

**By Alan Kirsner**

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(In this paper the term “Indigenous Australians” refers to both aboriginal Australians and Indigenous Torres Strait Islanders. The term “Invaders” variously describes the members of Captain Phillip’s 1788 expedition, convicts, colonial government servants and free settlers).

Australia, together with Canada, is known worldwide as a successful multi-cultural society. Since the gold rushes of the 1850s Australia has welcomed migrants and refugees from almost every country in the world. Many of these arrivals have fled wars and unrest, or they have travelled to Australia for economic reasons, seeking a better life for themselves and their children.

In 1788 the Indigenous Australian population was already here. Indeed, we now know it has been here for some 60,000 years. Despite the primitive weapons of the Indigenous Australians and instructions from London to care for them, the Invaders soon found it “necessary” to protect themselves and their property. Without negotiating a treaty (as New Zealand did in 1840) the Invaders established penal colonies in New South Wales, Tasmania and elsewhere and pushed further and further inland killing Indigenous Australians and driving them off their historical hunting grounds. In time, the Invaders wiped out the Indigenous Australians in Tasmania and in much of the Western District of Victoria.

We failed to recognize Indigenous Australians in the Constitution at Federation in 1901 and we failed to pay the wages

of those Indigenous Australians who joined the Australian Army and fought in World War I. Moreover, although this is difficult to believe, in the 1960s we were still removing the children of Indigenous Australians from their families (with the aim of allowing our indigenous population to die out as a race).

Now, in the 21<sup>st</sup> century, Indigenous Australians, particularly the young have disproportionate numbers in custody. They have a high rate of deaths in custody and very recently we have become aware that Victoria Bail Laws have a discriminatory impact on Indigenous offenders.

Finally, it took us until 1967 to recognize Indigenous Australians as citizens of Australia and there followed another long delay before our politicians had the wherewithal to apologize for the harm we had caused Indigenous Australians. Prime Minister Rudd said sorry in Parliament in 2008.

We did make several efforts in the second half of the 20<sup>th</sup> century and in the 21<sup>st</sup> century to establish statutory authorities to represent the needs of Indigenous Australians. No doubt this was done with good intent but, as governments changed legislation was repealed and replaced with a version to reflect the views of the incumbent government.

Australia is rightly proud of its success in attracting, welcoming, re-settling, educating, and employing large numbers of refugees and migrants for over 170 years. Yet, after 236 years we have failed to solve the entrenched problems faced by our Indigenous inhabitants.

In 2023, we have a serious move by a new government to establish a “Voice to Parliament” – a body that will represent Indigenous Australians and advise Federal Parliament on the needs and wishes of Indigenous Australians. The good news is that, if the proposed referendum to establish a Voice to Parliament succeeds it will preclude a return to a pattern

of abolition of statutory authorities by later governments. The bad news is (and right at this moment the protests are visual and vocal) that, without a treaty entered with Indigenous Australians, there will be no power to ensure implementation of recommendations made to Parliament by the body established by “A Voice Parliament”.

Despite that obvious weakness, I still believe that a vote for “A Voice to Parliament” represents an important advance on what has gone before. My hope is that with good will on all sides there will be a treaty operating before 2088. That, of course, is the 300<sup>th</sup> anniversary of the Invasion!