NEWFONG, JOHN (1972). The Aboriginal Embassy: Its Purpose and Aims. *Identity*, 1 (5 (July 1972)), 4-6.
- NICKEL, SARAH A. (2019). *Assembling Unity: Indigenous Politics, Gender, and the Union of BC Indian Chiefs*. Vancouver, UBC Press.
- NIEZEN, RONALD (2003). *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley, University of California Press.
- NLC (2023). *2023 Barunga Voice Declaration* [Online]. Northern Land Council Press Release, 15 June 2023. Available: <https://www.nlc.org.au/media-publications/2023-barunga-voice-declaration> [Last accessed 22 May 2024].
- NORTHERN TERRITORY BOARD OF INQUIRY INTO THE PROTECTION OF ABORIGINAL CHILDREN FROM SEXUAL ABUSE (2007). *Ampe Akelyernemane Meke Mekarle "Little Children Are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*. Darwin: Northern Territory Government.
- NUNN, PATRICK D. & REID, NICHOLAS J. (2016). Aboriginal Memories of Inundation of the Australian Coast Dating from More than 7000 Years Ago. *Australian Geographer*, 47 (1), 11-47.
- O'BRIEN, KAREN (2017). Social Cohesion and Resilience in First Australian Family and Kinship Networks. *Journal of Family History*, 42 (4), 440-451.
- O'BRIEN, KAREN (2019). *The Larrakia Petitions for a Treaty and Land Rights* [Online]. UK Parliaments Petition Committee. Available: <https://committees.parliament.uk/committee/326/petitions-committee/news/99330/the-larrakia-petitions-for-a-treaty-and-land-rights/> [Last accessed].

- O'DONOGHUE, LOIS (1997). Past Wrongs, Future Rights. *Indigenous Law Bulletin*, 4 (1), 18-21.
- O'MELEY, S. (2023). *Progressive Black dissent against the Voice to Parliament* [Online]. Available: <https://elink.io/p/black-dissent-and-the-voice-91c1a0a> [Last accessed 1 October 2025].
- OKTAY, JULIANNE S. (2012). *Grounded Theory*. Oxford, Oxford University Press.
- OLANREWAJU, MARANATHA MORENIKE & TALABI, FELIX OLAJIDE (2024). Ritual Communication in Nigeria: A Pathway to Social Cohesion and Cultural Preservation. *International Journal of Sub-Saharan African Research*, 2 (3), 225-229.
- OXFORD ENGLISH DICTIONARY (2025). "*solidarity, n.*" [Online]. Oxford University Press, Last Revised June 2025. Available: [https://www.oed.com/dictionary/solidarity\\_n?tl=true](https://www.oed.com/dictionary/solidarity_n?tl=true) [Last accessed 22 October 2025].
- PALASZCZUK, ANNASTACIA & CRAWFORD, CRAIG (2023). *Historic Path to Treaty legislation passes Parliament (Joint Statement)* [Online]. Queensland Government (Cabinet and Ministerial Directory), 10 May 2023. Available: <https://statements.qld.gov.au/statements/97711> [Last accessed 30 September 2025].
- PARADIES, YIN (2020). Unsettling truths: modernity, (de-)coloniality and Indigenous futures. *Postcolonial Studies*, 23 (4), 438-456.
- PAREKH, BHIKHU C. (2000). *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Basingstoke, Macmillan.
- PARK, ANDY (2023). *Sean Gordon to co-lead Liberals for Yes campaign* [Online]. ABC Listen: RN Drive, 12 June 2023. Available: <https://www.abc.net.au/listen/programs/radionational-drive/sean-gordon-co-lead-liberals-for-yes-campaign-voice-referendum/102470602> [Last accessed 30 September 2025].
- PARK, MICHAEL (2022a). *Albanese recommit to Uluru Statement to begin victory speech* [Online]. SBS NITV News, 22 May 2022. Available: <https://www.sbs.com.au/nitv/nitv-news/article/albanese-recommits-to-uluru-statement-to-begin-victory-speech/iv7hcgr8n> [Last accessed 21 May 2024].
- PARK, MICHAEL (2022b). *'Shameful chapter': Intervention ends in the NT after 15 years* [Online]. SBS NITV News, 12 October 2022. Available: <https://www.sbs.com.au/nitv/nitv-news/article/shameful-chapter-intervention-ends-in-the-nt-after-15-years/qsukseib7> [Last accessed 26 August 2025].
- PARKS AUSTRALIA (2021). *Fact Sheet: Tjukurpa* [Online]. Uluru-Kata Tjuta National Park Website, May 2021. Available: <https://uluru.gov.au/static/58c59795b85f20c2a46409965fb6416c/uktnp-document-fs-tjukurpa.pdf> [Last accessed 15 June 2025].
- PARKS AUSTRALIA (2025a). *The Kuniya & Liru stories* [Online]. Uluru-Kata Tjuta National Park Website, 2025. Available:

- <https://uluru.gov.au/discover/culture/stories/kuniya-liru-stories/> [Last accessed 15 June 2025].
- PARKS AUSTRALIA (2025b). *The Mala story* [Online]. Uluru-Kata Tjuta National Park Website, 2025. Available: <https://uluru.gov.au/discover/culture/stories/mala-story/> [Last accessed 15 June 2025].
- PASCOE, BRUCE (2018). *Dark Emu: Aboriginal Australia and the Birth of Agriculture*. Melbourne, Scribe.
- PEARSON, NOEL (2014). A Rightful Place: Race, recognition and a more complete commonwealth. *Quarterly Essay*, 55, 1-72.
- PEARSON, NOEL (2018). *Lowitja O'Donoghue Oration 2018* [Online]. Don Dunstan Foundation (Published to YouTube, 4 June 2018), 29 May 2018. Available: <https://www.youtube.com/watch?v=aD6rn1lSafk> [Last accessed 25 October 2025].
- PELLY, MICHAEL (2023). 'Hatred of politicians' killed the Voice: Megan Davis [Online]. Australian Financial Review, 11 December 2023. Available: <https://www.afr.com/politics/federal/hatred-of-politicians-killed-the-voice-megan-davis-20231206-p5epe1> [Last accessed 4 November 2025].
- PHELAN, ADAM (2019). *First Nations youth push for a voice* [Online]. University of New South Wales Sydney (Newsroom), 23 December 2019. Available: <https://www.unsw.edu.au/newsroom/news/2019/12/first-nations-youth-push-for-a-voice> [Last accessed 29 September 2025].
- PIGOTT, CHARLES M. (2013). The Lyrical Creation of Community: Song as a catalyst of social cohesion in Andean Peru. *AlterNative*, 9 (4), 335-350.
- PIRIE, FERNANDA (2014). Community, Justice, and Legalism: Elusive Concepts in Tibet. In: PIRIE, F. & SCHEELE, J. (eds.) *Legalism: Community and Justice*. Oxford: Oxford University Press.
- POELINA, ANNE, BAGNALL, DONNA, GRAHAM, MARY, WILLIAMS, ROSS TIMMULBAR, YUNKAPORTA, TYSON, MARSHALL, CHELS, DIOP, SHOLA ANTHONY, SAMNAKAY, NADEEM, MALONEY, MICHELLE & DAVIS, MICHAEL (2024). *Declaration of Peace for Indigenous Australians and Nature: A Legal Pluralist Approach to First Laws and Earth Laws*. Singapore, Springer Nature.
- POVINELLI, ELIZABETH A. (2002). *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham, Duke University Press.
- POVINELLI, ELIZABETH A. (2010). Indigenous politics in late liberalism. In: ALTMAN, J. & HINKSON, M. (eds.) *Culture Crisis: Anthropology and Politics in Aboriginal Australia*. Sydney: UNSW Press.
- PRATT, ANGELA & BENNETT, SCOTT (2004). *The end of ATSIC and the future administration of Indigenous affairs*. Canberra, 9 August 2004: Information and Research Services, Parliamentary Library, Department of Parliamentary Services (Current Issues Brief No. 4 2004-05).

- PRICE, JACINTA NAMPIJINPA (2023). *Address to the National Press Club of Australia* [Online]. National Press Club of Australia (YouTube), 14 September 2023. Available: <https://www.youtube.com/watch?v=m5WiECORWwo> [Last accessed 2 October 2025].
- PRICKETT, KATY (2024). *Cambridge college returns 18th Century Aboriginal spears* [Online]. BBC News, 23 April 2024. Available: <https://www.bbc.co.uk/news/uk-england-cambridgeshire-68875158> [Last accessed 21 August 2025].
- PRODUCTIVITY COMMISSION (2017). *2017 Indigenous Expenditure Report*. Canberra, October 2017: Steering Committee for the Review of Government Service Provision, Commonwealth of Australia.
- PRODUCTIVITY COMMISSION (2024). *Closing the Gap Annual Data Compilation Report*. Canberra, July 2024: Australian Government Productivity Commission.
- QUEEN VICTORIA (1859). *Letters Patent erecting the Colony of Queensland (6 June 1859)* [Online]. Museum of Australian Democracy (Ref C66/5004 No. 21), 2025. Available: <https://www.foundingdocs.gov.au/item-sdid-47.html> [Last accessed 22 August 2025].
- RANDAZZO, MARIA SALVATRICE (2023). *Constitutionalism of Australian First Nations: A Comparative Study*. Abingdon, Routledge.
- RASEHLOMI, MODJADJI MANDY, KHUMALO, THEMBENI AGNES, RISIMATI, MAKHENSA VANESSA, MADITSI, MOTHUSIOTSILE EDWIN & KOITSIWE, MOTHEO THOMAS (2023). The Role of Indigenous Knowledge in Promoting Peace and Social Solidarity Among Local Communities in South Africa. *Gender & Behaviour*, 21 (1), 21291-21303.
- RASMUSSEN, MORTEN, GUO, XIAOSEN, WANG, YONG, LOHMUELLER, KIRK E., RASMUSSEN, SIMON, ALBRECHTSEN, ANDERS, SKOTTE, LINE, LINDGREEN, STINUS, METSPALU, MAIT, JOMBART, THIBAUT, et al. (2011). An Aboriginal Australian Genome Reveals Separate Human Dispersals into Asia. *Science*, 334 (6052), 94-98.
- RATTANSI, ALI (ed.) (2011). *Multiculturalism: A Very Short Introduction*, Oxford: Oxford University Press.
- RECONCILIATION AUSTRALIA (2018). *Recognise campaign successful in raising awareness* [Online]. Reconciliation Australia, 29 June 2018. Available: <https://www.reconciliation.org.au/recognise-campaign-successful-in-raising-awareness/> [Last accessed 19 August 2025].
- RECONCILIATION AUSTRALIA (2020). *The 2000 Reconciliation Bridge Walks* [Online]. Reconciliation Australia, 7 May 2020. Available: <https://www.reconciliation.org.au/the-2000-reconciliation-bridge-walks/> [Last accessed 19 August 2025].
- REDVERS, NICOLE (2018). The Value of Global Indigenous Knowledge in Planetary Health. *Challenges*, 9 (2), 30.

- REDVERS, NICOLE, CELIDWEN, YURIA, SCHULTZ, CLINTON, HORN, OJISTOH, GITHAIGA, CICILIA, VERA, MELISSA, PERDRISAT, MARLIKKA, MAD PLUME, LYNN, KOBEI, DANIEL, KAIN, MYRNA CUNNINGHAM, et al. (2022). The determinants of planetary health: an Indigenous consensus perspective. *Lancet Planetary Health*, 6 (2), e156-163.
- REDVERS, NICOLE, FAERRON GUZMÁN, CARLOS A. & PARKES, MARGOT W. (2023). Towards an educational praxis for planetary health: a call for transformative, inclusive, and integrative approaches for learning and relearning in the Anthropocene. *Lancet Planetary Health*, 7 (1), e77-85.
- REFERENDUM COUNCIL (2017a). *Final Report of the Referendum Council*. 30 June 2017: Commonwealth of Australia.
- REFERENDUM COUNCIL (2017b). *Uluru Convention Group Photo 2017 -I* [Online]. Referendum Council Website (accessed via Wayback Machine), May 2017. Available: [https://web.archive.org/web/20180312080454im\\_/https://referendumcouncil.org.au/sites/default/files/2017-05/Uluru%20Convention%20Group%20Photo%202017%20-1.jpg](https://web.archive.org/web/20180312080454im_/https://referendumcouncil.org.au/sites/default/files/2017-05/Uluru%20Convention%20Group%20Photo%202017%20-1.jpg) [Last accessed 26 March 2025].
- REFERENDUM COUNCIL (2017c). *Uluru Statement from the Heart* [Online]. Referendum Council Website, May 2017. Available: [https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF) [Last accessed 12 March 2024].
- REFERENDUM COUNCIL (2019). *Dialogues* [Online]. Referendum Council Website, 2 January 2019. Available: <https://www.referendumcouncil.org.au/dialogues.html> [Last accessed 12 March 2024].
- RESTALL, MATTHEW (1998). The Ties That Bind: Social Cohesion and the Yucatec Maya Family. *Journal of Family History*, 23 (4), 355-381.
- REYNOLDS, HENRY (1982). *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia*. Melbourne, Penguin.
- REYNOLDS, HENRY (1987). *Frontier: Aborigines, Settlers, and Land*. Sydney, Allen & Unwin.
- REYNOLDS, HENRY (1992). *The Law of the Land*, Second edition. Ringwood, Vic, Penguin Books.
- REYNOLDS, HENRY (2021). *Truth-Telling: History, Sovereignty and the Uluru Statement*. Sydney, NewSouth Publishing.
- RICHARDS, LISA (2021). *Indigenous Australian parliamentarians in federal and state/territory parliaments: a quick guide* [Online]. Parliament of Australia, 15 June 2021. Available: [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_departments/Parliamentary\\_Library/Research/Quick\\_Guides/2020-21/IndigenousParliamentarians2021](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Quick_Guides/2020-21/IndigenousParliamentarians2021) [Last accessed 2 September 2025].

- RICHARDS, PATRICIA LYNNE (2013). *Race and the Chilean Miracle: Neoliberalism, Democracy, and Indigenous Rights*. Pittsburgh, University of Pittsburgh Press.
- RICHARDS, STEPHANIE (2023). *Something in the Water* [Online]. ABC News, 19 August 2023. Available: <https://www.abc.net.au/news/2023-08-20/sa-something-in-the-water/102683128> [Last accessed 16 October 2024].
- RIFKIN, MARK (2017). *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination*. Durham, Duke University Press.
- RIGNEY, LESTER-IRABINNA (1999). Internationalization of an Indigenous Anticolonial Cultural Critique of Research Methodologies: A Guide to Indigenist Research Methodology and Its Principles. *Wicazo Sa Review*, 14 (2), 109-121.
- RIGNEY, LESTER-IRABINNA (2011). Epilogue: Can the Settler State Settle with Whom it Colonises? Reasons for Hope and Priorities for Action. In: MADDISON, S. & BRIGG, M. (eds.) *Unsettling the Settler State: Creativity and Resistance in Indigenous Settler-State Governance*. Sydney: The Federation Press.
- RISEMAN, NOAH (2016). *In Defence of Country: Life Stories of Aboriginal and Torres Strait Islander Servicemen and Women*. Canberra, ANU Press.
- RIVAS, JOSUÉ (2017). Portfolio: Solidarity in Standing Rock. *World Policy Institute*, XXIV (4 (Winter 2017/2018)), 62-75.
- RIX, ELIZABETH F., BARCLAY, LESLEY & WILSON, SHAWN (2014). Can a white nurse get it? 'Reflexive practice' and the non-Indigenous clinician/researcher working with Aboriginal people. *Rural and Remote Health*, 14 (2), 1-13.
- RMIT ABC FACT CHECK (2023a). *Anthony Albanese says surveys show between 80 and 90 per cent of Indigenous Australians support the Voice. Is that correct?* [Online]. ABC News, 1 August 2023. Available: <https://www.abc.net.au/news/2023-08-02/fact-check-indigenous-australians-support-for-the-voice/102673042> [Last accessed 4 July 2024].
- RMIT ABC FACT CHECK (2023b). *The Yes and No arguments have been published without fact checking. Here's what you need to know* [Online]. ABC News, 18 July 2023. Available: <https://www.abc.net.au/news/2023-07-19/fact-check-yes-no-campaign-pamphlets-aec/102614710> [Last accessed 1 October 2025].
- ROBERTS, GEORGIA (2023). *Is there treaty in the Voice? What is treaty and truth-telling? Voice to Parliament questions answered* [Online]. ABC News, 2 August 2023. Available: <https://www.abc.net.au/news/2023-08-03/is-there-treaty-in-the-voice-to-parliament/102679208> [Last accessed 1 October 2025].
- ROBINSON, SCOTT (1994). The Aboriginal Embassy: An account of the protests of 1972. *Aboriginal History*, 18 (1), 49-63.
- ROSE, DEBORAH BIRD (1996). *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness*. Canberra, Australian Heritage Commission.

- ROWSE, TIM (2007). Family and nation: the Indigenous/non-Indigenous relationship. In: JUPP, J., NIEUWENHUYSEN, J. & DAWSON, E. (eds.) *Social Cohesion in Australia*. Cambridge: Cambridge University Press.
- ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY (1991a). *Royal Commission into Aboriginal Deaths in Custody: National Report - Volume 1*. Canberra, 9 May 1991: Australian Government Publishing Service.
- ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY (1991b). *Royal Commission into Aboriginal Deaths in Custody: National Report - Volume 5*. Canberra: Australian Government Publishing Service.
- RUBEN, EMMA (2023). *Where they stand - the Voice debate to date* [Online]. National Indigenous Times, 12 May 2023. Available: <https://nit.com.au/12-05-2023/5800/where-every-political-party-stands-on-the-voice> [Last accessed 1 October 2025].
- RUDD, KEVIN (2008). *Apology to Australia's Indigenous Peoples: House of Representatives, Parliament House, Canberra* [Online]. Parliament of Australia Website, 13 February 2008. Available: [https://www.aph.gov.au/Visit\\_Parliament/Art/Icons/Apology\\_to\\_Australias\\_Indigenous\\_Peoples](https://www.aph.gov.au/Visit_Parliament/Art/Icons/Apology_to_Australias_Indigenous_Peoples) [Last accessed 15 August 2025].
- RUSSELL, WILLIAM (2018). A Story from my life. In: HEISS, A. (ed.) *Growing Up Aboriginal in Australia*. Carlton: Black Inc.
- RYAN, LINDALL (2019). Establishing a Code of Silence: Civilian and State Complicity in Genocidal Massacres on the New South Wales Frontier, 1788–1859. In: ADHIKARI, M. (ed.) *Civilian-Driven Violence and the Genocide of Indigenous Peoples in Settler Societies*. London: Routledge.
- RYAN, LINDALL, DEBENHAM, JENNIFER, PASCOE, BILL, SMITH, ROBYN, OWEN, CHRIS, RICHARDS, JONATHAN, GILBERT, STEPHANIE, ANDERS, ROBERT J, USHER, KAINE, PRICE, DANIEL, et al. (2025a). *Colonial Frontier Massacres in Australia, 1788-1930: Introduction* [Online]. University of Newcastle Colonial Frontier Massacre Project, 2017-25. Available: <https://c21ch.newcastle.edu.au/colonialmassacres/introduction.php> [Last accessed 16 August 2025].
- RYAN, LINDALL, DEBENHAM, JENNIFER, PASCOE, BILL, SMITH, ROBYN, OWEN, CHRIS, RICHARDS, JONATHAN, GILBERT, STEPHANIE, ANDERS, ROBERT J, USHER, KAINE, PRICE, DANIEL, et al. (2025b). *Colonial Frontier Massacres in Australia, 1788-1930: Statistics* [Online]. University of Newcastle Colonial Frontier Massacre Project, 2017-25. Available: <https://c21ch.newcastle.edu.au/colonialmassacres/statistics.php> [Last accessed 16 August 2025].
- Luku Ngärra: The Law of the Land* (2022). Directed by SABAN, SINEM. Australia: Our Generation Media.

- SCHILLING-VACAFLOR, ALMUT & KUPPE, RENÉ (2012). Plurinational Constitutionalism: A New Era of Indigenous-State Relations? *New Constitutionalism in Latin America: Promises and Practices*. Abingdon: Routledge.
- SCHULTE, FELIX (2020). *Peace Through Self-Determination: Success and Failure of Territorial Autonomy*. Cham, Palgrave Macmillan.
- SCOTT-ENNS, ITOAH (2015). Elexeta Edets'eèda "We Work Together": Strengthening Social Cohesion. *The Canadian Journal of Native Studies*, 35 (1), 101-119.
- SCRIMGEOUR, ANNE (2014). 'We Only Want our Rights and Freedom': The Pilbara pastoral workers strike, 1946-1949. *History Australia*, 11 (2), 101-124.
- SECCOMBE, MIKE (2017). *The Uluru Statement and Indigenous Recognition* [Online]. The Saturday Paper, 29 July 2017. Available: <https://www.thesaturdaypaper.com.au/news/indigenous-affairs/2017/07/29/the-uluru-statement-and-indigenous-recognition/15012504004992> [Last accessed 31 March 2025].
- SELECT COMMITTEE ON ABORIGINES (BRITISH SETTLEMENTS) (1837). *Report from the Select Committee on Aborigines (British Settlements) with the Minutes of Evidence, Appendix and Index*. London, 26 June 1837: House of Commons.
- SENATE HANSARD (1975). *Aborigines: Motion for Compensation (Thursday, 20 February 1975)*. Canberra: Senate Hansard, Parliament of Australia.
- SENATE STANDING COMMITTEE ON CONSTITUTIONAL AND LEGAL AFFAIRS (1983). *Two Hundred Years Later... Report by the Senate Standing Committee on Constitutional and Legal Affairs on the Feasibility of a Compact, or 'Makarrata' between the Commonwealth and Aboriginal People*. Canberra: Australian Government Publishing Service, Parliamentary Paper No 107/1983.
- SHAMSUL, A. B. (2023). One State, Three Legal Systems: Social Cohesion in a Multi-ethnic and Multi-religious Malaysia. In: POSSAMAI, A., RICHARDSON, J. T. & TURNER, B. S. (eds.) *The Sociology of Shari'a: Case Studies from Around the World*. Cham: Springer.
- SHARP, NONIE (1993). *Stars of Tagai: The Torres Strait Islanders*. Canberra, Aboriginal Studies Press.
- SHEPHERD, S. & GIFFORD, R. (1819). Letter to Earl Bathurst (15 February 1819). *Historical Records of Australia: Series 4, Volume 1*. The Library Committee of the Commonwealth Parliament (1922), 330.
- SHERIF, MUZAFER, HARVEY, O. J., WHITE, JACK B., HOOD, WILLIAM R. & SHERIF, CAROLYN W. (1988). *The Robbers Cave Experiment: Intergroup Conflict and Cooperation*, Wesleyan edition. Middletown, Connecticut, Wesleyan University Press.
- SILVERMAN, DAVID (2020). *Interpreting Qualitative Data*, Sixth edition. Los Angeles, SAGE Publications.

- SIMPSON-WISE, BLAIR (2023). *No, Uluru document is not copy of 'Zaire Statement from the Heart'* [Online]. AAP FactCheck, 9 October 2023. Available: <https://prod-ss.aap.com.au/factcheck/no-uluru-document-is-not-copy-of-zaire-statement-from-the-heart/> [Last accessed 23 May 2025].
- SIMPSON, AUDRA (2007). On Ethnographic Refusal: Indigeneity, 'Voice' and Colonial Citizenship. *Junctures: The Journal for Thematic Dialogue*, 9, 67-80.
- SIMPSON, AUDRA (2014). *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Duke University Press, Durham.
- SIMPSON, AUDRA (2017). The ruse of consent and the anatomy of 'refusal': cases from indigenous North America and Australia. *Postcolonial Studies*, 20 (1), 18-33.
- SKAFISH, PETER (2016). THE METAPHYSICS OF EXTRA-MODERNS: On the Decolonization of Thought—A Conversation with Eduardo Viveiros de Castro. *Common Knowledge*, 22 (3), 393-414.
- SKY NEWS AUSTRALIA (2023). *Senator Jacinta Price set to head new 'No' Voice campaign* [Online]. Sky News Australia, 13 February 2025. Available: <https://www.skynews.com.au/australia-news/voice-to-parliament/senator-jacinta-price-set-to-head-new-no-voice-campaign/video/955885926612c09e2a9e1b36db3c9b5a> [Last accessed 6 October 2025].
- SMITH, GRAHAM (1992). Research Issues Related to Māori Education. *The Issue of Research and Māori*. Auckland: Research Unit for Māori Education, University of Auckland.
- SMITH, LINDA TUHIWAI (2021). *Decolonizing Methodologies*, Third edition. London, Zed Books.
- SMITH, PETER BEVINGTON & BOND, MICHAEL HARRIS (1998). *Social Psychology Across Cultures*, Second edition. Hemel Hempstead, Hertfordshire, Prentice Hall Europe.
- SOROKOWSKI, PIOTR, LUTY, JERZY, MALECKI, WOJCIECH & KOWAL, MARTA (2024). Group dance, social cohesion, and social identity in the Yali society from Papua. *Musicae Scientiae*, 28 (2), 388-399.
- SPRY, CAROLINE, HAYES, ELSPETH, ALLEN, KATHRYN, LONG, ANDREW, PATON, LISA, HUA, QUAN, ARMSTRONG, BRIAN J., FULLAGAR, RICHARD, WEBB, JOHN, PENZO-KAJEWSKI, PAUL, et al. (2020). Wala-gaay Guwingal: A twentieth century Aboriginal culturally modified tree with an embedded stone tool. *Australian Archaeology*, 86 (1), 3-20.
- STANNER, W. E. H. (1979). The Australian Aborigines. In: LOUIS, W. R. & LIVINGSTON, W. S. (eds.) *Australia, New Zealand, and the Pacific Islands since the First World War*. Austin: University of Texas Press.
- STASZEWSKA, EWA (2025). *Federal government admits handballing truth-telling process as only 'half a person' employed* [Online]. SBS News, 7 October 2025. Available:

<https://www.sbs.com.au/news/article/federal-government-admits-handballing-truth-telling-process-as-only-half-a-person-employed/6yvl7nghg> [Last accessed 8 October 2025].

STATEMENT FROM THE HEART WORKING GROUP (2018). *Submission 302 to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples*. Published by the Parliament of Australia.

STATEWIDE TREATY (2025). *Statewide Treaty (Negotiated - Pending Assent)* [Online]. First Peoples' Assembly of Victoria and The State of Victoria, 9 September 2025. Available: <https://firstpeoplesvic.org/wp-content/uploads/2025/08/Statewide-Treaty-Negotiated-Pending-Assent.pdf> [Last accessed 30 September 2025].

STEAD, VICTORIA & DAVIES, LUCY (2021). Unfree Labour and Australia's Obscured Pacific Histories: Towards a New Genealogy of Modern Slavery. *Journal of Australian Studies*, 45 (3), 400-416.

STEERING COMMITTEE FOR THE CREATION OF A NEW NATIONAL REPRESENTATIVE BODY (2009). *Our Future in Our Hands: Creating a Sustainable National Representative Body for Aboriginal and Torres Strait Islander Peoples*. Sydney, August 2009: Australian Human Rights Commission.

STEWART-HARAWIRA, MAKERE (2005). *The New Imperial Order: Indigenous Responses to Globalization*. London, Zed Books.

STOLTE, GRETCHEN M. (2020). *Aboriginal and Torres Strait Islander Art: An Anthropology of Identity Production in Far North Queensland*. London, Routledge.

STRAKOSCH, ELIZABETH (2015). *Neoliberal Indigenous Policy: Settler Colonialism and the 'Post-Welfare' State*. Basingstoke, Hampshire, Palgrave Macmillan.

STRAKOSCH, ELIZABETH & MACOUN, ALISSA (2012). The vanishing endpoint of settler colonialism. *Arena Journal*, (37/38), 40-62.

STRATHERN, MARILYN (2020). *Relations: An Anthropological Account*. Durham, Duke University Press.

SUTTON, PETER (2009). *The Politics of Suffering: Indigenous Australia and the End of the Liberal Consensus*. Melbourne, Melbourne University Press.

SUZACK, CHERYL (2021). Reckoning with Indigenous Solidarity. *American Literary History*, 33(1), 133-148.

SYDORA, BEATE C., LISTENER, LUWANA, KUNG, JANICE Y., ROSS, SUE & VOYAGEUR, CORA (2023). Traditional crafting as a catalyst for Indigenous women's intergenerational cohesion and wellness: a Canadian perspective. *International Journal of Circumpolar Health*, 82 (1), 2175763 (2175761-2175711).

TAJFEL, HENRI (1981). *Human Groups and Social Categories: Studies in Social Psychology*. Cambridge, Cambridge University Press.

- TARIQ, SOOFIA (2024). *FactCheck: PM denies past Makarrata Commission proposal* [Online]. National Indigenous Times, 12 August 2024. Available: <https://nit.com.au/12-08-2024/13033/factcheck-pm-denies-past-makarrata-commission-proposal> [Last accessed 1 October 2025].
- TATZ, COLIN (1999). *Genocide in Australia*. Canberra: AIATSIS.
- TAYLOR, JUDY, EDWARDS, JANE, CHAMPION, SONIA, CHEERS, SIMON, CHONG, ALWIN, CUMMINS, RACHEL & CHEERS, BRIAN (2012). Towards a conceptual understanding of Aboriginal and Torres Strait Islander community and community functioning. *Community Development Journal*, 47 (1), 94-110.
- TAYLOR, LOUISE (2003). ‘Who’s Your Mob?’—The Politics of Aboriginal Identity and the Implications for a Treaty. In: ATSIIC & AIATSIS (eds.) *Treaty : Let’s get it right!* Canberra: Aboriginal Studies Press.
- TAYLOR, RUSSELL (2017). Indigenous Constitutional Recognition: The 1967 Referendum and Today. In: BARNEY, R. (ed.) *Papers on Parliament: Lectures in the Senate Occasional Lecture Series, and other papers*. Canberra: Department of the Senate, Parliament House.
- THE ARGUS (1937). Aborigines’ Day of Mourning: Plan for 150th Anniversary (Editorial). *The Argus (Melbourne)*, 13 November 1937, p.1.
- THE ARGUS (1938). Aborigines’ Protest (Editorial). *The Argus (Melbourne)*, 3 December 1938, p.7.
- THE HERALD (1939). Self-Government for Aborigines: Test of New System to Dissolve Suspicions (Editorial of The Herald Special Representative). *The Herald*, 27 July 1939, p.24.
- THE POINT (2017). *A look at the media’s role in the NT Intervention, 10 years on* [Online]. SBS NITV, 21 June 2017. Available: <https://www.sbs.com.au/nitv/the-point/article/a-look-at-the-medias-role-in-the-nt-intervention-10-years-on/v2w7fq6e3> [Last accessed 1 September 2025].
- THOMAS, GARY (2015). The right to be human: Aboriginal and Torres Strait Islander peoples and human rights. In: PRICE, K. (ed.) *Knowledge of Life: Aboriginal and Torres Strait Islander Australia*. Port Melbourne: Cambridge University Press.
- THORPE, LIDIA (2023). *Senator Lidia Thorpe Private Members Bill enshrining the United Declaration of the Rights to Indigenous People gets voted down* [Online]. Lidia Thorpe Senator for Victoria (Media Release), 6 December 2023. Available: [https://www.lidiathorpe.com/mr\\_undrip\\_bill\\_fails\\_to\\_pass](https://www.lidiathorpe.com/mr_undrip_bill_fails_to_pass) [Last accessed 2 September 2025].
- THORPE, NAKARI & MORGAN, MYLES (2018). *Liberal and Labor MPs revive hopes for Indigenous Voice to Parliament* [Online]. SBS News, 29 November 2018. Available: <https://www.sbs.com.au/news/article/liberal-and-labor-mps-revive-hopes-for-indigenous-voice-to-parliament/jjff6hfmz> [Last accessed 2 October 2025].

- THUROW, SUSANNE JULIA (2019). *Performing Indigenous Identities on the Contemporary Australian Stage: Land, People, Culture*. Abingdon, Routledge (ebook).
- TINGLE, LAURA (2019). *Scott Morrison and Anthony Albanese offered a spark of optimism in the first week of Parliament* [Online]. ABC News, 5 July 2019. Available: <https://www.abc.net.au/news/2019-07-06/scott-morrison-and-anthony-albanese-bipartisanship-parliament/11283292> [Last accessed 21 August 2025].
- TOBLER, RAY, ROHRLACH, ADAM, SOUBRIER, JULIEN, BOVER, PERE, LLAMAS, BASTIEN, TUKE, JONATHAN, BEAN, NIGEL, ABDULLAH-HIGHFOLD, ALI, AGIUS, SHANE, O'DONOGHUE, AMY, et al. (2017). Aboriginal Mitogenomes Reveal 50,000 Years of Regionalism in Australia. *Nature*, 544 (7649), 180-184.
- TODD, ZOE (2016). An Indigenous Feminist's Take On The Ontological Turn: 'Ontology' Is Just Another Word For Colonialism. *Journal of Historical Sociology*, 29 (1), 4-22.
- TORRE, GIOVANNI (2023a). *Coalition, Labor combine to sink Senator Thorpe Bill to enshrine Indigenous rights* [Online]. National Indigenous Times, 6 December 2023. Available: <https://nit.com.au/06-12-2023/8934/coalition-labor-combine-to-sink-UNDRIP-bill> [Last accessed 2 September 2025].
- TORRE, GIOVANNI (2023b). *More than 100 social sector organisations launch alliance to call for Voice* [Online]. National Indigenous Times, 28 February 2023. Available: <https://nit.com.au/28-02-2023/5111/more-than-100-social-sector-organisations-launch-alliance-to-call-for-voice> [Last accessed 30 September 2025].
- TORRE, GIOVANNI (2025). *New Reconciliation Australia national survey shows strong support for reconciliation but also rise in reports of racism* [Online]. National Indigenous Times, 24 June 2025. Available: <https://nit.com.au/24-06-2025/18714/new-reconciliation-australia-national-survey-shows-strong-support-for-reconciliation-but-also-rise-in-reports-of-racism> [Last accessed 1 October 2025].
- TRIANDIS, HARRY C., BONTEMPO, ROBERT, VILLAREAL, MARCELO J., ASAI, MASAOKI & LUCCA, NYDIA (1988). Individualism and Collectivism: Cross-Cultural Perspectives on Self-Group Relationships. *Journal of Personality and Social Psychology*, 54 (2), 323-338.
- TRIFONAS, PETER (2005). *Communities of Difference: Culture, Language, Technology*. New York, Palgrave Macmillan.
- TRIPLE J (2023). *Nooky's full speech from Oct 15th ep of Blak Out: "We will not sit in silence."* [Online]. ABC Triple J Radio Website, 17 October 2023. Available: <https://www.abc.net.au/triplej/programs/blak-out/blak-out-october-15-nooky-speech-treaty-now/102982138> [Last accessed 21 May 2025].
- TRUEBA, ENRIQUE T. (1999). *Latinos Unidos: From Cultural Diversity to the Politics of Solidarity*. Lanham, Maryland, Rowman & Littlefield.
- TSEGAYE, TADIYOS (2025). Indigenous Social associations and connections as a linchpin for Social Cohesion: evidence from Gondar city, Ethiopia. *SN Social Sciences*, 5, 10 (11-16).

- TUCK, EVE & YANG, K. WAYNE (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society*, 1 (1), 1-40.
- TULLY, JAMES (1995). *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge, Cambridge University Press.
- TURNBULL, MALCOLM (2017). *Response to Referendum Council's report on Constitutional Recognition* [Online]. Department of Prime Minister and Cabinet, PM Transcripts. Available: <https://pmtranscripts.pmc.gov.au/release/transcript-41263> [Last accessed 19 February 2025].
- TWOMEY, ANNE (2015). *Putting words to the tune of Indigenous constitutional recognition* [Online]. The Conversation, 20 May 2015. Available: <https://theconversation.com/putting-words-to-the-tune-of-indigenous-constitutional-recognition-42038> [Last accessed 9 January 2026].
- TYERMAN, ANDREW & SPENCER, CHRISTOPHER (1983). A Critical Test of the Sherifs' Robber's Cave Experiments: Intergroup Competition and Cooperation Between Groups of Well-Acquainted Individuals. *Small Group Behavior*, 14 (4), 515-531.
- TYNAN, LAUREN (2020). Thesis as kin: living relationality with research. *AlterNative*, 16 (3), 163-170.
- TYRELL, M. L. (1967). *Letter to Mr. Vincent Lingiari on Behalf of the Governor-General* [Online]. National Museum of Australia, 20 June 1967. Available: [https://indigenoustrights.net.au/\\_data/assets/pdf\\_file/0009/384129/f46.pdf](https://indigenoustrights.net.au/_data/assets/pdf_file/0009/384129/f46.pdf) [Last accessed 15 August 2025].
- ULURU DIALOGUE (2023). *Professor Megan Davis, Pat Anderson AO delivering live and free online Voice info sessions* [Online]. Uluru Dialogue, 8 October 2023. Available: <https://ulurustatement.org/professor-megan-davis-pat-anderson-ao-delivering-live-and-free-online-voice-info-sessions/> [Last accessed 30 September 2025].
- UN OHCHR (2009). *UN experts welcome Australia's endorsement of the UN Declaration on the Rights of Indigenous Peoples* [Online]. United Nations Office of the High Commissioner for Human Rights Media Center, 3 April 2009. Available: <https://www.ohchr.org/en/press-releases/2009/10/un-experts-welcome-australias-endorsement-un-declaration-rights-indigenous> [Last accessed 15 August 2025].
- UNITED NATIONS DIGITAL LIBRARY (2007). *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly (A/RES/61/295)* [Online]. United Nations Digital Library Voting Summary, 13 September 2007. Available: <https://digitallibrary.un.org/record/609197?ln=en> [Last accessed 15 August 2025].
- UPHOLD & RECOGNISE (2022). *About Us* [Online]. Uphold & Recognise (accessed via the Wayback Machine Internet Archive), 28 September 2022. Available: <https://web.archive.org/web/20220928201022/https://upholdandrecognise.com/about-us/> [Last accessed 29 September 2025].

- VAN TOORN, PENNY (1999). Authors, scribes and owners: The sociology of nineteenth-century aboriginal writing on Coranderrk and Lake Condah reserves. *Continuum: Journal of Media & Cultural Studies*, 13 (3).
- VASSILEY, ALEXIS (2016). “There’s No Flies at Noonkanbah but the Scabs Are on the Way”: Trade Union Support for Aboriginal Rights during the Noonkanbah Dispute, 1979–80. *Labour History (Canberra)*, (110), 77-95.
- VERASS, SOPHIE & MORAN, ALEXIS (2023). *Do you know what Aboriginal land you’re on today?* [Online]. SBS NITV, 18 January 2023. Available: <https://www.sbs.com.au/nitv/article/do-you-know-what-aboriginal-land-youre-on-today/ytff85vi1> [Last accessed 7 August 2025].
- VERKUYTEN, MAYKEL (2014). *Identity and Cultural Diversity: What Social Psychology Can Teach Us*. Oxfordshire, England, Routledge.
- VIKHROV, NATALIE (2023). *Lidia Thorpe says she has been excluded from contributing to official Voice to Parliament referendum pamphlet* [Online]. The Canberra Times, 6 July 2023. Available: <https://www.canberratimes.com.au/story/8260430/ive-been-excluded-thorpe-blocked-from-contributing-to-no-campaign-pamphlet/> [Last accessed 1 October 2025].
- VIVEIROS DE CASTRO, EDUARDO (2015). Who is Afraid of the Ontological Wolf?: Some Comments on an Ongoing Anthropological Debate. *Cambridge Anthropology*, 33 (1), 2-17.
- WAHLQUIST, CALLA (2017). Uluru talks: delegates walk out due to sovereignty and treaty fears. *Guardian Australia*, 25 May 2017.
- WALSH, MICHAEL (1993). Languages and Their Status in Aboriginal Australia. In: WALSH, M. & YALLOP, C. (eds.) *Language and culture in Aboriginal Australia*. Canberra, ACT: Aboriginal Studies Press.
- WATSON, IRENE (2014). *Aboriginal Peoples, Colonialism and International Law: Raw Law*. London, Routledge.
- WATSON, IRENE (2018). Introduction. In: WATSON, I. (ed.) *Indigenous Peoples as Subjects of International Law*. Abingdon: Routledge.
- WATSON, IRENE (2020). Settled and Unsettled Spaces: Are We Free to Roam? In: MORETON-ROBINSON, A. (ed.) *Sovereign Subjects: Indigenous Sovereignty Matters*. Abingdon: Routledge.
- WATSON, JOANNE (1995). ‘We Couldn’t Tolerate Any More’: The Palm Island Strike of 1957. *Labour History*, (69), 149-170.
- WEBLEY, LISA (2020). The *why* and *how to* of conducting a socio-legal empirical research project. In: CREUTZFELDT, N., MASON, M. & MCCONNACHIE, K. (eds.) *Routledge Handbook of Socio-Legal Theory and Methods*. Abingdon: Routledge.

- WELLER, MARC & WOLFF, STEFAN (2005). *Autonomy, Self-Governance, and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London, Routledge.
- WETHERELL, DAVID (2004). The Bishop of Carpentaria and the Torres Strait Pearlers' Strike of 1936. *The Journal of Pacific History*, 39 (2), 185-202.
- WHEELER, GERALD CLAIR WILLIAM CAMDEN (1910). *The Tribe, and Intertribal Relations in Australia*. England, J. Murray.
- WHYMAN, THEONI, MURRUP-STEWART, CAMMI, YOUNG, MICHAEL, CARTER, ADRIAN & JOBSON, LAURA (2023). 'Lateral violence stems from the colonial system': settler-colonialism and lateral violence in Aboriginal Australians. *Postcolonial Studies*, 26 (2), 183-201.
- WILKINSON, MELANIE, MARIKA, R. & WILLIAMS, NANCY M. (2009). 'This place already has a name'. In: KOCH, H. & HERCUS, L. (eds.) *Aboriginal Placenames: Naming and Re-Naming the Australian Landscape*. Canberra: ANU E Press.
- WILLIAMS, GEORGE (2017). *Uluru statement offers up different set of priorities* [Online]. The Sydney Morning Herald (Opinion), 28 May 2017. Available: <https://www.smh.com.au/opinion/uluru-statement-offers-up-different-set-of-priorities-20170528-gweyal.html> [Last accessed 31 March 2025].
- WILLIAMS, GEORGE & HOBBS, HARRY (2020). *Treaty*, Second edition. Sydney, The Federation Press.
- WILLIAMS, NANCY M. (1987). *Two Laws: Managing Disputes in a Contemporary Aboriginal Community*. Canberra, Australian Institute of Aboriginal Studies.
- WITHYCOMBE, PATSY (2018). The twelfth man: John Henry Fleming and the Myall Creek Massacre. *Journal of Australian Colonial History*, 20, 103-122.
- WOLFE, PATRICK (1999). *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London, Cassell.
- WOOD, ASMI (2015). Law and Native Title. In: PRICE, K. (ed.) *Knowledge of Life: Aboriginal and Torres Strait Islander Australia*. Port Melbourne: Cambridge University Press.
- WOOD, ASMI (2016). Confluence of the Rivers: Constitutional Recognition of Australia's First Peoples. In: DEVERE, H., TE MAIHĀROA, K. & SYNOTT, J. P. (eds.) *Peacebuilding and the Rights of Indigenous Peoples: Experiences and Strategies for the 21st Century*. Switzerland: Springer International Publishing AG.
- WOOD, ASMI (2023). Critique of 'Voice Versus Rights'. *University of New South Wales Law Journal Forum (Online)*, (No 5), 1-17.
- WOOD, ASMI & GARDINER, CHRISTIE (2021). Identifying a Legal Framework for a Treaty between Australia's First Peoples and the State. In: SMITH, D., WIGHTON, A., CORNELL, S. & DELANEY, A. V. (eds.) *Developing Governance and*

- Governing Development: International Case Studies of Indigenous Futures*. Lanham, Maryland: Rowman & Littlefield (Ebook).
- WOOD, REBECCA (2009). Frontier Violence and the Bush Legend: The Sydney Herald's Response to the Myall Creek Massacre Trials and the Creation of Colonial Identity. *History Australia*, 6 (3), 67.61-67.19.
- WORTHINGTON, BRETT & MORSE, DANA (2023). *There are 11 First Nations MPs and senators. Here's what they think of a Voice to Parliament* [Online]. ABC News, 30 April 2023. Available: <https://www.abc.net.au/news/2023-05-01/first-nations-mps-senators-on-voice-to-parliament/101976080> [Last accessed 15 August 2025].
- WRIGHT, CLARE (2024). *Naku Dharuk The Bark Petitions: How the People of Yirrkala Changed the Course of Australian Democracy*. Text Publishing.
- WRIGHT, SHANE (2023). *VOICE VERDICT Booth by booth: Majority Indigenous electorates voted Yes* [Online]. The Sydney Morning Herald, 16 October 2023. Available: <https://www.smh.com.au/politics/federal/booth-by-booth-indigenous-australians-backed-the-voice-20231015-p5ecc7.html> [Last accessed 6 October 2025].
- YAXLEY, LOUISE & CONIFER, DAN (2017). *Barnaby Joyce says Indigenous chamber in Parliament 'just won't fly' with Australians* [Online]. ABC News, 29 May 2017. Available: <https://www.abc.net.au/news/2017-05-29/indigenous-chamber-parliament-wont-fly-barnaby-joyce-says/8568068> [Last accessed 19 February 2025].
- YEUNG, SHARON, CASTLEDEN, HEATHER & PICTOU LANDING FIRST NATION (2020). "We all know each other": A Strengths-based Approach to Understanding Social Capital in Pictou Landing First Nation. *International Journal of Indigenous Health*, 15 (1), 119-132.
- YIRRKALA ARTISTS (1963). *Yirrkala Bark Petitions* [Online]. Museum of Australian Democracy, 14 and 28 August 1963. Available: <https://www.foundingdocs.gov.au/item-did-104.html> [Last accessed 15 August 2025].
- YOORROOK JUSTICE COMMISSION (2025). *Truth Be Told*. Parliament of Victoria, 19 June 2025: Yoorrook Justice Commission.
- YOTHU YINDI (1991). *Treaty. Tribal Voice*. Mushroom Records.
- YOUNG, IRIS MARION (2011). *Justice and the Politics of Difference*, Paperback reissue. Princeton, NJ, Princeton University Press.
- YUNKAPORTA, TYSON (2020). *Sand Talk: How Indigenous Thinking Can Save the World*. New York, NY, HarperCollins.
- YUNKAPORTA, TYSON (2025). *Indigenous knowledge can fashion a sustainable economy* [Online]. The Royal Society of Victoria, Science Victoria Edition: June-July 2025 Indigenous Knowledge Systems, 11 July 2025. Available: <https://www.rsv.org.au/articles/indigenous-knowledge-can-fashion-a-sustainable-economy> [Last accessed 28 July 2025].

- YUNUPINGU, GALARRWUY (2008). *Tradition, Truth & Tomorrow* [Online]. The Monthly (December 2008 – January 2009 issue), 1 December 2008. Available: <https://www.themonthly.com.au/december-2008-january-2009/essays/tradition-truth-and-tomorrow#mtr> [Last accessed 15 August 2025].
- ZHOU, RONG & WANG, TINGXIN (2024). The Practices of the She Organization Contribute to Social Cohesion and Separate Identity in Contemporary Rural Communities: A Case Study in Songyang County of China. *Religions*, 15 (9), 1034.
- ZUBRICK, STEPHEN R., DUDGEON, PAT, GEE, GRAHAM, GLASKIN, BELLE, KELLY, KERRIE, PARADIES, YIN, SCRINE, CLAIR & WALKER, ROZ (2010). Social Determinants of Aboriginal and Torres Strait Islander Social and Emotional Wellbeing. In: PURDIE, N., DUDGEON, P. & WALKER, R. (eds.) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*. Canberra: Australian Government Department of Health and Ageing.