

# Elimatta

Aboriginal Support Group - Manly Warringah Pittwater

NEWSLETTER WINTER 2022



SUMMER MILKY WAY AT THE PINNACLES DESERT, WESTERN AUSTRALIA

**ABORIGINAL AND TORRES STRAIT ISLANDER READERS ARE ADVISED THAT THIS NEWSLETTER CONTAIN NAMES OF PEOPLE WHO HAVE DIED  
ASG ACKNOWLEDGES THE GURINGAI PEOPLE, THE TRADITIONAL OWNERS OF THE LANDS AND THE WATERS OF THIS AREA**



## THE GREAT KOALA NATIONAL PARK – SO MUCH MORE THAN JUST PROTECTING KOALA HABITAT

**M**any folks have heard about the Great Koala National Park (GKNP) but many don't realise that it doesn't actually exist ... yet. The GKNP is a proposal put forward by non-government organisation the National Parks Association of NSW (NPA) in 2015.

The idea of a comprehensive koala habitat protected area originally came from the Bellingen Environment Centre in response to rapidly declining koala numbers and dire predictions of the species becoming extinct in NSW if decisive action was not taken to halt the habitat destruction. NPA supported the idea and developed the proposal with the help of koala experts and local conservationists of the Coffs Coast Region.

The GKNP proposal, would add 175,000 hectares of native state forest (this does not include any plantations or private land) to existing

protected areas to form a 315,000 hectare network of parks and reserves on the NSW mid north coast around Coffs Harbour. The proposal is mainly located on Gumbaynggirr Country with a small area of Dughutti Country in the south and Bundjalung Country in the north of the proposal.

The GKNP area contains 44 percent of all NSW government identified 'Koala Hubs' in state forests in New South Wales, making a substantial contribution to ensuring the koala's long-term survival in the state. It would link fragmented forests with high biodiversity hotspots and provide flow-on benefits for water security, carbon sequestration and for other conservation dependant species including platypuses, greater and yellow-bellied gliders, large forest owls and many aquatic organisms. Importantly it would protect important Aboriginal Cultural Heritage sites

and provide significant job opportunities in nature and Aboriginal Cultural based tourism.

The GKNP Campaign Team is made up of dedicated locals including representatives of the Gumbaynggirr Nation.



Gumbaynggirr Elder Michael Donovan Jr. has created a beautiful Dughurr (koala) tee shirt design for our campaign which is available online at Affirmations Publishing: **Affirmations.com.au**

Support for our campaign is growing rapidly because nobody wants to see our iconic koalas disappear. With help from our sup-

porters and sponsors Affirmations Publishing, Arnhem Clothing, Wandering Folk and Kombu Wholefoods, we aim to secure the survival of Australia's iconic Koalas in their natural habitat. The lead up to the NSW state elections in March 2023 provides a key opportunity to raise awareness and grow political support for the creation of the Great Koala National Park. We believe we can inspire the NSW public to share our dream and convince the NSW Government of the critical importance of establishing the GKNP, which would be Australia's first species focused park.

**KoalaPark.org.au**

**for information or to**

**support the campaign**

# WHALES IN ABORIGINAL AUSTRALIA

**A** boriginal People along the Australian coast have a long association with whales. Rock engravings and contemporary stories show the strong relationship between local Aboriginal People, whales and The Dreaming. Some of these rock engravings and paintings are estimated to be over 1,000 years old.

The whale is an important totem for numerous Aboriginal groups.

A totem is an object or thing in nature that is adopted as a family or clan emblem. Different clans are assigned different totems and, in some cases, individuals are given personal totems at birth. The whale is the totem of the People of the Central Coast of NSW.

Aboriginal People considered stranded whales an important economic resource. They used the fat to varnish their spears, boomerangs

and tools. They also used whale bones to manufacture utensils, weapons and for other uses such as shelter.

## Whales in Australia

Australia is quite privileged when it comes to whales – over 50% of the world's cetaceans are found in Australian waters. According to recent estimates at least 45 species of whales, dolphins and porpoises visit or live permanently

in Australia, including nine baleen whales and 36 toothed whales' species and with all the whales cruising along the NSW coastline, you can see we call it New South Whales for a reason!

## Whale migration

Whales meet their need for food and suitable calving areas by traveling long distances from cold feeding areas, to warm, shallower waters for calving and mating.



# HOW INDIGENOUS ASTRONOMY IS CHANGING SCIENCE



Aboriginal and Torres Strait Islander peoples' detailed knowledge of Sky Country – an understanding that goes from the ancient to the modern cosmos – is finding international recognition.

For forever, Aboriginal and Torres Strait Islander peoples have danced, sung, painted and celebrated their understandings of the cosmos. Each song, dance and story is full of observations and theories, woven together by law, lore and the nature of Country.

For an oral culture with a deeply and intrinsically interconnected knowledge structure, the skies are a melting pot and reference point for much information. Dark, night skies are the stage upon which stories unfold.

Important changes are happening all around us constantly, in the atmosphere, in animal behaviour, in the orbits or appearances of celestial objects, in many other environmental conditions that offer great insight into how to live holistically and sustainably with the land, waters and skies. With a keen

eye for cycles, patterns and relational information – that is, how things relate to one another – Indigenous knowledge systems are holistic in nature.

For Indigenous peoples, astronomical knowledge has a variety of practical applications to assist in living under such vast skies. Monitoring seasons or the time of day, predicting the weather, navigating across land and water, hunting and timekeeping over long, unfathomable periods of time are some of the ways that Indigenous peoples use Sky Country.

By working with the original custodians, we begin to understand the thousands of ways in which the land connects to the sky and how life down here on the land relates to the unfurling celestial dance taking place above.

Because of the multifaceted nature of sky knowledge, astronomical knowledge has generally been a key feature in Aboriginal and Torres Strait Islander communities and culture, with much knowledge known and shared by most. For example, in Gamilaraay traditions, the Pleiades – also known as Miyay-Miyay – are known as a group of sisters. They are ice maidens who touch the ground as they dip below the horizon after sunset, bringing winter and frost with them. This specific piece of knowledge assists the Gamilaraay in tracking the winter months, by monitoring the position of the Pleiades cluster.

Conversely, some knowledge is the responsibility of individual community members, where it can be their job to store and protect elements of a much bigger picture. This can be done

based on expertise, if a member of the community is particularly knowledgeable in one area, or can be determined by moiety, also known as Indigenous kinship groups, which are a way to divide a large community into smaller groups. Kinship groups are also a way to distribute knowledge throughout the community, with each group being responsible for their own part of the sky.

In some instances, knowledge can be spread across several nations, with different elements existing in different languages. The Seven Sisters Songline is a beautiful example of this, and it has many variations and traverses across many nations, each segment providing information on how to also traverse across Countries.

Some knowledge may also be age or gender-specific. For example, the Moon – who is

usually a man – is very often related to women in some way. The moon has a cycle of about 29.5 days, like that of the female fertility cycle of roughly 28 days. However, despite this link, for many groups, it is forbidden for women to look directly at the moon for fear it will make them infertile. As such, monitoring the Moon-Man and his cycles can often fall to the men in the group.

Indigenous peoples and communities possess world-class techniques to support the reading of Country, but also recording changes in both the land and Sky Country. Traditional and contemporary Indigenous knowledge systems are the result of adapting and evolving practices, encapsulating how people and communities have navigated the ever-changing landscapes and environments through drastic climate change, ice ages, sea-level rises, food insecurities, droughts, resource extinction and of course colonisation. As such, these knowledge systems are both ancient and new. Records of supernova, shifting objects such as stars or planets, even the shifting of the whole sky over thousands of years, have been documented by Aboriginal and Torres Strait Islander communities, making up the oldest continuous astronomical

data sets known in human history.

Historically, early settler records and non-Indigenous scholars have dominated how Indigenous peoples are known, spoken about and studied. However, many of these records took on a dire view of Indigenous peoples, which heavily impacted what was observed and how it was interpreted. As such, it is only recently that the true depth and complexity of Indigenous astronomical knowledges have been revealed to the rest of the world, with many knowledge holders leading the way, sharing their view of the cosmoscape. By working with the original custodians, we begin to understand the thousands of ways in which the land connects to the sky and how life down here on the land relates to the unfurling celestial dance taking place above.

With the emergence of Indigenous peoples' sophisticated understanding of Sky Country on the international stage, Aboriginal and Torres Strait Islander people are becoming internationally recognised and celebrated as the original astronomers. The Southern Cross constellation is arguably one of the most well-known constellations in the world, and it is one of the most easily identified features in the southern sky. It is

an important feature of Sky Country because it is circumpolar, meaning it is positioned close to the south celestial pole, where it can be seen all year round, never dipping below the horizon. Even in metropolitan Melbourne or Sydney, with their less-than-ideal observing conditions, the Southern Cross is visible, hanging above as an eternally present guide for night-time navigation.

In 2018, the fifth star of the famous constellation became globally recognised by the International Astronomical Union by the name "Ginan", a name provided by the Wardaman language group of the Northern Territory. Wardaman traditional owner Uncle Bill Yidumduma Harney describes the importance of Ginan, observed by the Wardaman peoples to represent a dillybag filled with songs of knowledge, informing the community on matters relating to ceremonial initiation.

Aboriginal and Torres Strait Islander peoples have observed, documented, explained and known Sky Country. It has served and informed Aboriginal and Torres Strait Islander peoples about how to live with the land, as opposed to on it, sustainably, relationally and auspiciously for thousands of generations. The fact that Aboriginal and Torres Strait Islander peoples have

vastly different cultures, knowledge and knowledge systems than those of the Western world is well worth acknowledging and celebrating. The interconnected nature of Indigenous sky knowledges means that these systems are contextually relevant to natural cycles in the lands upon which Australia exists, and for the nation and the world to engage with this knowledge will inevitably lead to more environmentally aware, sustainably driven communities.

Interactions between the innovative technologies of the West and the holistic, adaptable, sustainably focused world view held by Indigenous peoples offer a way forward through the chaotic times of climate change, light pollution and environmental degradation in which we find ourselves.

**First Knowledges: Astronomy Sky Country** by Karlie Noon and Krystal De Napoli is co-published by Thames & Hudson and the National Museum of Australia.

This article was first published in the print edition of The Saturday Paper on Apr 23, 2022 as "Under vast skies".

**Karlie Noon**

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# GET UP! STAND UP! SHOW UP!

3-10 JULY 2022

## PALM TREES IN CENTRAL AUSTRALIA

The scientific world was stunned in 2015 when research backed an Aboriginal story about how palm trees got to Central Australia. Tasmanian ecologist David Bowman did DNA tests on palm seeds from the outback and near Darwin about a decade ago and the results led him to conclude the seeds were carried to the Central Desert by humans up to 30,000 years ago (possibly up to 25,000 years before Stonehenge and up to 26,000 since the Egyptian Pyramids). Professor Bowman read an Aboriginal legend recorded in 1894 by pioneering German anthropologist and missionary Carl Strehlow, which was only recently translated, describing the “gods from the north” bringing the seeds to Palm Valley. Professor Bowman said he was amazed. Palms flourished in the Arctic during a brief sweltering period about 50 million years ago, according to a study that hints at gaps in our understanding of modern climate change.

“We’re talking about a verbal tradition which had been transmitted through generations possibly for over 7,000, possibly 30,000 years,” he said. “Just an amazing coincidence that we’d independently concluded that the seeds had been transported and then subsequently we discover an Aboriginal legend is exactly what we found scientifically. “The concordance of the findings of a scientific study and an ancient story is a striking example of how traditional ecological knowledge can inform and enhance scientific research. “It suggests that Aboriginal oral traditions may have endured for up to 30,000 years, and lends further weight to the idea that some Aboriginal stories pertaining to gigantic animals may be authentic records of extinct megafauna.”

MORE HERE:  
(Sovereign Union)  
<https://bit.ly/3ez22nX>

RESEARCH PAPER:  
(Royal Society Publishing)  
<https://bit.ly/33X2dH2>



# THE MYALL CREEK STORY – FROM MASSACRE TO MEMORIAL

## TRUTH TELLING IN HISTORY “THE ROAD TO THE FUTURE TRAVELS THROUGH THE PAST”

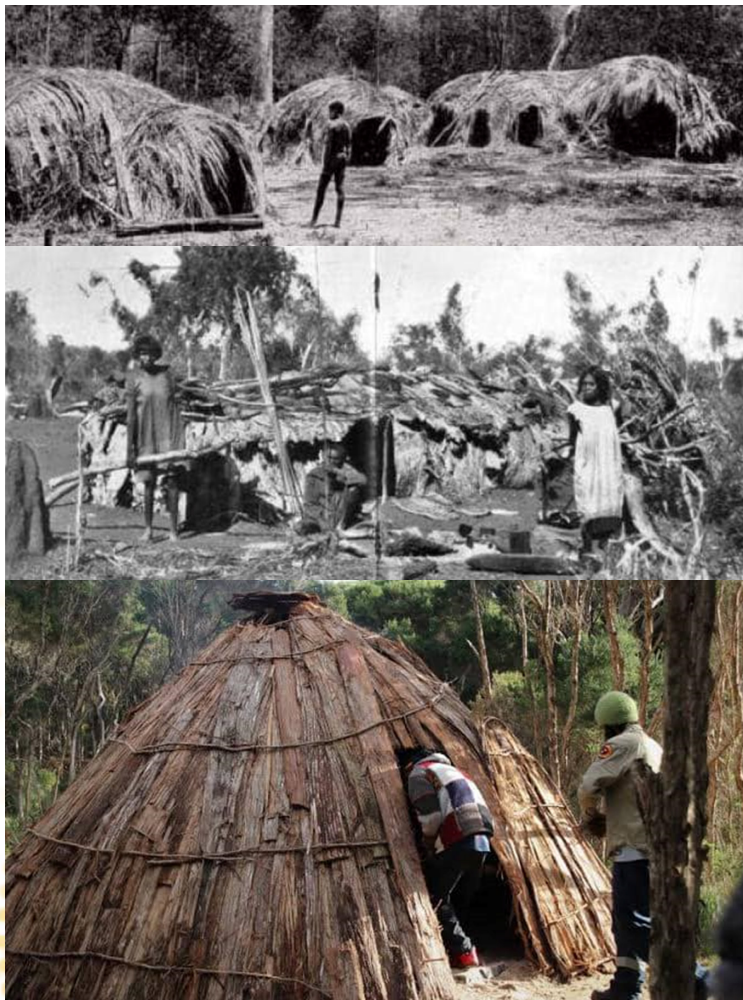
The Friends of Myall Creek Memorial (FMCM) is a group of Aboriginal and non-Aboriginal Australians who came together to create a Memorial in memory of the 28 or more Wirrayaraay women, children and old men massacred by a group of stockmen on 10 June 1838 at Myall Creek. Dedicated in 2000, the now National and State Heritage listed Memorial, is located close to the site of the massacre. Each year since then around 300-400 people have gathered on the June long weekend seeking healing and reconciliation through acknowledging the truth of a painful but shared history. Thousands more visit the site throughout the year, including many school groups.

The FMCM is a reconciliation initiative with the committee, under its constitution, comprising equal numbers of Aboriginal

and non-Aboriginal members. Its objectives are to maintain the Memorial, memorialise and teach the truth of the shared history of Aboriginal and other Australians across the continent during the tragic period of frontier violence, and ultimately to create an education and cultural centre at Myall Creek with a view to contributing to a more just reconciliation between all Australians.

Ivan Roberts has been on the FMCM committee since 2004, serving as either non-Aboriginal Co-Chairperson or Executive Officer over that period.

There are two Myall Creek stories: the massacre of 1838 and creation of the Memorial in 2000. Both stories need to be told but it is the FMCM's conviction that it be the second story that shapes the future for our First Peoples and all Australians together.



## NO HOUSING CRISES, GUNYA HUMPHY

THE ABORIGINAL EMPIRE HAD THE OLDEST COLLECTION OF HOMES THAT HAVE BEEN DATED VERIFIED BY ARCHAEOLOGISTS

**A** boriginal people invented building homes!!

The far most evolved form of building in human history. With Aboriginal quarrying happening across the continent no slavery was ever need in the building of our societies. All materials were Sustainably sourced and all returning to the earth except for stone shelters Using Bark, Clay, Beeswax, sticks, tree hollows, stones, palm/tree branches, Stringy Bark, grasses, animal skins, ferns, tree limbs, mud, Ochres, ropes ect. Knowing the highest level of bush craft our people could build

for a very large group to one person short-term to semi-permanent. Natural stone shelters provided permanent shelter.

A humpy, also known as a gunyah, wurley, wurly or wurlie, is a small, temporary shelter, traditionally used by Australian Aboriginal people. These impermanent dwellings, made of branches and bark, are sometimes called a lean-to, since they often rely on a standing tree for support.





Photo courtesy James Morgan

# CONGRATULATIONS TEGAN MURDOCK

NARRABEEN RESIDENT AND ARTIST TEGAN MURDOCK IS CELEBRATING THIS WEEK AFTER HER DESIGN NOW MAKES A TRAM DOWN SOUTH LOOK MUCH MUCH BETTER

Posting on FB on June 8, 2022 Tegan said:

"What an amazing opportunity to have my weaving on a Tram for 12 months weaving around Melbourne. I cried when I seen It for the first time yesterday.

Tears of happiness, pride and tears of is this really happening. My little hands created this beauty and I'm so proud how it turned out.

I thank my beautiful Mum for teaching me and our Beautiful Aunt that shared with her. I believe we were passed this for a bigger reason than our-

selves." "So happy I got to have my family there by my side. I love you so much Ben Murdock (husband) Huge thank you to Jarra Steel for curating it all, you're truly amazing, the hard work you've put into all this is just so deadly! Thanks to Rising for this opportunity.

Thank you all so much for your beautiful words, your support towards my little journey helps me more than you know."

**Weaving Culture Through Community**  
**Tram route: 6, 19**  
**Tram 5002**

Tegan Murdock

founder of 'Love Yourself Sister', is married with two daughters and a proud Aboriginal woman from the Barkindji nation in far west NSW.

"I am a proud member of the Barkindji tribe originating from Coomealla, Lake Victoria and the Mungo regions from my mothers ancestors. While also belonging to the Yorta Yorta and Dhudaroah tribes originating from the Shepparton area from my father's ancestors."

Tegan Murdock was raised in the small country town of Coomealla (25kms north west of Mildura

on the NSW and Victorian border of Australia) on the Namatjira Mission.

"My beautiful Mum Margaret taught me to weave several years ago. I started weaving earrings and then kept creating new pieces as the inspiration came to me. I now create jewellery and wall pieces as well as teach others to weave in face to face and online workshops, school visits and corporate staff development days."

Find out more at: [loveyourselfsister.com](http://loveyourselfsister.com)

# AVALON 19TH MARCH 2022

## CEREBRATING 100 OF THE NAMING

**W**hat a day rain/rain and more rain. Never the less a great day was had by all that attended.

The Aboriginal Support Group were glad to be invited to join the celebrations to see the Aboriginal flag flying at Avalon was a great site.

The ASG provided Boomerangs painting for the kids, with 150 being painted. Auntie Kareen Green's

grass weaving, Didgeridoo playing a smoking ceremony and a Welcome to Country.

We had volantes from Biala Aboriginal Hostel/ Aboriginal Dancing for the young one at heart.

Artefact on display for all to see.

We ran out of brochures for the Uluru Statement from the Heart. People are so keen to know more about how it's going to work.



## 26TH JANUARY 2023 ARE YOU READY? PUMP UP THE TYRE POLISH THE SEAT

The bike ride from Manly to Church Point. You can now join the ride at three different point all the way.

More details as we get closer. If you can't ride be at the start or at Church Point to welcome the riders and have fun.





Tony McAvoy says the government should act on the report "with speed". (ABC News: Tristan Hooft)

# LANDMARK TREATY REPORT RECOMMENDS FIRST NATION GOVERNMENT SYSTEM FOR INDIGENOUS TERRITORIANS

The Northern Territory government has released a landmark treaty report, outlining a pathway to self-determination for Aboriginal people through legally binding treaties.

If its recommendations are honoured, the report could lay the foundation for significant new decision-making powers for Indigenous people, who make up a third of the territory's population. The 180-page document, released after years of consultation, says the fundamental aim of any treaty agreements should be to give Indigenous people as much self-determination as possible. The report recommends a process for Indigenous people to transition to First Nation governments.

Acting Treaty Commissioner and respected Indigenous barrister Tony McAvoy, who stepped into the role last December, said that would in turn ease high rates of disadvantage. "When Aboriginal communities [and] Aboriginal organisations design and deliver the services for Aboriginal people, those services are the most effective at that time," the Wirldi man said. "What these recommendations do is allow for Aboriginal governments to deliver services to their communities.

"My expectation is we would see a significant change in the levels of disadvantage if we're able to ensure

those governments are supported and properly resourced to do the work."

The report states that First Nation governments would initially operate similar to local governments, before taking on wider responsibilities.

To get there, the report recommends facilitating multiple treaties with First Nations groups, an overarching territory-wide agreement guiding treaty negotiations, and a First Nations forum of Indigenous organisations to endorse a treaty model.

It says possible treaty outcomes could also include self-government, economic independence and reparations.

Key pieces of work, including the territory-wide agreement, ahead of in-depth treaty negotiations are expected to have concluded in three years.

## "THE TIME FOR THIS REFORM IS NOW"

Mr McAvoy

"The Northern Territory government, in the briefings I've conducted, appreciates that the timing is right for this type of reform."

## YEARS OF CONSULTATION IN REMOTE NT

Treaties struck between governments and Aboriginal groups are intended to

address historical conflicts with various legally binding settlements.

The treaty process began from a government perspective in June 2018, when the Northern Territory government pledged to work towards a treaty with Indigenous people.

Then Chief Minister Michael Gunner signed a memorandum of understanding with the NT's four land councils.

The document was inked in the remote community of Barunga, 30 years after Indigenous leaders presented a statement calling for better rights to then prime minister Bob Hawke in the same location.

## 'A very important first step'

The Treaty Commission, established the next year, then covered tens of thousands of kilometres as it travelled to 135 remote communities as part of a widespread consultation process.

Other recommendations in the final report include:

Expanding the Treaty Commission to become a Treaty and Truth Commission to progress truth-telling work across the NT.

Creating an Aboriginal Ombudsman position to respond to complaints about government

participation in the Treaty process.

Establishing a First Nations Treaty Tribunal to deal with First Nation disputes.

A raft of legislative reforms to pave the way to treaties.

The document calls on the government to back the report as a first step and begin work honouring its recommendations.

The government will provide an interim response in the coming months and a formal response by the end of the year.

Mr McAvoy said he was not concerned that the significant nature of some proposals would make it harder to get government support.

"The government expressed a willingness to engage with the Aboriginal people of the Northern Territory in the Barunga agreement in 2018," he said.

"This work that is being released today is another step in the delivery of the promises made in 2018.

"The overwhelming support for a process of treaties for Aboriginal people in the Northern Territory is something that the government should take to heart and should act upon with speed."

Jesse Thompson  
ABC News

# ULURU STATEMENT: A QUICK GUIDE

A constitutional convention bringing together over 250 Aboriginal and Torres Strait Islander leaders met last month at the foot of Uluru in Central Australia on the lands of the Alangu people.

The majority resolved, in the 'Uluru Statement from the Heart', to call for the establishment of a 'First Nations Voice' in the Australian Constitution and a 'Makarrata Commission' to supervise a process of 'agreementmaking' and 'truth-telling' between governments and Aboriginal and Torres Strait Islander peoples.

## First Nations National Constitutional Convention

Convened by the bipartisan-appointed Referendum Council, the First Nations National Constitutional Convention met over four days from 23 to 26 May 2017 to discuss and agree on an approach to constitutional reform to recognise Aboriginal and Torres Strait Islander peoples. Delegates were selected from participants in regional Dialogues held around the country.

Discussions at the Convention built upon a discussion paper produced by the Council (and published in more than ten traditional languages) and reflected the diversity of views raised by Aboriginal and Torres Strait Islander communities in consultative Dialogues with the Referendum Council over the last six months. As participation in the Dialogues and Convention was by invitation, there has been some criticism about the representativeness of the Dialogues, and, by implication, the Uluru Meeting. Amnesty International wrote a submission to the Referendum Council stating:

We understand that participants at the regional dialogue meetings were invited in what was perceived as an exclusive process. We also understand that some people who attended those meetings then have an opportunity to attend the Uluru meeting, whereas those not included do not.

Acknowledging that participation in the Dialogues was by invitation, the Referendum Council stated on its website:

This ensured each Dialogue was deliberative and reached consensus on the relevant issues. Meetings were capped at 100 participants: 60% of places were reserved for First Nations/traditional owner groups, 20% for community organisations and 20% for key individuals. The Council worked in partnership with a host organisation at each location, to ensure the local community was appropriately represented in the process.

The Convention also drew upon work done over the past few years by the Expert Panel on Constitutional Recognition of Indigenous Australians and the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. There has been some distancing from the Recognise campaign, an earlier government-funded initiative to broaden the appeal for inserting a statement of recognition in the Constitution.

While the majority of delegates at the Convention backed the Uluru Statement, a small number walked out in opposition before the final consensus resolution was passed.

## Uluru Statement

The Uluru Statement states two broad objectives for reform as agreed to by Aboriginal and Torres Strait Islander leaders at the Convention—the establishment of a First Nations Voice and a Makarrata Commission. These objectives reflect the nature of reform desired rather than specifying the fine detail of any proposed changes to the Australian Constitution.

The positions in the Uluru Statement do, however, reflect some of the ideas and proposals advanced by Indigenous and political leaders, and constitutional experts over many years. In articulating two positions which have broad support, it is hoped that they can become the foundations of a renewed conversation with the whole Australian community about constitutional reform and recognition of Aboriginal and Torres Strait Islander peoples and the precise form that will take.

In addition to these two proposals, the Uluru Statement affirms the sovereignty, and long and continuing connection of Aboriginal and Torres Strait Islander peoples with the land. It also comments on the social difficulties faced by Aboriginal and Torres Strait Islander peoples and the structural impediments to the real empowerment of First Nations Peoples.

The Uluru Statement sets up a position that strongly contrasts with that taken in the campaign

for symbolic constitutional recognition advanced by the Recognise campaign. This echoes a 2015 online survey conducted by IndigenousX which found that 58 per cent of Indigenous respondents did not support Recognise. The same survey found that 62 per cent did not believe Indigenous Australians would be better off recognised in the Constitution, but 54 per cent supported the construction of an Indigenous parliamentary body. That the Convention at Uluru was to come to a more robust conclusion was hardly a surprise given that most of the regional Dialogues had rejected a minimalist or symbolic model of Indigenous constitutional recognition in favour of more substantial reform.

## First Nations Voice

The Uluru Statement calls for the 'establishment of a First Nations Voice enshrined in the Constitution'. This has been interpreted in light of past suggestions put forward for the establishment of some form of representative body for Aboriginal and Torres Strait Islander peoples. There is no definitive statement about the form such a body would take, but proponents of the idea (such as Noel Pearson, who sits on the Referendum Council) have previously propounded that such a body would sit alongside Parliament to provide non-binding advice on legal and policy matters affecting Aboriginal and Torres Strait Islander peoples.

A proposal for an Indigenous body in the Constitution was mooted in 2014 as part of a submission by the Cape York Institute to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples inquiry. An elaboration of this idea in terms of constitutional text was subsequently drafted by constitutional law expert Professor Anne Twomey. This was later supported by Noel Pearson and the Cape York Institute.

It is envisaged that such a body will provide a constitutionally entrenched institution which enables Aboriginal and Torres Strait Islander peoples to be formally consulted on legislation and policy affecting their communities.

## Makarrata Commission

The Uluru Statement seeks 'a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history'.

Makarrata is a word from the language of the Yolngu people in Arnhem Land. As Noel Pearson has explained:

The Yolngu concept of Makarrata captures the idea of two parties coming together after a struggle, healing the divisions of the past. It is about acknowledging that something has been done wrong, and it seeks to make things right.

The word 'Makarrata' has often been used instead of 'treaty', and gained wider currency in the 1980s when the National Aboriginal Conference (NAC) adopted the word. In a letter from the National Aboriginal Conference Secretariat 'to all Aboriginal Organizations' Jim Hagan (the then chairman of the NAC) wrote 'using the word Makarrata makes it clear this is intended to be an agreement within Australia, between Australians'.

The call for a treaty has existed for some time. The Barunga Statement, presented in 1988 to Prime Minister Bob Hawke, called for a treaty with the Commonwealth of Australia. In response, Bob Hawke promised to negotiate a treaty 'between the Aboriginal people and the Government on behalf of all the people of Australia' before the end of the current session of Parliament. Though it did not eventuate, calls for a treaty have persisted.

A Makarrata Commission would likely be tasked with seeking Makarrata agreements between Aboriginal and Torres Strait Islanders and the federal government.

## Are there any constitutional implications?

### First Nations Voice

The Constitution can only be changed by the Australian people. Any move to enshrine a 'voice' for Aboriginal and Torres Strait Islander peoples in the Constitution would need to be passed at a referendum. Details of the changes would have to be agreed by Parliament before being presented to the people for a vote.

A change would only come into effect if the proposal receives the support of a majority of voters in a majority of states. There have been 44 referendums since 1901, of which only eight have succeeded. The most successful attempt to change the Constitution was the 1967 referendum in which over 90 per cent of the

population voted to allow the counting of Aboriginal and Torres Strait Islander peoples in the Census, and the federal government to make laws for Aboriginal and Torres Strait Islander peoples.

## Makarrata Commission

A Makarrata Commission and any agreements or statements endorsed by such a body would likely not require any constitutional change. However, creating such a commission would most likely require legislation passed by Parliament. A commission could also be established by letters patent granted with the prerogative powers of the Governor-General on the advice of the Prime Minister, though this is not likely.

It is unclear what constitutional or legal consequences would flow from any Makarrata agreement or treaty reached between governments and Aboriginal and Torres Strait Islander peoples. An analysis of the potential effects would be subject to the detail of any final proposals.

## What are people saying?

There has been a range of views in response to the Uluru Statement by commentators, constitutional observers, politicians and Indigenous leaders. These views reflect contrasting positions about constitutional change, and on the best approach to Indigenous recognition.

Professor **George Williams**, Dean of Law at the University of New South Wales, has responded, writing that the Uluru Statement:

... is an important and long overdue expression of what Aboriginal people want from constitutional reform. It is a welcome, but very different perspective to earlier processes. The formidable challenge now is to work from this statement to reach a set of changes to the constitution that can win support from the community at large and across the political divide.

Professor **Anne Twomey** has criticised what she sees as unhelpful speculation, and states that the important message of the Uluru Statement was:

When it comes to constitutional reform, the priority of Aboriginal and Torres Strait Islanders is to have their views heard in relation to the making of laws and policies that affect their lives. This ranks above the insertion of formal words of recognition in a preamble and the removal of discriminatory clauses from the Constitution. It is not historic recognition by written words that is sought, but active and ongoing recognition of indigenous voices, allowing them to be heard in the corridors of power.

**June Oscar**, the Aboriginal and Torres Strait Islander Social Justice Commissioner, has stated:

The Uluru Statement recognises the need for an entrenched constitutional voice on the one hand whilst maintaining the long term aspirations of our peoples for a treaty on the other. One change can be achieved with constitutional change, and the other outside of the constitution through new legislation and the creation of Makarrata or Treaty Commission. Both have the potential to be meaningful and both represent the collective vision of our people's ... The Uluru Statement carves out a path for change and we need that to be embraced by our fellow Australians and our political leaders.

The leaders of the two major parties have been careful in their public comments pending the release of the final report by the Referendum Council on an agreed process. The Prime Minister **Malcolm Turnbull** has adopted a tone of caution, noting:

The constitution cannot be changed by Parliament. Only the Australian people can do that. No political deal, no cross-party compromise, no leader's handshake, can deliver constitutional change ... To do that, a constitutionally conservative nation must be persuaded that the proposed amendments respect the fundamental values of the constitution, and will deliver precise changes, clearly understood, that benefit all Australians.

Opposition Leader **Bill Shorten** has made clear his openness to the ideas expressed in the Uluru Statement saying: 'We owe the [Uluru delegates] an open mind on the big questions. On the form recognition takes, on treaties, on changes required in the constitution'.

Individual **Labrador** members have stated similar positions. Senator **Pat Dodson** has commented:

It's fine there's come this report out of Uluru, talking about an entrenched voice into the constitution, that will have to be weighed and considered. But I don't think we should just dismiss out of hand the work that was done by the expert panel [on constitutional recognition in 2012].

Federal Labor MP **Linda Burney** has warned that Indigenous leaders may have to compromise in or-

der to reach a broader consensus position that will succeed. Former National President of the Australian Labor Party and Indigenous leader **Warren Mundine** has been more critical of the idea of having an Indigenous body enshrined in the Constitution, and makes the case that a series of treaties is preferable. He writes:

The Uluru Statement made two proposals. One is a "top-down" lawyers' proposal that will certainly fail. The other is a grassroots proposal with overwhelming Indigenous support that could be implemented without the need for any referendum. I'm calling time on 10 years of discussion on constitutional recognition. We don't need it.

Members of the **Coalition** have expressed a range of views. Liberal MP and Minister for Indigenous Health **Ken Wyatt** said in an interview that the significance of the Uluru Statement was the momentum behind 'finding a way forward of entrenching a position of Aboriginal Torres Strait Islander people within the constitution; whatever form that takes' and advised:

... we shouldn't block our minds at the moment, we should wait for that [the Referendum Council] report to be tabled, consider what the options are in the voracity of argument around each of those options. But we've got to consider them to see if they're constitutionally sound, because that is the test. It has to meet the rigour of the constitutional requirements. It then has to meet the rigour of whether the majority of Australians and the majority of states will support it.

Liberal MP and constitutional lawyer **Julian Leeser**, who co-founded Uphold & Recognise, has been optimistic about the Statement, as has Indigenous Affairs Minister **Nigel Scullion**. In contrast, Deputy Prime Minister and Leader of the National Party **Barnaby Joyce** conveyed his initial doubts about whether the idea of a constitutionally enshrined Indigenous body would find wider support, commenting:

If you overreach in politics and ask for something that will not be supported by the Australian people, such as another chamber in politics or something that sort of sits above or beside the Senate, that idea just won't fly.

Liberal senator **James Paterson** has also expressed his concerns about the unintended consequences of substantial constitutional change:

Any proposal that could impinge on parliamentary supremacy is highly unlikely to win support because it is a core foundation of our liberal democracy. A first nations' voice, enshrined in the Constitution, runs the great risk of doing so. There are many different ways it could be formed. But even the most modest proposal, requiring parliament to consult an elected representative body, makes conflict with the democratically elected parliament for all Australians virtually certain.

Among the minor parties, the **Australian Greens** have stated their strong support, while Senator **Cory Bernardi** of the **Australian Conservatives** has reiterated his disapproval of constitutional change and warned on his website: '... no one should endorse constitutional change without knowing exactly what they are agreeing to'. The views of other parties, or individual members, have yet to be more publicly articulated.

## Where to from here?

Under its Terms of Reference, the Referendum Council is required to provide its final report to the Prime Minister and to the Leader of the Opposition by 30 June 2017.

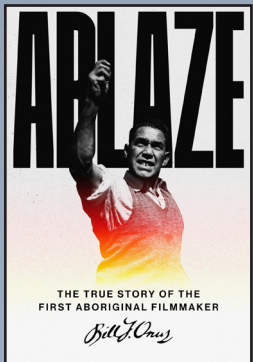
A working group (comprising members nominated by delegations to the convention and other interested parties) has been formed to maintain momentum and work on the implementation of the goals in the Uluru Statement. This group will be especially important in working with stakeholders after the release of the Referendum Council report.

The Uluru Statement may prove to be a catalyst in a long-running movement for Indigenous constitutional recognition. While at this stage there is no clear proposal that could be put forward at a referendum, the Uluru Statement articulates two reform objectives which can then be put forward for further public consultation.

Looking ahead, the success or failure of any future referendum on inserting an Indigenous voice into the Constitution, and the initiative of a Makarrata Commission, will hinge upon there being enough political and community goodwill to reach a position that can be supported by the majority of Australians, both Indigenous and non-Indigenous.



# WHAT'S ON



## MOVIE SCREENING

**Winner:** Victorian Premier's History Award. AWGIE Award for best documentary script. ATOM Awards for best Indigenous film and best documentary social and political issues. Shortlisted Betty Roland Prize for Script, NSW Premier's Literary Awards. Meet the director Dr Alec Morgan for Q/A after the showing. This is a free evening with light supper, all welcome. Mona Vale Memorial Hall, 1 Park St Mona Vale

11th July  
7:30pm - 9:30pm



## ASG COMMUNITY NIGHT

ASG are pleased to tell you our speaker on will be one of the FMCM (**Friends of Myall Creek**) To let us about next year's event and that there will be busses going from Sydney to Myall Creek. Mona Vale Memorial Hall, 1 Park St Mona Vale

12th September  
7:30pm - 9:30pm



## WE NOW HAVE T-SHIRTS FOR THE 26TH JANUARY 2023 BIKE RIDE AVAILABLE

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If you use any of the material it would be appreciated if the extract is set in context and the source acknowledged.



Editor: Neil Evers  
Graphic Design: Nathan John