

*We honour the First Peoples of all these lands.
We honour the Elders, and members of communities,
both past and present,
who belong to Country
on the Homelands of their people.*

The National Act of Recognition Team.

***A National Act of Recognition
with the First Peoples of Australia:
What does it mean and why do we need it?***

Preface

- by Rev'd Lindsay McDowell ^[1]

***An Armed Attack, Entry and Theft – on Country
It was the first day***

The year was 1997. A lot of attention was being given to the forthcoming 2000 Olympic Games to be held in Sydney. In the early months of that year I read a newspaper article claiming that some of the First Peoples of Australia planned to hold a major protest rally in the heart of Sydney while the Olympic Games were being held. Their objective was to bring the plight suffered by

^[1] See Appendix for brief biography of Lindsay McDowell and other Recognition Team members.
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Aboriginal and Torres Strait Islander people in their own country to public attention whilst the world was visiting our shores. This cry for help touched me to the core.

"They shouldn't have to do this. It is their country. They are in their own home!"

Three months later as a result of prayer – and answered prayer – a clear response began to form. Over some months I spoke of this to several well-known First Peoples' leaders (five in all) seeking their guidance, and approval to pursue this response that was taking shape. Pastor Tim Edwards of Cairns QLD and Pastor Ossie Cruse of Eden NSW were two of those original five. This consultation took place well before any other person in the wider community was told of what had happened. Thus, the First Peoples have always been at the forefront of leadership regarding plans to hold 'A National Act of Recognition' with the First Peoples of Australia at Kamay Botany Bay. In effect, I have been acting as an advocate for them, always acting under the authority of First Peoples elders, whether it be the original five at the beginning, or the Recognition National Leadership Team that followed them. Any decisions I have made have always been in full consultation with First Nations People. I have always been subject to their authority.

Many months later, in 1998, the wider community began to get involved, with several leaders being apprised of this developing initiative. Those leaders saw the need to educate the wider community about the impact of the arrival of the British in Australia, and the subsequent challenges that First Peoples have had to face. They included Reverend John Blackett of Khesed Ministries and Mr Tom Hallas of Youth With A Mission.

In a classic example of first and later Australians developing a joint venture together, these leaders formed a National Leadership Team, and side by side we all began working on a project under the name of 'A National Act of Recognition'.

Realising that the Team needed to be meticulous in their research, I invited Pamela Lane to undertake the documentation of primary and secondary sources that would become the basis for the Team's claim that A National Act of Recognition is needed.¹ I wanted to find the answers to the following questions that span four time frames:

1. **1750 – 1768:** What was happening in the United Kingdom during these years that prompted the commissioning of Lieutenant James Cook to explore the South Seas?

¹ See Appendix for brief biography of Pamela Lane
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2. **1768 – 1771:** (a) What were Cook's instructions? (b) What happened on that journey of the *Endeavour*? and (c) What did Cook and Banks report on returning home?
3. **1771 – 1787:** What took place in the United Kingdom during this period that prompted the commissioning of the First Fleet in 1787?
4. **1788 – 2021:** What is the real truth about what happened on all these lands in Australia following the arrival of the First Fleet in January 1788 – then and ever since?
5. The final question was an elephant-in-the-room' question asked by many Australians of non-Indigenous descent – *Why weren't we told?*

The paper that follows sets out answers for all the above questions and reflects on the significance of their long-term impact on all Australians, especially our First Peoples.

Lindsay McDowell

Co-Chair, A National Act of Recognition.
Canberra, September 2021.

Prologue

A National Act of Recognition with the First Peoples of Australia: What does it mean and why do we need it?

What does A National Act of Recognition mean?

A National Act of Recognition is a joint venture that aims to bring all Australians together to *publicly renounce* the initial forced entry into First Nations community life, and the later dispossession of their lands. When it happens, it is likely that this public recognition will take place over many months in many places. It will consist of several Regional Acts of Recognition leading up to one National Act of Recognition. The Covid-19 pandemic, however, with its restrictions on gatherings of people, has meant that it has been difficult to plan for when and where these Acts of Recognition would take place.

The aims and objectives of 'A National Act of Recognition' are:

1. *public recognition Australia-wide of the deep injustice imposed on First Peoples by colonisation*
2. *public recognition Australia-wide of our true history.*

If A National Act of Recognition is to have any meaning at all, it will be the fact that each and every person in Australia will have the opportunity to recognise and denounce the profound injustice and marginalisation under which First Nations People have been living for more than 250 years. It is the belief of Recognition Team members that, if all Australians can recognise and accept the historical and factual truth of this injustice, then the objectives of achieving justice for First Peoples and healing for our nation can really begin.

The Team has concentrated on consulting with First Peoples at community level Australia wide in order to ensure the venture was founded on their underlying authority.² Their approval and permission was sought at every step and their leaders from around the country have given several statements of endorsement to the National Recognition project.³

As well as a National Act of Recognition, there will be several local and regional Acts of Recognition. The Team will rely on many First Peoples communities in these Acts of Recognition. The Team will also involve many layers of the wider Australian community – layers such as schools and universities, city and shire councils and churches.

Why do we need A National Act of Recognition with the First Peoples of Australia?

In order to answer this important question, it is helpful to examine each of the original questions that framed this paper's research and the supplementary questions that arose from them. The answer to each question gives a partial view of the reasons for needing a National Act of Recognition. It is only when the answers are viewed in their totality that the 'big picture' emerges – and it is not a pretty picture. This paper provides the factual basis upon which truth-telling, the Recognition way, has been founded.

² See Appendix for list of past and present Recognition Team leaders

³ Statements of support have been received from the Raukkan Community Council, Raukkan, S.A. , the Kaurareg Nation of Thursday Island, Queensland, the Wiradjuri Council of Elders at Parkes NSW and the La Perouse Local Aboriginal Land Council at La Perouse, NSW.
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Truth-Telling the Recognition Way: the impact of colonisation on Australia's First Peoples

Introduction

On 29 April 2020, it was exactly 250 years since Lieutenant James Cook stepped ashore from the bark *Endeavour* onto the soil of the land we now call Australia. If the Covid-19 restrictions placed on group meetings had not intervened, the anniversary planned for this date would have been extravagant. The Australian federal and NSW governments had jointly committed:

... \$50 million to upgrade visitor, transport, educational and commemorative infrastructure at Kurnell including a new aquatic monument, that takes in the original mooring site and foreshore.⁴

Federal or state governments have commemorated Cook's 1770 landing at Kurnell several times in the past. While for many in the wider community these commemorative days take the form of a celebration, for First Peoples they have been (and will continue to be) a day of mourning.⁵

In her poem 'Once was Enough', Wiradjuri poet and activist Anita Heiss has conveyed how painful and how unacceptable such commemorations are to First Nations People.

Once Was Enough

It was a Sunday in December 1994
That into Sydney Cove the Endeavour came ashore.
It wasn't the first time we'd seen such a monstrous boat
For this was the second coming of the poms afloat.

The pomp and the pageantry, summer wind in its sails
Into our black hearts, it drove like nails.
'Once was enough', we cried out loud
'Shame on you, you shouldn't be proud.'⁶

It is not only commemorations that 'drive nails' into the hearts of First Nations People. It is the deprivation and anguish they experienced in the colonisation that followed Cook's arrival that

⁴ The Hon. Scott Morrison, Federal Treasurer; Media release, 28 April 2018, 'Cook's landing site to be recognised for 250th Anniversary'. <http://ministers.treasury.gov.au/ministers/scott-morrison-2015/media-releases/cooks-landing-site-be-recognised-250th-anniversary> (accessed 8 July 2019)

⁵ In deference to the preference of many First Peoples individuals to whom I have talked, I have mostly used the terminology of 'First Peoples' or 'First Nations People' (rather than the widely used 'Indigenous' or more strictly correct term 'autochthonous') to describe their Nations.

⁶ Anita Heiss, 'Once Was Enough' in *Message Stick: Contemporary Aboriginal Writing* ed. Kerry Reed-Gilbert (Alice Springs: IAD Press, 1997) p. 17.

pierces their psyche. The impact of colonisation has been succinctly expressed by the Wiradjuri Council of Elders in their statement of support for the National Act of Recognition project.

At the heart of our nation lies a profound injustice. The First Nations People of these lands, the Aboriginal and Torres Strait Islander People, suffered forced entry and were dispossessed of their homelands. Belonging to country, they became marginalised in their only home.

The time has come when the truth about European arrival must be recognised. The voice of the First Nations People must be heard.⁷

In exploring the need for A National Act of Recognition that will ‘tell the truth about European arrival’, it is important to examine:

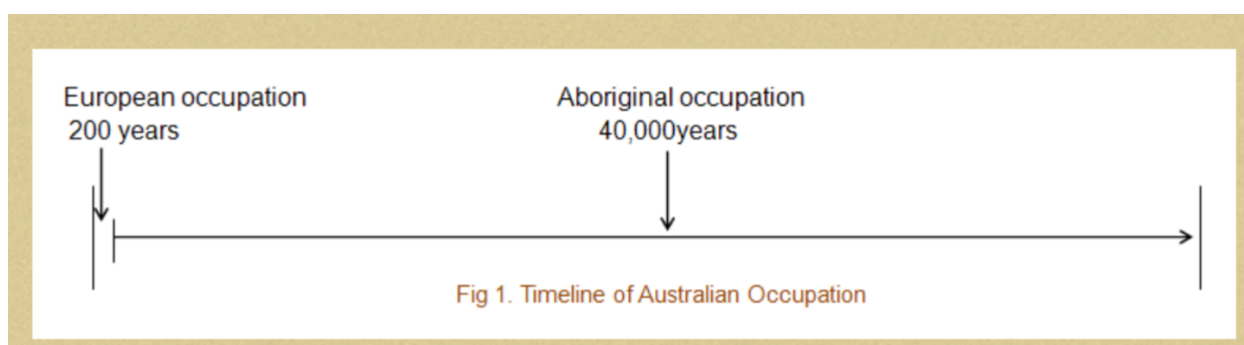
- first-hand accounts of the arrival of the British and their expansion into First Peoples’ lands and
- the immediate and long-term impact of this colonisation on First Nations People and on their Country.

Recognition of these two aspects of Australian history inevitably leads to a recognition that there is a need for education of the general Australian public about the injustices that occurred as a result of colonisation.

Background:

It is not within the scope of this paper to examine the long history of occupation by First Nations people of this land we now call Australia. Suffice it to say that most historians agree that there has been occupation of this land for well over 60,000 years. The timeline below gives some idea of the miniscule amount of time that European settlement has affected the world’s (and this country’s) development.⁸

Figure 1

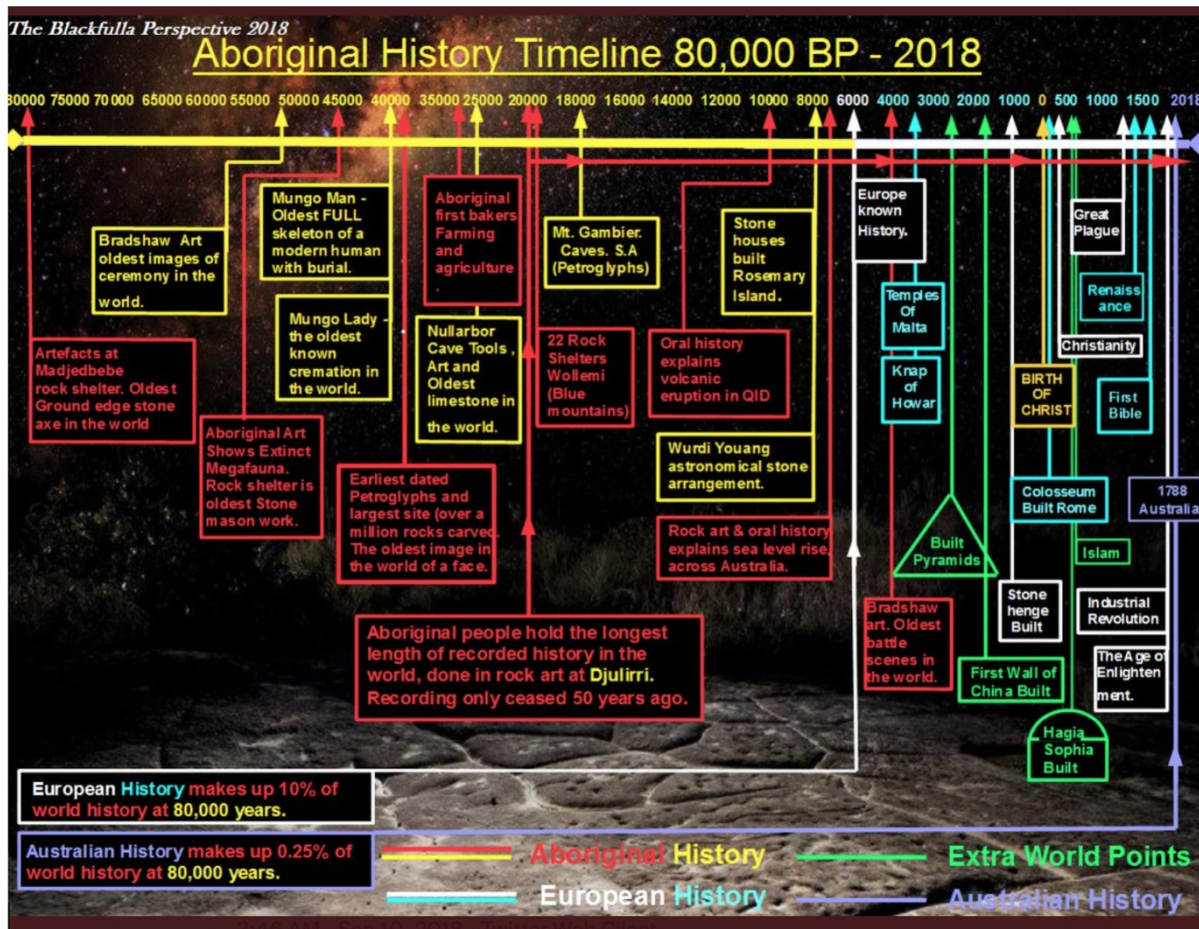


⁷ Rob Clegg to Lindsay McDowell, 10 November 2018. ‘Statement of Endorsement’, Wiradjuri Council of Elders, Parkes, N.S.W. This ‘Statement of Endorsement’ came about after two years of discussions between the members of the Wiradjuri Council of Elders and the National Act of Recognition Team.

⁸ Figure 1: from <https://murruppi.com/rainforest-culture>

Another way of representing the vast timeframes involved is shown in Figure 2.⁹

Figure 2



Whichever way of representing Indigenous occupation of Australia one prefers, it is obvious that it is in this latest period of time that the most change to living in this land has occurred.

Three of the four time frames which follow (and the questions to which McDowell required answers) fall within European settlement of Australia. The first timeframe occurs in the preceding two centuries, when two important ideologies were influencing exploration and colonisation.

The first ideology is contained in the 1493 Papal Bull *Inter Caetera* in which Pope Alexander VI justified the claiming of 'certain islands and mainlands remote and unknown and not hitherto discovered by others' by the kings of Spain and Portugal.¹⁰ The Pope urged these monarchs to:

bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith ... And we make, appoint, and depute you and your

⁹ Figure 2: Paul Canning, from <https://twitter.com/pauloCanning/status/1038846212034768896/photo/1>

¹⁰ Clement VI, Division of the Undiscovered World between Spain and Portugal', <https://www.papalencyclicals.net/Alex06/alex06inter.htm> (accessed 15 November, 2019).
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said heirs and successors lords of them [the mainlands and islands] with full and free power, authority, and jurisdiction of every kind.¹¹

This Papal Bull underpinned the second important ideology, the ‘Doctrine of Discovery’, a canon prevalent in Europe in the 16th and 17th centuries. It was a doctrine that supported European explorers in their claiming possession of foreign lands for their monarchs. It also underpinned the Atlantic slave trade in which many European nations were involved. At the end of the 18th century, the British, Portuguese and French were the main carriers of nine out of ten slaves abducted in Africa and transported to the Americas.¹²

The ‘Doctrine of Discovery’ was, however, a flawed belief.

This ideology supported the dehumanization of those living on the land and their dispossession, murder, and forced assimilation. The Doctrine fuelled white supremacy insofar as white European settlers claimed they were instruments of divine design and possessed cultural superiority.¹³

These two ideologies – the Papal Bull *Inter Caetera* and the Doctrine of Discovery – underpinned the 18th century voyages taken by James Cook, in his searching out of new territories, and Arthur Phillip, in his subsequently occupying one of those territories.

1750 – 1768

Question 1: What was happening in the United Kingdom between 1750 and 1768 that prompted the commissioning of Lieutenant James Cook to explore the South Seas?

At the end of the 18th century, Britain was contending for the position of being the supreme world power. This battle for supremacy was largely fought out in the South Seas which became the ‘new theatre of European rivalry’.¹⁴ Britannia really did want to rule the waves! Cook’s proposed journey to the South Seas therefore offered opportunities to gain recognition in the ‘cartographical, geopolitical and commercial’ fields of endeavour.¹⁵

¹¹ Ibid.

¹² Keith Bradley and Paul Cartledge, *The Cambridge World History of Slavery*, (Cambridge, Cambridge University Press. 2011) p. 583.

¹³ ‘Doctrine of Discovery’. Upstander Project, First Light Learning Resources, <https://upstanderproject.org/firstlight/doctrine> (accessed on 15 November, 2019).

¹⁴ Margaret Cameron-Ash. *Lying for the Admiralty: Captain Cook’s Endeavor Voyage* (Dural, Rosenberg Publishing 2018) p. 10.

¹⁵ Ibid.

Cartographically, the additional knowledge acquired from exploration for new lands would be of enormous value to Britain. Historian and lawyer Margaret Cameron-Ash notes that the early navigators brought back ‘discoveries of coasts, bays, islands, latitudes, longitudes, winds, tides, currents, depths, reefs, gulfs, ice, river mouths, capes and straits.’¹⁶ Exploration of the seas in the 16th to 18th centuries was equivalent to the 20th and 21st centuries’ space race. The mapping of a land ‘newly discovered’ by a sea voyage engendered the same sense of excitement and pride that the ‘discovery’ of a new moon, dwarf planet or galaxy might do today.

The geopolitical advantages of success in exploration would also be significant, with kudos to be gained in both strategic and international fields. The political advantage was that Britain’s acquisition of a viable base in the South Seas would give her a strategic advantage over her Dutch, French, Portuguese and Spanish rivals, each of whom were also engaged in opening up new territories. Explorers were able to bring back ‘precious intelligence of new sea lanes, shortcuts, insularity, deep harbours, havens of shelter and refreshment: all of it vital for wartime battle and peacetime trade.’¹⁷

In addition, Cook’s proposed journey provided an opportunity to make a prestigious scientific breakthrough. In 1766, Professor Thomas Hornsby, Oxford University’s leading astronomer, led a campaign to send a British expedition to observe a rare astronomical event – the Transit of Venus – an observation that was expected to allow astronomers to calculate the size of the solar system. He called for a scientific, strategic and commercial joint venture between the Admiralty and the Royal Society. This proposed journey would give Britain a chance to redress the inadequate results of the attempt made 11 years earlier by numerous European astronomers.¹⁸

Commercially, new journeys often meant new colonies and an expansion of empire. The possibilities for exploitation of the raw materials situated in these new colonies would allow profits to flow from outlying parts of the British empire back to home base.

It was the combination of these various elements of late 18th century British society that shaped the tasks that Cook was asked to fulfil. His instructions were designed to meet the cartographical,

¹⁶ Ibid., p. 100

¹⁷ Ibid.

¹⁸ The 1761 attempt had failed for a variety of reasons, including poor weather, bad luck and the inability to access advantageous viewing positions because of the Seven Years War between France and England. Scientists knew that there would not be a chance to observe the Transit of Venus again for another 122 years!

geopolitical, scientific and commercial needs of a nation hungry for pre-eminence in the old and new worlds of that time.

1768 - 1771

Question 2 (a) : What were Cook's instructions?

Cook was given three known sets of instructions. The first two were from the English Admiralty; the third was from the president of the Royal Society, Lord Douglas, the 14th Earl of Morton. It is also likely that a fourth set of *oral* instructions was given to Cook by the Admiralty.

Instruction 1: Cook's first set of instructions was that he should observe and record the Transit of Venus, an occurrence that had been observed by English astronomer, Jeremiah Horrocks in 1639. The Admiralty believed that Horrocks's prediction of the transit's occurrence in 1769 would be best viewed from the South Seas. In 1768 the Admiralty therefore instructed Cook to equip the bark *Endeavour* for a long sea voyage and depart for Tahiti. As well as carrying the crew and supplies, on board were eleven 'super-numaries', one of whom, botanist Joseph Banks, kept a daily log that enhanced Cook's own journal. Another Swedish naturalist, Daniel Solander, also kept a detailed journal, as did botanical draughtsman, Sydney Parkinson. These journals give valuable information about the initial British contact with the First Nation Peoples.¹⁹

Instruction 2: Cook's second set of Admiralty instructions was supposedly secret, and was to be opened by Cook only after he had left England. Dated 30 July, 1768, they were contained in a 'Letterbook' and held the real intentions and plans for the voyage. Believing that 'a Continent or Land of great extent' existed, the Admiralty instructed Cook to continue on after Tahiti and 'proceed to the Southward in order to make discovery of the above mentioned land'.²⁰

These instructions were not quite as secret as the Admiralty supposed. A little more than a week before the *Endeavour* set sail, the *London Gazette* reported that, as well as observing the Transit of Venus, Cook had received orders:

¹⁹ When quoting from these journals, I have used the original spelling, punctuation and layout that are in the digital versions of these journals. The capitalisation may look strange to modern readers, but would not have done so to contemporary journal readers.

²⁰ Admiralty of Great Britain, 'Secret Instructions', 30 July, 1768.

https://www.foundingdocs.gov.au/resources/transcripts/nsw1_doc_1768.pdf. (accessed 23 April 2019)
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for a Voyage of Discovery, and will carry Endeavour to lands far distant in the South Pacific, and even to that vast Continent which is said to be quite as big as Europe and Asia together, and which is now marked on the maps as Terra Australia Nondum Cognita.²¹

Significantly, the secret Admiralty instructions required 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'.²² The obvious question here is: How would Cook have been able to obtain 'the Consent of the Natives' if neither he nor any of his crew could speak their language? Several entries in Cook's Journal confirm that neither he nor Tupia, the Tahitian navigator who accompanied Cook on this voyage, could understand the local languages. The following passage illustrates the difficulties they experienced:

As we approached the shore they all made off except two Men who seem'd resolved to oppose our landing - as soon as I saw this I orderd the boats to lay upon their oars in order to speake to them but this was to little purpose for neither us nor Tupia could understand one word they said.²³

Even if the language difficulties had been overcome, there still remains the question of consent. For a valid consent to be obtained, it is necessary that the person(s) whose consent is being obtained should have a clear understanding of the nature and effects of their decision, a knowledge of possible alternatives and the ability to weigh alternatives and arrive at a free choice. They should, in fact, be aware of what the repercussions will be for them in three different scenarios – if they *do give* their consent, if they *don't give* their consent, or if their consent is *not obtained*. It is obvious that, on all counts, Cook did *not* meet the criteria for obtaining consent.

In addition, historian Inga Clendinnen strengthens this case by pointing out that the scientific aims of the expedition placed it in the 'virtuous' category, a classification that meant that the landing *must* be effected.²⁴ This meant that:

the British could land, even in the face of resistance. They could trade. All they could not do was to occupy the land without consent.²⁵

The Admiralty's instructions to Cook also included an exhortation that he should try to develop a rapport with the 'Natives'.

You are ... to observe the Genius, Temper, Disposition and Number of the Natives, if there be any and endeavour by all proper means to cultivate a Friendship and Alliance with them, making them presents of such Trifles as they may Value inviting them to Traffick, and Shewing

²¹ 'Secret Voyage', *London Gazette*, 19 August 1768, p.1.

<https://www.navyhistory.org.au/letter-london-gazette-august-191768/> (accessed 30 January 2020)

²² Admiralty of Great Britain, 'Secret Instructions'.

²³ James Cook, 'Voyaging Accounts - Daily Entries', p. 228. Transcribed from National Library of Australia Manuscript 1, 2004. <http://southseas.nla.gov.au/journals/cook/17700428.html>

²⁴ Inga Clendinnen, *Dancing with Strangers: Europeans and Australians at First Contact* (New York, Cambridge University Press, 2005) p. 24.

²⁵ *Ibid.*

them every kind of Civility and Regard; taking Care however not to suffer yourself to be surprized by them, but to be always upon your guard against any Accidents.²⁶

The intent of this instruction is clear. Cook was to befriend, rather than harm, the First Peoples. The caveat, however, of his having to ‘not be surprized by them’ and to ‘always be upon your guard against any Accidents’ does seem to imply that Cook had permission had permission to defend himself and his crew, should the need arise. This implied permission to shed blood if necessary was significantly qualified in the third instruction given to Cook by James Douglas, the 14th Earl of Morton and the president of the British Royal Society – the premier scientific body in Britain at that time.

Instruction 3: Before examining this third set of instructions from the Royal Society, it is necessary to digress into the field of etymology for a moment. The third set of Cook’s instructions were called ‘Hints’. Nowadays, it means an ‘indirect or covert suggestion or implication’, according to the Macquarie Dictionary. In Cook’s time the word ‘hint’ meant ‘a brief notice’.²⁷ The change in the meaning of the word ‘hints’ allows for Lord Morton’s words to be seen as instructions rather than mere suggestions. He was, in fact, not only setting out the tasks that he expected Cook and his crew to complete but also the way that they were to conduct themselves on their journey.

The Earl of Morton’s guidance included recommendations that, if the ‘Natives’ should appear to be unwelcoming, Cook and his crew should try to communicate their desire to land with either a pantomime form of sign language or with ‘music of a soothing kind’.²⁸ Once they had landed, they should offer a few trinkets (especially looking glasses!).

Lord Morton had one particularly significant instruction for Cook. It was that he should:

have it still in view that shedding the blood of those people is a crime of the highest nature. They are human creatures, the work of the same Omnipotent Author, equally under his care with the most polished European, perhaps being less offensive, more entitled to his favor.

They are the natural, and in the strictest sense of the word, **the legal possessors** of the several Regions they inhabit No European Nation has a right to occupy any part of their country, or settle among them **without their voluntary consent**.²⁹

Lord Morton’s assertion that the First Peoples were the ‘legal possessors’ of the land is an important one. There is no ambiguity here; the First Nations People owned the land. Moreover, as was the

²⁶ Admiralty of Great Britain, ‘Secret Instructions’.

²⁷ Nathan Bailey, *Universal Etymological English Dictionary*, Vol 11 (London: 1737), image 382. <https://catalogue.nla.gov.au/Record/4858781?lookfor=Nathan%20Bailey&offset=10&max=162> (accessed 16 May, 2019).

²⁸ Douglas, James. Lord Morton. Hints offered to the consideration of Captain Cooke, Mr. Bankes, Doctor Solander and other gentlemen who go upon the expedition on board the Endeavour. Chiswick from the Papers of Sir Joseph Banks, 1745-1923 (bulk 1745-1820) , MS 9, Series 3, Item 113, (Canberra: National Library of Australia).

²⁹ Ibid.

case with the Admiralty instructions, the emphasis was on Cook's obtaining the 'voluntary consent' of the First Peoples before he could occupy or settle in their country.

Despite receiving two sets of instructions to obtain consent, Cook chose not to do so. He would certainly have read his instructions from the Admiralty. It is also almost certain that he read Lord Morton's instructions, seeing that the *Endeavour's* voyage was partially commissioned and funded by the Royal Society.³⁰ Morton's instructions are dated 10 August, 1768.³¹ Cook departed from Plymouth just 16 days later, on 26 August 1768.

Cook's cartographic and navigational skills were exceptional and have rarely been questioned. The same cannot be said for his decision to ignore an important section of each of the two sets of instructions he had been given. His failure to obtain consent from Australia's First Peoples was an omission that has had long-term ramifications about the legality of his claiming the eastern seaboard of Australia for his sovereign.

Instruction 4: In *Lying for the Admiralty*, Margaret Cameron-Ash holds that, as well as being given the standard 'secret instructions' from the Admiralty, Cook was given additional instructions that were even more secret. He was to falsify some aspects of his maps! Cameron-Ash holds that 'charts depicting new discoveries were hidden or deliberately distorted for military, political or commercial reasons'.³² Geographer J. B. Harley notes that cartographical knowledge had become, by the 16th century, 'increasingly subject to concealment ... abstraction or falsification' for either strategic or commercial reasons.³³ Harley contends that, in England, the practice of cartographical secrecy had applied as far back as 1580 when the records of Sir Francis Drake's circumnavigation of the globe (1577-1580) became 'secret documents'.³⁴ Cameron-Ash also believes that most of the censorship of Cook's maps was not done by any Admiralty officer, but by Cook himself, who 'concealed important discoveries ... by omission or falsification'.³⁵ She argues, for example, that Cook discovered Sydney Cove on one of his land expeditions from Botany Bay, but chose not to document the fact that he had found a wonderful harbour which was ideal for future settlement.³⁶

³⁰ The fact that Cook was still corresponding with the secretary of the Royal Society, Sir John Pringle, in 1776 – some eight years later – strongly suggests that his connections with that important body were close and on-going. <https://www.nma.gov.au/exhibitions/exploration-and-endeavour/cook-royal-society> (accessed 16 May 2019).

³¹ Morton, 'Hints'.

³² Cameron-Ash. *Lying for the Admiralty: Captain Cook's Endeavour Voyage*. (Dural: Rosenberg Publishing, 2018) p. 15.

³³ J. B. Harley, *The New Nature of Maps: Essays in the History of Cartography*. (Baltimore: Johns Hopkins University Press, 2001) p. 88.

³⁴ *Ibid.*, p. 91.

³⁵ Cameron-Ash, p. 102.

³⁶ *Ibid.*, pp 8-9.

Moreover, contemporary maritime convention held that, if effective occupation did not occur within a reasonable time, then the temporary bar expired and other States were free to occupy the territory.³⁷ In Cameron-Ash's view, Cook deliberately chose to keep to himself his discovery of the deep harbour just north of Botany Bay so that other nations would not realise its value and usurp Britain's right to settle there.

These three (or four) sets of instructions determined not only the broad principles of the way Cook captained his ship but also the more routine decisions he made as the journey progressed. His observation of the Transit of Venus ensured that Britain's scientific reputation was enhanced. Both the Admiralty and the Royal Society instructed Cook to 'survey and make charts and taking Views of Such Bays, Harbours and Parts of the Coasts as may be useful to Navigation'.³⁸ Both august bodies also exhorted him to observe the landscape and collect specimens, with the Admiralty instructing him to :

observe the Nature of the Soil, and the Products thereof; the Beasts and Fowls that inhabit or frequent it, the Fishes that are to be found in the Rivers or upon the Coast ... and to bring home specimens of minerals, valuable stones ... and the seeds of fruits, trees and grains'.³⁹

It was at the Admiralty's bidding that Cook claimed possession of 'land between Latitudes 40° ... and 35°' for His Majesty King George III.⁴⁰ Being a dutiful public servant, Cook complied with his instructions – with the *notable exception* of obtaining the consent of the First Peoples before claiming possession of the land of Australia for his monarch.

1768 - 1771

Question 2(b). What happened on the journey of HM Bark Endeavour?

The journal entries of both Cook and Joseph Banks provide detailed accounts of initial and ongoing contact with First Nation Peoples. In the face of these detailed accounts, it is impossible to accept that Cook and Banks believed the land they had come across was *Terra Nullius* – literally, *No One's Land*.⁴¹ The newly arrived Englishmen undoubtedly knew that the land was already inhabited and that the people who lived upon it preferred to avoid confrontation.

³⁷ *Ibid.*, p. 97.

³⁸ Admiralty of Great Britain, 'Secret Instructions'.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Neither Cook nor Banks used the term *Terra Nullius*. It did not come into use until the late nineteenth century.
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After the first sighting of the coast of Australia on 19 April 1770, the *Endeavour* sailed up the east coast. On 21 April 1770, just two days after the first sighting of land, Cook wrote in his journal that 'In the P.M. we saw the smook of fire in several places; *a certain sign that the Country is inhabited*'.⁴² (my italics) The next day, Cook was able to:

distinguish several people upon the Sea beach. They appear'd to be of a very dark or black Colour but whether this was the real colour of their skins or the C[lo]thes they might have on I know not'.⁴³

On 28 April, Cook came to 'a Bay which appeared to be tolerably well sheltered'.⁴⁴ It was Kamay Botany Bay. The next day, on 29 April, Cook ventured ashore. The extract below is Cook's version of what happened on that day.

As we put the boat in they again came to oppose us upon which *I fired a Musquet* between the two which had no other effect than to make them retire back where bundles of thier darts lay and one of them took up a stone and threw at us which caused *my firing a second Musquet* load with small shott and altho' some of the shott struck the man yet it had no other effect than to make him lay hold of a ^Shield or target ^ to defend hiself emmediatly after this we landed which we had no sooner done than they throw'd two darts at us this obliged me to *fire a third shott* soon after which they both made off, but not in such haste but what we might have taken one, but Mr Banks being of opinion that the darts were poisoned made me cautious how I advanced into the woods. We found here a few Small hutts made of the bark of trees in one of which were four or five small children with whome we left some strings of beeds &Ca. a quantity of darts lay about the hutts these *we took away with us*.⁴⁵ (my italics)

Cook's description of his use of a gun in retaliation for the First Peoples' use of stones and 'darts' reflects the inequality of the confrontation. Lindsay McDowell holds that **four criminal acts** took place on this occasion. The first was the use of firearms which was 'an armed attack'.⁴⁶ The second criminal act was one of terrorising the residents, causing them to flee their premises. Thirdly, when Cook and his men entered the houses (in which children were present), they were trespassing. The fourth criminal act, in McDowell's view, is the fact that the Endeavour crew removed the fishing darts from the Gweagal people's homes, thus depriving them of their means of food harvesting.⁴⁷

⁴² James Cook, 'Voyaging Accounts - Daily Entries' 21 April 1770, p. 225.
<http://southseas.nla.gov.au/journals/cook/17700421.html> (accessed 15 May 2019).

⁴³ Ibid., 22 April 1770, p.225.

⁴⁴ Ibid., 28 April 1770, p.227.

⁴⁵ Cook, 'Voyaging Accounts - Daily Entries', 29 April 1770, p.228.

⁴⁶ Lindsay McDowell, Meeting with Gunhigal Mayiny Wiradyuri Dyilang' (Plains People of the Wiradyuri) at Bathurst, 31 October, 2019.

⁴⁷ McDowell, Meeting with Gadigal Elders at Little Bay, 31 May 2021.
actofrecognition.org.au

On the next day (30 April) Cook reflected that 'all they seem'd to want was for us to be gone'.⁴⁸ Historian Mark McKenna holds that these words were subsequently quoted so often that they became prophetic.⁴⁹ After spending a week in Botany Bay, Cook did acquiesce to the First People's wishes that he and his crew should 'be gone' from the place. Before doing so however, Cook noted in his journal:

During our stay in this Harbour I caused the English Colours to be display'd a shore every day and an inscription to be cut out upon ^one of the trees near the watering place seting forth the Ships name, date & Ca.⁵⁰

It was a practice that Cook continued to follow as he sailed up the Australian coastline, charting it in detail and naming various landmarks after important British personages.

During the next five months, the *Endeavour* sailed up the east coast of Australia, with numerous contacts occurring between the ship's crew and the First Nations People. On almost every occasion, the latter preferred strategic withdrawal to open confrontation. Occasionally, one or two men would threaten the visitors with weapons such as 'darts' propelled by 'throwing sticks', (Cook) or 'lances' (Banks).⁵¹ When the *Endeavour* crew came upon deserted camps, they removed any weapons that they found, leaving behind gifts of ribbons and cloths – gifts that were found, on return visits by the British, to have been left on the ground where they had first been placed.⁵² Clendinnen notes that the only artefacts in which the First Peoples were interested were 'British products which replicated their own tools, like metal hatchets or fishhooks'.⁵³

For the most part, Australian historical narrative comes to us through Western eyes. Paul Carter holds that:

by its nature, history excludes all that is not quoted or written down. Only what has been transcribed is available for interpretation.⁵⁴

Occasionally, however, a snippet of information from the narrative held by First Peoples can add another insight into an encounter. Such is the case on the following occasion, when Recognition Team members held a discussion with First Peoples' elders who were mainly from the Brisbane area.

⁴⁸ Cook, 'Voyaging Accounts - Daily Entries', 30 April 1770, p.229.

⁴⁹ Mark McKenna 'Essay - Unkept Promises'

<https://www.nla.gov.au/digital-classroom/senior/Cook/Indigenous-Response/Mark-McKenna>

⁵⁰ Cook, 'Voyaging Accounts - Daily Entries', 6 May 1770, p.232.

⁵¹ Cook, 'Voyaging Accounts - Description of Places' p. 85.

⁵² One such weapon removed is thought to have been a shield collected after Cook's first day's encounter at Kurnell. Called the Gweagal shield, it is now in the British Museum. Towards its base it has a hole which may have been caused by a spear - or a bullet.

⁵³ Clendinnen, *Dancing with Strangers*, p. 32.

⁵⁴ Paul Carter, *The Road to Botany Bay: an Exploration of Landscape and History* (Minneapolis: University of Minnesota Press, 1987), p. 326.

The discussion centred on an incident that occurred when the *Endeavour* was damaged by a coral reef on 11 June 1770. Cook and his crew spent the next seven weeks making repairs. During this period, Cook and Banks recorded several occasions when they interacted with the local First Peoples. On 19 July, both men recounted in their journals the dispute that occurred over the number of turtles that the crew of the *Endeavour* had caught and kept. Banks, in his journal, mentions the fact that an elderly First Peoples' man approaches them, carrying a broken spear.

The oral re-telling of this incident, held in the First Peoples' memory by elders such as Aunty Alex Gater, on whose grandfather's Country the incident occurred, is somewhat different.⁵⁵ Aunty Alex's account stresses the fact that the elder broke his spear over his knee in front of the *Endeavour* crew and laid it on the ground. The symbolism of the old man's breaking of the spear in front of the invaders is clear to First Nations people. It is a dramatic gesture signifying his people's desire for peace.⁵⁶

Not only did Cook fail to observe the First Peoples' protocol of gaining consent before moving into their territory, he went one significant step further. When, on 22 August 1770, the *Endeavour* arrived at one small island that lay just off the coast at the tip of Cape York, historians mostly agree that Cook's intention was to stake Britain's claim to the land with the following words:

Notwithstanding I had in the Name of his Majesty taken possession of several places upon this coast I now once more hoisted English Coulers and in the Name of His Majesty King George the Third [I] took possession of the whole Eastern Coast from the above Latitude down to this place by the Name of New South ^Wales together with all the Bays, Harbours, Rivers and Islands situate upon the same said coast after which we fired three Volleys of small Arms which were Answerd by the like number by from the Ship.⁵⁷

In Cook's 'taking possession', he refers specifically to 'the above latitude' (meaning Latitude 38° South) and to 'this place' (meaning Possession Island). If a line is drawn between these two places, it shows that Cook's intention was to annexe to the English Crown land that was inhabited by more than 70 First Nations.⁵⁸

⁵⁵ Memory held by the Rev'd Aunty Alex Gater, Aunty Jean Phillips, Nicole Clevens and Brooke Prentis, Meeting at St Matthews Upper Coomera, Queensland, 9 November 2019. Transcript of meeting with author.

⁵⁶ This incident was recorded firstly by the oral re-telling of the incident by First Nations People, then eventually written down later in a record of Indigenous stories kept in the James Cook Museum in Cooktown.

⁵⁷ Cook, 'Voyaging Accounts - Daily Entries', 22 August 1770 p. 287.

The latitude of Possession Island, Queensland, is -10.723373. Latitude 38° South runs through Port Phillip Bay in Victoria.

⁵⁸ Figure 2: Map: *Aboriginal Australia*, https://www.reddit.com/r/MapPorn/comments/uu4au/a_map_of_aboriginal_australian_nations_2432x2217/actofrecognition.org.au

Figure 3



Map of Aboriginal Australia showing land supposedly claimed by Cook for the Crown

The hubris of Cook's claiming of the 'whole Eastern Coast' for the Crown on this off-shore island (now known as 'Possession Island') is hard to overlook. The First Peoples who, in Cook's words, 'made off and left us in peaceable possession of as much of the island as served our purpose'⁵⁹ were undoubtedly unaware that the ceremony that took place in their absence was one that would eventually have devastating consequences for them.

Historian Henry Reynolds contends that:

Cook's ceremony on Possession Island did not amount to all that much. On its own it would have mattered no more than Tasman's claim of ownership over Tasmania dating back to 1642, or for that matter the claim over Western Australia made at Shark Bay by a French expedition in 1772. To spring to life it had to be followed up by a permanent occupation of the kind that took place eighteen years later.⁶⁰

⁵⁹ Cook, 'Voyaging Accounts - Daily Entries', 22 August 1770 p. 287.

⁶⁰ Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (Sydney, University of New South Wales Press, 2021), p. 17.

Abel Tasman claimed the island of Tasmania for a Netherlands shipping company on 3 December 1642.

https://media.australian.museum/media/dd/Uploads/Documents/38143/ANH_vXX_02_lowres.8e494ee.pdf

Louis de Saint-Alouarn took possession of the country on which he had landed (Shark Bay) for France on 30 April 1772.

<https://perthalacarte.wixsite.com/perth-a-la-carte/french-navigators-part-2>

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Reynolds' view notwithstanding, the general acceptance of the view that Cook's claim on Possession Island is significant has permeated popular national consciousness. It therefore cannot be discounted.

Before leaving the subject of Cook's claiming possession of the east coast of Australia for his sovereign, it is necessary to note an ongoing academic debate about whether it was Cook's words and actions on Possession Island OR Phillip's establishment of a colony at Port Jackson that constituted the act of possession for the British crown. Historians generally accept that both men spoke words claiming possession and both employed the symbolism of firing salutes and raising the Union Jack up a flagpole.⁶¹ Even on this topic, however, there is uncertainty. Scholars such as John Harris question whether or not Cook spoke the words of possession (on behalf of his monarch) on the actual date of 22 August, arguing that the manuscript version of his journal shows evidence that the words were inserted at a later date – probably on the journey home.⁶² Moreover, Harris contends that 'even if Cook had fired a gun and raised a flag, this did not constitute a claim in the sense that other nations might accept that pantomime as proving that Britain owned the land'.⁶³

In addition, Traditional Owners of Tuined (the island on which Cook claims to have taken possession of the east coast of Australia for his monarch George III) reject the claim that he landed on the island at all. They had advance warning through smoke signals and messages that strangers might try to land on their Country, and were ready to fight them off. Elder Waubin Richard Aken, Traditional Owner of Tuined and appointed Tribal Historian for Kaurareg First Nations people tells how:

Days before Cook's arrival, smoke signals, which we call blackfella internet, notified all the clan groups of Cape York that a strange ship is travelling along the East Coast. Our warriors were waiting patiently for him, camouflaged in surrounding islands, ready to attack. But the signal never came from our Kuiku mabiag. Why? Because he never walked on the land.⁶⁴

Cook's journal entries reveal that he regarded the First Nations people as being peaceable. He stated that he did not look upon them 'to be a warlike People' but rather that they were a 'timorous and

⁶¹ John Harris, *One Blood: 200 years of Aboriginal encounter with Christianity: a story of hope* (Brunswick: Acorn Press, 3rd Edition, (forthcoming).

⁶² Cameron-Ash, *Lying for the Admiralty* pp. 190-195 and Harris, *One Blood*.

⁶³ Harris, *One Blood*.

⁶⁴ Elder Waubin Richard Aken, Interview for 'Unsettled' Exhibition, Australian Museum 22 May 2021 – 27 January 2022 'Sovereignty, False Pretences Without Rightful Consent' section.

<https://australian.museum/learn/first-nations/unsettled/recognising-invasions/sovereignty/>).
actofrecognition.org.au

inoffensive race'.⁶⁵ Just before he left Australia, Cook summarised his opinion of the First People thus:

From what I have said of the Natives of New-Holland they may appear to some to be the most wretched people upon Earth, but in reality they are far more happier than we Europeans; being wholly unacquainted not only with the superfluous but the necessary conveniencies so much sought after in Europe, they are happy in not knowing the use of them. They live in a Tranquillity which is not disturb'd by the Inequality of Condition: The Earth and sea of their own accord furnishes them with all things necessary for life; they covet not Magnificent Houses, Houshold-stuff &Ca. They live in a warm and fine Climate and enjoy a very wholesome Air, so that they have very little need of Clothing and this they seem to ^be fully sencible of, for many to whome we gave Cloth &Ca. to, left it carlessly upon the Sea beach and in the woods as a thing they had no manner of use for. In short they seem'd to set no Value upon any thing we gave them, ^nor would they ever part with any thing of their own for any one article we could offer them; this, in my opinion argues that they think themselves provided with all the necessaries of Life and that they have no Superfluities .⁶⁶

The journal entry is a remarkably nuanced view that the alleged lack of civilisation of the First Nation Peoples might in fact make them happier than their supposedly cultivated Anglo-European intruders.

Joseph Banks was ambivalent in his assessment of the character of First Peoples. On one occasion, he, like Cook, described their lifestyle as being near-idyllic:

Thus live these I had almost said happy people, content with little nay almost nothing, Far enough removd from the anxieties attending upon riches, or even the possession of what we Europeans call common necessaries.⁶⁷

At other times, Banks labelled the First Peoples as 'rank cowards'.⁶⁸ One of his entries conveys the racist undertones of his attitude.

But should a people live inland who supported themselves by cultivation these inhabitants of the sea coast must certainly have learn'd to imitate them in some degree at least, otherwise their reason must be supposd to hold a rank little superior to that of monkees ... That they are a very pusilanimous people we had reason to suppose from every part of their conduct in every place where we were except Sting Rays Bay [Botany Bay].⁶⁹

⁶⁵ Cook, 'Voyaging Accounts - Daily Entries', p. 296.

⁶⁶ James Cook, Description of Places, New Holland, p. 92.

http://southseas.nla.gov.au/journals/cook_remarks/092.html

NB: The electronic version of Cook's journal has reproduced sections where Cook inserted additional information in small writing or with an arrowhead.

⁶⁷ Joseph Banks, *The Endeavour Journal of Sir Joseph Banks from 25 August 1768-12 July 1771*. 'Some Accounts of That Part of New Holland Now Called New South Wales'. Project Gutenberg Australia.

<http://gutenberg.net.au/ebooks05/0501141h.html#jun1771>

⁶⁸ MS 9 Papers of Sir Joseph Banks, Series 3. 'Banks's Journals: Daily Entries' p. 257.

<http://nla.gov.au/nla.cs-ss-jrnl-banks-17700504>

⁶⁹ Banks, *The Endeavour Journal of Sir Joseph Banks from 25 August 1768-12 July 1771*. 'Some Accounts of That Part of New Holland Now Called New South Wales'. <http://nla.gov.au/nla.cs-ss-jrnl-banks-17700504>
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However offensive these remarks may seem to our 21st century ears, it is important to place them in the context of their times. The concept of ethnicities had begun to emerge in the early sixteenth century, coinciding with the development of colonialism.⁷⁰ This theory was later expanded by Max Muller and Edward Tyler to include a hierarchy of races in which Aryans occupied the top ranking and Aborigines the lowest.⁷¹ First Peoples' historian and author Bruce Pascoe notes in his work *Dark Emu* that, at the time of Cook's first voyage to the Southern Seas, Charles Darwin's theory of evolution was still to come. The basis of the theory – the gradual ascent from beast to man nevertheless dominated the psychology of Europe at the time.⁷² Although placing these beliefs in the context of their time makes them easier to understand, it does not make them right.⁷³

Just as there is controversy about Cook's 'taking possession' of the East Coast of Australia for the British Crown, there is similar academic debate about the date with regard to Arthur Phillip's establishment of a penal colony in 1788. Phillip arrived in Botany Bay on 18 January 1788. A week later he moved the First Fleet to Sydney Cove, arriving there on 26 January 1788. While Phillip did conduct a ceremony at Sydney Cove, he did not actually establish a colony on that date. Harris argues that it was the ceremony held at Sydney Cove on 7 February that he and many other historians now accept as the date on which Phillip (allegedly) took possession of Australia for his sovereign.⁷⁴ John Stockdale's 1789 account of Phillip's journey to Australia and settlement in Sydney Cove records that:

The 7th of February, 1788, was the memorable day which established a regular form of Government on the coast of New South Wales. For obvious reasons, all possible solemnity was given to the proceedings necessary on this occasion. On a space previously cleared, the whole colony was assembled; the military drawn up, and under arms; the convicts stationed apart; and near the person of the Governor, those who were to hold the principal offices under him. The Royal Commission was then read by Mr. D. Collins, the Judge Advocate.⁷⁵

In this Commission, George III appointed the 'well-beloved Arthur Phillip Esquire ... to be Governor over our territory called New South Wales'.⁷⁶ In the eyes of most historians, it was Arthur Phillip's

⁷⁰ Phil Gasper, 'The Return of Scientific Racism', *International Socialist Review* Issue 11.

<https://isreview.org/issue/110/return-scientific-racism>

⁷¹ John Davis and Angus Nicholls, 'Friedrich Max Muller: The Career and Intellectual Trajectory of a German Philologist in Victorian Britain', *The English Goethe Society*, 2016. p. 89.

<https://www.tandfonline.com/doi/pdf/10.1080/09593683.2016.1224493>

⁷² Bruce Pascoe, *Dark Emu: Aboriginal Australia and the Birth of Agriculture* (Broome: Magabala Books, 2014) p. 3.

⁷³ It is important to acknowledge that both Cook's and Banks's journals are a treasure trove of information on Australia's physical landscape and seascape in the 18th century. Because these details are not relevant to this paper, I have focused on those aspects of the *Endeavour's* voyage that are germane to its eventual impact on the First Nations People.

⁷⁴ Harris, *One Blood*.

⁷⁵ John Stockdale *The Voyage of Governor Phillip to Botany Bay*. London, 1789. University of Sydney Library, digitised in 2003. p. 64-65. <http://purl.library.usyd.edu.au/setis/id/phivoya>. (accessed 12 December, 2019).

⁷⁶ Historical Records of Australia, Series 1. p. 2.

establishment of a colony in Sydney Cove that reinforced and ‘confirmed ... through occupation the preliminary claim of possession’ that Cook had made on behalf of his sovereign.⁷⁷

Harris contends that:

This formal ceremony was a conscious taking of possession, an annexation of new territory. Irrespective of the fact that the Indigenous inhabitants did not recognise this act nor even grasp its significance at the time, other colonising powers did. The British had now proclaimed their right to the territory, physically colonised it and, as far as other European powers were concerned, they now owned it.⁷⁸

Harris also argues that Phillip may not have actually said ‘take possession’ or used similar words on 7 February 1788, as detailed eyewitness accounts of the occasion record *only* his exhortations to the convicts to be law-abiding and productive.⁷⁹ Harris contends that the omission of the recording of these words is significant. In Harris’s opinion, if Phillip had spoken the words ‘take possession’, eyewitnesses would surely have recorded those words as having been uttered.

This debate about the actual date on which either Cook or Phillip took possession remains academic. Harris holds that 22 August 1770 is the date that will remain the ‘traditionally accepted date in Australian consciousness’ for Cook’s claiming of possession of the east coast of Australia.⁸⁰ Interesting as this ‘date debate’ might be, the fact remains that it was Cook’s reports back to his superiors in London (and their acceptance of his and Banks’s opinions that the land was sparsely occupied) that were to have such a long-lasting and shattering impact on Australia’s First Peoples.

1768 - 1771

Question 2(c). What did Cook report back home?

Cook’s return to Britain was very low key. He landed in Devon on 13 July 1771. His journal entry for that day records his apprehension that the explorer ‘Sieur de Bouganville’, who had explored similar territory to Cook between 1766 and 1769 in his ‘two French ships’, might try to claim discovery of some of the territory that Cook had claimed for Britain:⁸¹

<https://nla.gov.au/nla.obj-472896848/view?partId=nla.obj-473130132#page/n32/mode/1up>

⁷⁷ Mary Casey, ‘Remaking Britain: establishing British identity and power at Sydney Cove 1788 – 1821’ *Australasian Historical Archaeology* 24 (2006), p. 88. <http://www.jstor.org/stable/29544560>.

⁷⁸ Harris, *One Blood*.

⁷⁹ *Ibid.* Harris goes on to point out that a later version of this occasion (that includes Phillip’s having uttered words of possession) has been shown to be ‘almost certainly a fabrication, well-intentioned but no doubt contrived’.

⁸⁰ *Ibid.*

⁸¹ Cook, ‘Voyaging Accounts - Daily Entries’ p. 380.

As they cannot know anything of the Endeavours Voyage they will not hesitate a moment to declare themselves the first discoverer. Indeed I cannot see how they can think otherwise unless the natives inform them to the contrary which they may not choose to understand.⁸²

Cook travelled up to London almost immediately and gave a report of his voyage to the Admiralty, and later to King George III. Strangely, very little of Cook's contribution to the discoveries on the *Endeavour* made it into the press. It was 'Mr. Banks and Dr. Solander' whose names appeared in almost all newspaper accounts, with reports such as the *Public Advertiser's* account that:

It is said that Mr. Banks and Dr. Solander have made more curious Discoveries in the way of Astronomy, and Natural History, than at any Time have been presented to the learned World for these past fifty years.⁸³

The *Westminster Journal* singled out Banks for acclaim:

No less than seventeen thousand plants, of a kind never before seen in this kingdom, have been brought over by Mr. Banks, which, we hear, are very likely to live in the Royal Gardens of Richmond.⁸⁴

Cook's contribution was not fully acknowledged until 1773, when the Admiralty commissioned publisher John Hawkesworth to produce a three-volume edition of Cook's voyages.

It is clear that the British government accepted and promulgated the idea that both Cook and Banks had reported back. Their claim that *Terra Australis Incognita* was sparsely populated by a very few coastal people led to acceptance and promotion of the doctrine of *Terra Nullius* – 'nobody's land'.⁸⁵ The concept of *Terra Nullius* persisted over time and was to have a deleterious effect that has echoed down the years to the present day.

One example of the doctrine's persistence was in 1889 when Britain's Privy Council ruled that the colony of New South Wales 'was peacefully annexed to the British dominions'.⁸⁶ Over a hundred years later, in 1993, the Chief Justice of the High Court of Australia, Sir Harry Talbot Gibbs, provided another example of the doctrine's longevity when he handed down a ruling to the Wiradjuri appellant, Isabel Coe. Part of his ruling was that:

The Aboriginal people are subject to the laws of the Commonwealth and of the States or Territories in which they respectively reside. They have no legislative, executive or judicial organs by which sovereignty might be exercised ... The contention that there is in Australia

⁸² Ibid.

⁸³ *Public Advertiser*, 7 August 1771 in Beaglehold, *Journals of Captain James Cook* – Appendix p. 651.

⁸⁴ *Westminster Journal*, 10-17 August 1771 in Beaglehold, *Journals of Captain James Cook* – Appendix p. 651.

⁸⁵ Henry Reynolds, Interview by Philip Adams, 24 April 2019 in Sydney, N.S.W. audio recording podcast 'Late Night Live', Radio National.

⁸⁶ Privy Council in *Mabo – the Native Title Revolution*. 'Territory Practically Unoccupied'. (accessed 25 October, 2019) <http://www.mabonativetitle.com/info/terrPracticallyUnoccupied.htm>
actofrecognition.org.au

an Aboriginal nation exercising sovereignty, even of a limited kind, is quite impossible to maintain in law'.⁸⁷

Gibbs and another justice of the High Court, J. J. Aiken, further stated that:

it was settled law that the Australian colonies were acquired by Britain *by settlement and not by conquest*, that view having been expressed by the Privy Council ... in 1889.⁸⁸ (my italics)

It is worth noting that this ruling took place one year *after* the High Court's Mabo ruling in which the sovereignty of First Nations people was recognised.

Cook's 1768 – 1771 voyage to Australia was undoubtedly a significant event in its own right for the Australian continent and its people. But it did not take place in a vacuum. Events were unfolding back in Britain that were to lead to an even greater upheaval in the lives of its First Peoples. Seventeen years later they were to discover, with the arrival of the First Fleet, just how momentous Cook's visit had been.

1771 - 1788

Question 3: What took place in the United Kingdom during this period that prompted the commissioning of the First Fleet?

Since the 17th century, Britain had been locked in a battle with her European rivals (France, Spain, Holland and Portugal) for economic and political supremacy as an empire-building nation. During the last quarter of the 18th century, that battle intensified. The establishment of new colonies was seen as a way of demonstrating superiority on land and sea and reasserting Britain's position as a geopolitical and commercial force to be reckoned with. Britain's foreign policy therefore reflected this belief.

As well as there being important foreign policy initiatives for establishing colonies abroad, there were also several domestic reasons for doing so. One was the cost of incarceration. In the late 18th century, it cost £40 per head to house British prisoners in a London prison for a year; housing a prisoner in a hulk on the River Thames cost significantly less – £27.⁸⁹ This latter solution was only

⁸⁷ Mason, C.J. *Coe v Commonwealth (No. 2)*, [http://www.unistudyguides.com/wiki/Coe v Commonwealth \(No 2\)](http://www.unistudyguides.com/wiki/Coe_v_Commonwealth_(No_2)_1993_(Par_24)) 1993. (Par 24).

⁸⁸ *Ibid.* (Par. 22). I find it difficult to reconcile these statements with the 1992 Mabo decision. Not being a legal expert, I have not attempted to explain the apparent discrepancies in the respective judgments.

⁸⁹ Gordon Beckett, *British Colonial Investment in Australia 1788 – 1850* (Gatton The Colonial Press, 2013). p.361. actofrecognition.org.au

ever meant to be a temporary one, but its continued utilisation led to excessive overcrowding and appalling conditions aboard the hulks.

This overcrowding came to a head in July 1776 when the 13 American colonies declared their independence from Britain and refused to take any more prisoners. A solution to the hulks problem had to be found – and found quickly. In 1779 Banks had endorsed the location of Botany Bay as being suitable for establishing a colony. The Select Committee of the House of Commons advised the Parliament that Joseph Banks:

apprehended that there would be little Probability of any Opposition from the Natives, as during his stay in the year 1770, he saw very few, and did not think there were above Fifty in all the Neighbourhood, and had reason to believe that the Country was very thinly populated.⁹⁰

In 1783, James Matra (who had sailed with Cook on the *Endeavour* and subsequently held minor diplomatic posts in Europe) proposed to the Duke of Portland's administration that he was going to:

offer an object to the consideration of our Government what [that] may in time atone for the loss of our American colonies ...New South Wales would be a very proper region for the reception of criminals condemned to transportation'.⁹¹

Matra also noted that:

Capt. Cook first coasted and surveyed the eastern side of that fine country ... where he found everything to induce him to give the most favourable account of it. In this immense tract of more than 2,000 miles there was every variety of soil, and great parts of it were extremely fertile, peopled only by a few black inhabitants, who, in the rudest state of society, knew no other arts than such as were necessary to their mere animal existence, and which was almost entirely sustained by catching fish.⁹²

The proposal to establish a colony at Botany Bay had therefore been promoted several times since the return of the *Endeavour* to England in 1771. By 1785 it's time had come.

In January 1785, the Attorney General, Sir R. P. Arden, recommended to the Home Secretary, Lord Sydney, a plan for the establishment of a penal colony in New South Wales, writing that 'it appears to me to be the most likely method of disposing of convicts, the number of which requires the immediate interference of government'.⁹³ The plan, by Admiral Sir George Young, gave three good

⁹⁰ Sir Joseph Banks in 'Report of the Felonies (Bunbury) Select Committee', *House of Commons Journal*, 1 April 1779, Vol 37 p. 311.

⁹¹ James Matra, 'A proposal for establishing a Settlement in New South Wales', *Historical Records of New Zealand*, Vol. 1. p.41 <http://nzetc.victoria.ac.nz/tm/scholarly/tei-McN01Hist-t1-b2-d1.html>.

⁹² *Ibid.*, p. 36.

⁹³ R.P. Arden 'The Attorney General to Lord Sydney', 13 January 1785. *HRNSW*. Vol 1 part 2. pp 10-11 actofrecognition.org.au

reasons – one geopolitical, one commercial and one financial – for establishing a settlement at ‘Botany Bay or its vicinity’. The reasons were set out as follows:

Suppose that we were again involved in a war with Spain, here are ports of shelter and refreshments for our ships, should it be necessary to send them into the South Sea ...

From this review it will, I think, be acknowledged that a territory so happily situated to all others must be superior to all others for establishing a very extensive commerce, and of consequence greatly increase our shipping and number of seamen ...

The very heavy expense Government is annually put to for transporting and otherwise punishing the Felons, together with the Facility of their Return, are Evils, long and much lamented: Here is an Asylum open that will considerably reduce the first and wholly prevent the latter.⁹⁴

There would indeed be much financial and commercial gain from the establishment of a colony in the Southern Seas. Economist Gordon Beckett estimates that, although the initial £60 million cost of financing the new colony in New South Wales was considerable, the eventual return to Britain, ‘based on the opportunity cost model, was in excess of £180 million’.⁹⁵ By extracting wealth from her new colonial bases in the form of agricultural and mining commodities, Britain’s commercial pre-eminence was enhanced. In addition, by eventually establishing a colony in the newly-charted territory of New South Wales, Britain found ‘a cheap source of penal servitude for at least 25,000 of its former prisoners’.⁹⁶

Just as there were foreign policy and transportation motivations for commissioning the First Fleet to set sail for Botany Bay, there were further economic domestic imperatives for doing so. Living conditions in England for most people of the eighteenth century were dire. Historian Robert Malcolmson sums up what life was like at that time:

Much of life as it was experienced in the eighteenth century was hard, hazardous and unhealthy ... [with] the main sources of this precariousness being basic living conditions underlying suffering, uprootedness and the uncertainty of family life.⁹⁷

Historian Don Chapman paints a more detailed word picture of the numerous difficulties facing the majority of the population – difficulties that engendered a high rate of crime:

Towns were growing, trade and industrial centres were changing, while dispossession from the enclosures had long disrupted rural life. Old communities were dying, working hours were long, factories unhygienic, women and children endured hard labour, prices were

⁹⁴ Sir George Young, [Enclosure: The “Plan”] 13 January 1785. *HRNSW*. Vol 1 part 2. pp 11-13. ‘Advantages of a Penal Settlement in New South Wales’.

⁹⁵ Gordon Beckett, *British Colonial Investment in Australia 1788 – 1850*. Jerrabomberra: The Colonial Press, 2003 and Gatton The Colonial Press, 2013.

⁹⁶ Beckett, *British Colonial Investment in Australia 1788 – 1850* ., 2003 edition, p. 11. This figure applies to the first 72 years of the colony’s existence. Later research has estimated the number of felons sent to Australia as convicts between 1788 and 1857 (when transportation ended) as being in the vicinity of 160,000.

⁹⁷ Robert Malcolmson, *Life and Labour in England 1700-1780* (London: Hutchinson, 1981), p. 77.
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inflationary, unemployment was high, poor relief inadequate and attempts to seek higher wages were regarded as conspiracies. Infectious diseases were prevalent, the death rate persistently exceeded the birth rate, tenements were small, unclean and crowded, and the narrow streets of London and the larger cities were the receptacles of the cities' effluent. Food was poor quality, meat was expensive, and the basic diet of the poor was black bread.⁹⁸

In the light of the challenging living conditions that existed during the years immediately prior to 1788, the establishment of a new colony was seen as providing an opportunity for some citizens to escape the difficult conditions under which they currently lived and worked, as well as giving them hope for finding a better future elsewhere.

Moreover, at the end of the 18th century, a period of rapid change was taking place in English society. It was a 'period of growing enlightenment, radical reform and a reversal of official apathy'.⁹⁹ Reformers decried 'brutal punishments, suffering in unregulated gaols and the apparent lottery of who was executed and who was not'¹⁰⁰ and they convinced men at the centre of government that change was needed.

There was, however, the complication of the British mindset which had been, for many years, buttressed by a perception of itself as being part of a 'global British ascendancy' and a belief in the 'superiority of Christian white Britishness'.¹⁰¹ Historian Kathleen Wilson contends that, in the years surrounding Cook's voyages, 'a convergence of political, cultural and imperial crises had raised urgent questions about empire, "race" and their relationship to the national identity.'¹⁰² Although colonialism therefore continued to be a government priority, a feeling of unease about the way in which Britain treated her new colonial subjects had begun to emerge. Playwrights, political journalists and parliamentarians began to condemn the 'authoritarian techniques' used to govern the First Nations People of the British Empire.¹⁰³

The new humanitarianism extended to the treatment of prisoners. Its essence is captured in the following words by contemporary biographer Sir John Hawkins:

⁹⁸ Chapman, *1788, the People of the First Fleet* p. 13.

⁹⁹ *Ibid.*, p. 9.

¹⁰⁰ Clive Emsley, *Crime and Society in England 1750-1900*. 2018. (accessed 1 May, 2019).
<http://web.b.ebscohost.com.rp.nla.gov.au/ehost/detail/detail?vid=0&sid=c61590a1-c8d5-4f69-8367-df5bb515695a%40pdc-v-sessmgr03&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#AN=1692331&db=nlebk>

¹⁰¹ Angela Woollacott, *Settler Societies in the Australian Colonies: Self Government and Imperial Culture*. (Oxford, Oxford University Press, 2015). p. 11.

¹⁰² Kathleen Wilson, *Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London: Routledge, 2003) p. 56.

¹⁰³ *Ibid.*, p. 51.

We live in an age when humanity is in fashion ... There was a time when prisoners for debt were cruelly treated ... but the temper of the times is under a contrary bias (and) prisoners are treated with greater leniency than till of late years was ever known.¹⁰⁴

This leniency was reflected in an increase in the numbers of felons whose sentences of death were being commuted to transportation. Transportation, which had been legal in Britain since 1717, was increasingly seen 'to be a fair and adequate punishment' and as a viable alternative to hanging.¹⁰⁵

In 1770 there were no less than 160 felonies (ranging from arson to pick-pocketing) that were punishable by death. Executions were frequently held in public. In 1787 (the year that the First Fleet sailed from England) over 100 public executions were held in London. Unfortunately, however, the hanging of convicted felons seemed to have lost its power as a deterrent to crime and had become instead a 'source of amusement'.¹⁰⁶ If hanging was no longer a deterrent, the possibility of incarcerating prisoners in solitary confinement was raised, but lack of funding and logistical difficulties proved too great.

There were debates in British law courts and in newspapers as to whether or not general prison incarceration (where prisoners could learn more ways to break the law from other prisoners) was preferable to transportation (where no one could see the offenders being punished, hence it would not be a disincentive to crime). The case *for* transportation won the debates.

The changing humanitarian attitudes in Britain together with her geopolitical and commercial needs to establish a base in the South Seas were therefore strong. Cook's, Banks's and Matra's reports of a land that was fertile and supposedly almost uninhabited offered a solution to their difficulties. It follows that the government's decision to establish a colony at Botany Bay was a logical conclusion to Cook's first exploratory journey just 17 years earlier. Now all that was needed was a man to lead such a venture. The British government found that man in Captain (later Admiral) Arthur Phillip.

1788 – 2019

Question 4: What is the real truth about what happened in Australia following the arrival of the First Fleet in 1788 – then and ever since?

¹⁰⁴ Sir John Hawkins, *The Life of Samuel Johnson LLD*. (Dublin: Chambers, 1787) p. 461.

<http://find.gale.com.rp.nla.gov.au/ecco/quickSearch.do?now=1580877716795&inPS=true&prodId=ECCO&userGroupName=nla>

¹⁰⁵ Frank O'Gorman, *Long Eighteenth Century: British Political and Social History, 1688 – 1832*. (London: Bloomsbury Academic, an imprint of Bloomsbury Publishing Plc. 1997) p. 190.

¹⁰⁶ Chapman, 1788, *The People of the First Fleet*, pp. 13-14.
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The arrival of the First Fleet marked a catastrophic turning point for the First Peoples. The intruders were not only here on country, they were here to stay. The earlier assessment of Australia being *Terra Nullius* by Cook and Banks had obviously been largely accepted by British authorities. Reynolds contends that the incorrect assumption that no prior sovereignty existed provided the British with a ‘thin cloak of legitimacy’.¹⁰⁷ First Peoples’ historian, Lisa Jackson Pulver, notes that it was unusual for this time period that Phillip ‘received no instructions from the English authorities to “solicit the consent of the natives”, an omission that would have largely been influenced by the incorrect opinion of Banks’.¹⁰⁸

When Arthur Phillip arrived in Sydney Cove on 26 January 1788 to establish a British penal colony, he, like Cook, performed the ritual of flag-raising and gun-saluting. His Commission to be the Governor of NSW (originally set out in Westminster by writ of the Privy Seal on 2 April 1787) was read out in Sydney Cove by the Judge Advocate on 7 February 1788. In this Commission, George III appointed the ‘well-beloved Arthur Phillip Esquire ... to be our Captain-General and Governor-in -Chief and over our territory called New South Wales’.¹⁰⁹ In the eyes of most historians, it was Phillip’s establishment of a colony in Sydney Cove that reinforced and ‘confirmed ... through occupation the preliminary claim of possession’ that Cook had made on behalf of his sovereign.¹¹⁰

A ‘memo’, written by Phillip in 1786 before he left England, makes it clear that he initially hoped that the First Peoples would develop a high regard for the new arrivals.

I shall think it a great point gained if I can proceed in this business without having any dispute with the natives, a few of which I shall endeavour to persuade to settle near us, and who I mean to furnish with everything that can civilise them, and to give them a high opinion of their new guests.¹¹¹

Such well-intentioned aspirations were, however, not to be. The ‘natives’ did not develop a ‘high opinion’ of the ‘new guests’. The immediate point of dispute was Phillip’s acquisition of land for the purpose of growing food for the colonists.

¹⁰⁷ Reynolds, *Truth-Telling*, p.134.

¹⁰⁸ Lisa Jackson Pulver, ‘An argument on culture safety in health service delivery: towards better health outcomes for Aboriginal peoples’ (PhD thesis, University of Sydney, 2003). p. 9. <http://hdl.handle.net/2123/609>

¹⁰⁹ Historical Records of Australia, Series 1. p. 2.

<https://nla.gov.au/nla.obj-472896848/view?partId=nla.obj-473130132#page/n32/mode/1up>

¹¹⁰ Mary Casey, ‘Remaking Britain: establishing British identity and power at Sydney Cove 1788 – 1821’ *Australasian Historical Archaeology* 24 (2006), p. 88. <http://www.jstor.org/stable/29544560> (accessed 22 April, 2019).

¹¹¹ Arthur Phillip ‘Phillip’s Commission’ in *History of New South Wales From the Records: Volume 1 Governor Phillip 1783-1789*, ed. G.B. Barton (London: Trubner & Co, 1889).

<http://gutenberg.net.au/ebooks12/1204171h.html#ch-08> (accessed 12 April 2019).

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In his commissioning as Governor-in-Chief, George III had explicitly given Arthur Phillip 'full power ... to grant land'.¹¹² In 1789 James Ruse, a convict whose sentence had expired, proved that he could produce enough wheat and maize to support himself, his wife and his child from half an acre of land. It was to him therefore that Governor Phillip granted, on 22 February 1790, the first land grant in Australia. It was for a farm to be established on 30 acres of land at Parramatta. The wording of the grant of land to ex-convict, James Ruse, further illustrates that Phillip certainly believed he had the power to do so:

Whereas full power and authority for granting lands in the territory of New South Wales, to such persons as may be desirous of becoming settlers therein is vested in me his Majesty's Captain-General and Governor-in-Chief in and over the said territory and its dependencies, by his Majesty's instructions, under the Royal Sign Manual, bearing date respectively the twenty-fifth day of April, one thousand seven hundred and eighty-seven, and the twentieth day of August, one thousand seven Hundred and eighty nine. In pursuance of the power and authority vested in me as aforesaid, I do by these presents give and grant unto James Ruse, his heirs and assigns, to have and to hold for ever, thirty acres of land, in one lot, to be known by the name of Experiment Farm, laying (sic) on the south of the barrack ponds at Parramatta.¹¹³

James Ruse was only the first of many emancipated convicts to whom grants of land were given. The British government had instructed Governor Phillip to emancipate male convicts, 'who shall, from their good conduct and a disposition to industry, be deserving of favour', and grant them land – 30 acres for each single man plus a further 20 acres for a wife and 10 additional acres for each child.¹¹⁴ Such grants were conditional on the grantee residing on the property, cultivating or undertaking improvements on it and paying an annual rent.¹¹⁵

It was to take another 192 years before the 'full power and authority' supposedly vested in Phillip by the British Crown were shown to be unlawful. The case brought against the Commonwealth of Australia by Eddie Koiki Mabo and his fellow plaintiffs in May 1982 (a court case that lasted for ten years) resulted in the High Court of Australia inserting the legal doctrine of native title into Australian law in June 1992. The Australian Institute of Aboriginal and Torres Strait Islanders sums up this historic decision thus:

¹¹² HRA Series 1 p. 9.

¹¹³ 'Digest of Land Laws' *SMH*, 2 March, 1895. <https://trove.nla.gov.au/newspaper/article/13984992>

¹¹⁴ Governor Phillip's Instructions, *Historical Records of Australia*, Series 1 (HRA 1), Vol. 1,

¹¹⁵ Laura Donati, 'Free wives of convicts and land ownership in early colonial New South Wales [online]. *Journal of Australian Colonial History*, Vol. 20, July 2018: p. 30.

<https://login.rp.nla.gov.au/login?url=https://search.informit.com.au%2ffullText%3bdn%3d935684675242831%3bres%3dlELHSS> (accessed 25 April 2019).

The new doctrine of native title replaced a 17th century doctrine of *terra nullius* on which British claims to possession of Australia were justified on a wrongful legal presumption that Indigenous peoples had no settled law governing occupation and use of lands.¹¹⁶

As well as presuming that they were entitled to seize land, the intruders of the First Fleet made a number of other incorrect assumptions. The first assumption was that the land was inhabited by people who were ‘hunter-gatherers’, not cultivators of the land. In the late 18th century, common law underpinned the notion that one could not claim sovereignty over land unless one could demonstrate that one worked the land. The ‘First Fleeters’ could not see that in 1788 Australia was, in Paul Carter’s words:

already a highly cultivated space. Aboriginal occupation had created tracks and clearings ... The very horizons had been channelled and grooved by Aboriginal journeys ... The country itself was the product of their journeying.¹¹⁷

Pascoe confirms this viewpoint, adding that, as he read the journals of the First Fleet (and later) immigrants, he came upon:

repeated references to people building dams and wells; planting, irrigating and harvesting seed; preserving the surpluses and storing it in houses, sheds or secure vessels; and creating elaborate cemeteries and manipulating the landscape – none of which fitted the definition of a hunter-gatherer.¹¹⁸

A second incorrect assumption made by the ‘First Fleeters’ was about the way the First Peoples used fire. Their careful balance of open and closed spaces and their periodical burning of the undergrowth created ‘fine meadows’ that Cook so much admired. Pascoe describes the way in which the First Peoples used fire as being a ‘mosaic pattern of low-level burns’¹¹⁹ while Burrows notes that:

Under Aboriginal management, we know that the mean burnt patch size was up to about 30 hectares, with most patches being five hectares. Today ... the mean fire sizes are around 34,000 hectares, with the largest fires burning in excess of 500,000 hectares.¹²⁰

As a result, the ‘fine meadows’ that Cook had described in his ship’s log some 18 years earlier disappeared and a wilderness of spinifex not only carbonised the topsoil but also eradicated native plants and animals. In addition, the importation of foreign animals by settlers compacted and degraded the light soils and polluted the waterways, destroying First Peoples’ agricultural systems and aquaculture practices.

¹¹⁶ ‘Eddie Koiki Mabo’ in AIATSIS website. <https://aiatsis.gov.au/explore/articles/eddie-koiki-mabo>

¹¹⁷ Paul Carter, *The Road to Botany Bay: an Exploration of Landscape and History*. (Minneapolis: University of Minnesota Press, 1987), p. 137.

¹¹⁸ Pascoe, *Dark Emu*, p. 3.

¹¹⁹ *Ibid.*, p. 163.

¹²⁰ Burrows in Bill Gammage, *The Biggest Estate on Earth: How Aborigines Made Australia* (Sydney: Allen & Unwin, 201), p. 314-315.

Despite these incorrect assumptions, no mistreatment of First Peoples was officially allowed, in both Cook's and Phillip's time. George III's instructions to Governor Phillip were clear. He was not only to 'open an intercourse with the natives ... and live *in amity and kindness* with them'¹²¹ (my italics) but he was also to punish those who did not do so.

And if any of our subjects shall wantonly destroy them, or give them any unnecessary interruption in the exercise of their several occupations, it will be our pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence.¹²²

This instruction to punish offenders was disregarded on many occasions.

The aspirational ideal of living in 'amity and kindness' with the First Peoples usually fell far short of the mark. Racist attitudes underpinned the attitudes of many of the First Fleeters. Officer of the Marines, Watkin Tench, who travelled to Botany Bay with Arthur Phillip, judged that the reason for the lack of success between Phillip and the First Peoples was the nature of the people of Sydney Cove with whom he had to deal. In his opinion, they were characterised by:

a fickle, jealous, wavering disposition ... who, like all other savages, are either too indolent, too indifferent, or too fearful to form an attachment on easy terms, with those who differ in habits and manners so widely from themselves.¹²³

For the First Peoples, their experience of the arrival of the First Fleet was a far greater game-changer than Cook's exploration of their coast had been. Although Cook had intruded into their lives in an unwelcome fashion, he had eventually sailed away without altering their lives very much at the time, or without their having fully realised the significance of his actions.

There was, however, no mistaking the actions of the invaders of the First Fleet. They wanted and took First Peoples' lands at will in what Jackson Pulver calls 'The Great Land Grab'.¹²⁴ Just as the first governor, Arthur Phillip, gave grants for the cultivation of land, those who followed him (such as Hunter, King, Bligh and Macquarie) continued to open up the land for farming – an action that dispossessed the First Peoples of their land. This incursion into the homelands of the First Peoples by British intruders forced them to develop a guerrilla warfare strategy as a means of defence. For the first few years, an uneasy stalemate existed. Ultimately, however, spears and shields were no match for the power and accuracy of muskets.

¹²¹ Historical Records of N.S.W., Vol 1, Part 2, p. 89.

https://trove.nla.gov.au/work/478037?q&sort=holdings+desc&_id=1553665464646&versionId=2780502

¹²² Ibid.

¹²³ Watkin Tench, *A Narrative of the Expedition to Botany Bay*. Third edition (London, 1789), p. 68.

¹²⁴ Jackson Pulver, 'An argument on culture safety in health service delivery', p. 36.

First Nations People had to deal with several types of invaders occupying their homelands. Of the 21,302 Britons that arrived in the colony between 1788 and 1800, economist Gordon Beckett identifies at least seven different categories of arrivals:

- Military and civil officers and their families
- Former officials returning to the colony
- Convict families
- Indentured labourers
- Assisted immigrants
- Privately supported persons sponsored by the colonials
- Free immigrants and their families.¹²⁵

It is helpful to examine two of these categories – the convicts and the settlers – in some detail.

While many convicts were run-of-the-mill offenders such as street robbers, housebreakers, pickpockets and larcenists, convicted for a second offence, others were murderers, highway robbers and arsonists.¹²⁶ The convicts were, in the words of historian James Miller of the Wonnarua nation, the ‘social jetsam [of Britain] ... the illiterate, irreligious, immoral, corrupt denizens’ of London and beyond.¹²⁷ Their brutality, both to each other and to First Peoples, was often extreme. After serving their sentences, most male convicts became ticket-of-leave men who functioned as yeomen farmers and therefore needed land. Some emancipated convict women became business women, while others eventually married men who settled on the land.

In addition to this ‘social jetsam’, First Peoples had also to deal with an entirely different group of arrivals – the settlers. Attracted by the promise of land, the lure of good weather, and the possibility of innovative commercial ventures, new arrivals sought a better life. Many justified their acquisition of land by holding that ‘Aboriginal people had not worked the land and so had not acquired rights of property in it, which meant that they could claim that the country had no owners and could therefore be taken.’¹²⁸ This increasing infiltration into First Peoples’ lands resulted in an uneasy co-existence between settlers and First Peoples.

Aborigines who were displaced from their land, or forced to share it with these unwanted strangers, were often soon at least partly dependent on settlers for food and other goods,

¹²⁵ Beckett, *British Colonial Investment in Australia 1788 – 1850*. p. 12.

¹²⁶ Richard Ward, *Print Culture, Crime and Justice in Eighteenth Century London* (London: Bloomsbury, 2014). <https://catalogue.nla.gov.au/Record/6614867?lookfor=crime%20in%20Uk%20in%20eighteenth%20century&offset=2&max=903980> (accessed on 2 May, 2019).

¹²⁷ James Miller, *Koorj, A Will to Win: the Heroic Resistance, Survival and Triumph of Black Australia*. London: Angus & Robertson, 1985. p. 17.

¹²⁸ *Ibid.*

such as tobacco, which could be acquired through labour – though usually this labour was not properly compensated as that of white workers would have been.¹²⁹

First Peoples historian James Miller contends that many a settler held racist views. He cites the statements of settler Peter Cunningham as an example of the racially prejudiced views of the time. Cunningham likened First Peoples to monkeys and believed that ‘the abject animal state in which the [Aborigines] live places them at the very zero of civilisation’.¹³⁰ Miller’s further comment reveals the long-lasting effect of such an attitude.

My people not only had to deal with the alien culture and land-gathering habits of the invader, but also the invisible forces of racist thinking. I feel even more strongly when I realise that Peter Cunningham was writing about my ancestors, the Wonnarua people of the Hunter Valley.¹³¹

In Miller’s view, the English people who invaded his traditional lands were ‘confident and arrogant in the superiority of their race, culture and religion’ and were ‘blinded by their own cultural chauvinism’.¹³²

This conviction of the superiority of race, culture and religion may be clearly seen in the paternalistic words of Sir John Hindmarsh in a speech that he gave soon after his arrival to be Governor of South Australia in 1836.

Black men, we wish to make you happy. But you cannot be happy unless you imitate the white men. Build huts, wear clothes, work and be useful. Above all you cannot be happy unless you love God who made heaven and earth and men and all things. Love white men. Love other tribes of black men. Learn to speak English.¹³³

The injunction to ‘imitate the white men’ must surely have galled his listeners. A description of the way settlers often treated First Nations People was published in 1880 in the magazine *The Queenslander*. The details make for disturbing reading:

This, in plain language, is how we deal with the aborigines: On occupying new territory the aboriginal inhabitants are treated in exactly the same way as the wild beasts or birds the settlers may find there. Their lives and their property ... are held by the Europeans as being at their absolute disposal. Their goods are taken, their children forcibly stolen, their women carried away, entirely at the caprice of the white men. The least show of resistance is met by a rifle bullet.¹³⁴

¹²⁹ Angela Woollacott, *Settler Societies in the Australian Colonies*. p. 8.

¹³⁰ Miller, *Koorj, A Will to Win*: p. 25.

¹³¹ *Ibid.*, p. 26.

¹³² *Ibid.*, p. 27.

¹³³ Governor Hindmarsh, ‘Address to the Natives’, *South Australian Gazette and Colonial Register*, 3 November 1838. p. 4.

¹³⁴ ‘Aborigines’. *The Queenslander*, Saturday 1 May, 1880.
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Reynolds points out that such treatment of Indigenous people was well known in many communities.

There was no debate about whether the killing had taken place or not. That was a given... Men who led the debate ... knew and accepted that killing was an intrinsic part of colonisation. The themes that ran through much of the public discussion were whether the killing had been necessary or more extensive than required.¹³⁵

There was, moreover, another group of strangers whose well-meaning efforts to 'civilise' the First Peoples added yet another level of challenge to their lives – the missionaries. The previous century's evangelical revival in Britain, coupled with the expansion of the British Empire and 'the sovereign's express request for the churches to "Christianise and civilise" inhabitants of new lands provided a powerful fuel for missionary expansion'.¹³⁶ Well-intentioned the missionaries may have been, but the attitude of many missionaries towards First Peoples rested on an assumption of racial superiority that was based on a biblical text called 'the Curse of Ham'.¹³⁷ The writings of many missionaries show that they often 'portrayed Aborigines as degraded, miserable, brutal and barbaric heathens'.¹³⁸

Not all missionaries, however, were negative in their attitudes to or their dealings with First Peoples. Harris holds that, unlike contemporary scientific and philosophical views that 'equated blackness with inferiority', many Christian missionaries believed in 'the essential humanity of Aborigines'.¹³⁹ Threlkeld typifies this view in his statement that 'human nature is just the same, whether cloaked with the most delicate alabaster skin or comely but black exterior of the image of God'.¹⁴⁰

In addition, Harris points out that, as well as believing in the innate equality of man, missionaries also saw it as their duty to condemn publicly the massacres of First Peoples that were being carried out throughout the land. It was Sydney preachers who, in 1838, protested particularly loudly against the public demand for release of white murderers after the Myall Creek massacre, 'thundering their condemnations of white brutality ... and announcing the righteous retribution of insulted heaven'.¹⁴¹

¹³⁵ Reynolds, *Truth-Telling*. p. 162.

¹³⁶ Richard Roy, '19th Century Global Expansion of Methodism: What Motivated Missionaries?' (Transcription of PhD Dissertation, Edith Cowan University, 2013), p. 63.

¹³⁷ Genesis 9: 18-27. In this biblical account, Noah and his family (including his son Ham) are not described in racial terms. As, over time, the story was interpreted by scholars of various religions, Ham came to be widely portrayed as black. Blackness and the idea of racial hierarchy became inextricably linked.

¹³⁸ Miller, *Koorj, A Will to Win*, p. 23.

¹³⁹ Harris, *One Blood*, p. 32.

¹⁴⁰ Neil Gunson, ed., *Australian Reminiscences & Papers of L. E Threlkeld: Missionary to the Aborigines, 1824 – 1859* (Canberra: Australian Institute of Aboriginal Studies, 1974), p. 35.

¹⁴¹ Harris, *Ibid.* p. 35.

The research of Aboriginal historian Shauna Bostock-Smith also reveals that there were both 'good' and 'bad' interactions between First Peoples and other Australians throughout their shared history. She reflects that these positive and negative aspects can even co-exist, in the same place at the same time, and demonstrates this with the following account:

On the one hand, I could clearly see that the UAM missionaries at Box Ridge Mission worked tirelessly for the well-being of my ancestors and other Aboriginal people. They provided lovely weddings for both sets of my grandparents, they organised musical performances for the people, they organised special food treats for all of the children at Christmas time and they made sure the little ones received Christmas presents from 'Santa'. In general, the missionaries seemed to try to make life happier for Aboriginal people on the reserve.¹⁴²

On the other hand, I think it is important to note that the missionaries were motivated by their steadfast belief in the dogma of their religion ... UAM's religious teachings and actions were underpinned by assumptions of racial hierarchy. The missionaries actually wrote that they saw themselves as 'Priests' working for the 'salvation' of Aboriginal people, and the impetus for this drive, in my opinion, does not come from a place of equality.¹⁴³

In short, the racist attitudes of many sections of the military, the convicts, the free settlers and the missionaries underpinned the oppressive treatment usually handed out to First Peoples. The fact that First Peoples were British subjects and thus were entitled to the protection of the common law seems to have been largely overlooked by colonial authorities. Few perpetrators of injustices inflicted upon First Peoples were ever prosecuted for their crimes, and even those who were prosecuted received comparatively light sentences.

Word of injustices that were occurring in the colonies inevitably reached England. The British parliament was so concerned for the welfare of First Peoples that it instigated an investigation by a Select Committee in 1837. The resulting report acknowledged that a grave injustice had been done to the people of 'New Holland':

In the formation of these settlements, it does not appear that the territorial rights of the natives were considered, and very little care since has been taken to protect them from the violence and the contaminations of the dregs of our countrymen ... Many deeds of murder have undoubtedly been committed by the convicts in the employ of farmers in the outskirts of the colony, by the cedar cutters and by other remote free settlers, and many natives have perished by the various military parties sent against them ... This is the evidence given by Bishop Broughton: "They do not so much retire as decay; wherever Europeans meet with them they appear to wear out and gradually to decay; they diminish in numbers; they appear

¹⁴² See this newspaper article as it is an exemplar of the many newspaper articles about the celebration known as a 'Christmas Tree': 'Abo Childrens's [sic] Christmas Tree: Visit from Santa Claus', *Richmond River Herald and Northern Districts Advertiser* (NSW: 1886–1942), 18 December 1934, <http://nla.gov.au/nla.news-article127173003>.

¹⁴³ Shauna Bostock-Smith, 'From Colonisation to My Generation: An Aboriginal Historian's Family History Research from Past to Present', (Ph.D. Thesis, Australian National University, Canberra, 2020. Unpublished), p. 121.
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actually to vanish from the face of the earth ... within a very limited period, in a few years, those who are most in contact with Europeans will be utterly extinct.”¹⁴⁴

Several times, the Select Committee highlighted the fact that land had been unlawfully acquired:

It might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil: a plain and sacred right, however, which seems not to have been understood. Europeans have entered their borders **uninvited** ... and have punished the natives as **aggressors**.¹⁴⁵

Reynolds notes that this British responsibility for the ‘native inhabitants’ diminished considerably after the 1850s. Prior to then:

What happened during the first phase of colonisation was the responsibility of the British government. It was an imperial project. The major political decisions were made in London. There was little anyone in the colonies could do to change the broad outlines of policy ... Much changed in the 1850s when the five colonies in the Eastern states were granted internal self-government and bicameral legislatures. Power passed from Downing Street to the Colonial capitals, and that included complete power over the First Nations.¹⁴⁶

The years prior to the 1850s were particularly significant, leading to what some historians and researchers have called a virtual state of war, with thousands of Indigenous people killed. Historian Alan Atkinson contends that:

During the 1820s, 1830s and 1840s, the colonial governments had tried hard to come to grips with frontier conflict and with what they understood to be competing responsibilities: first, to protect the business of white settlement; and second, to prevent the unlawful injury and slaughter of indigenous people. By the 1850s, any hope that these two duties might be kept in balance had ended.¹⁴⁷

In a series of articles entitled ‘The Killing Times: the massacres of Aboriginal people Australia must confront’, *The Guardian’s* journalists Lorena Allem and Nick Evershed contend that the massacres that occurred over 140 years were ‘part of a state-sanctioned and organised attempt to eradicate Aboriginal people’.¹⁴⁸ It was a policy that, in effect, enabled the ‘state-sanctioned slaughter’ of First Peoples men, women and children; it was also a policy that lasted officially until the 1920s.¹⁴⁹

¹⁴⁴ ‘Report from Select Committee on Aborigines (British Settlements)’, 1837. *British Parliamentary Papers*, Vol. III, (London, 20th February 1837), p. 10.

¹⁴⁵ ‘Report from Select Committee on Aborigines (British Settlements)’, 1837. *British Parliamentary Papers*, Vol VII, p. 4.

¹⁴⁶ Reynolds, Henry. *Truth-Telling*, p 216.

¹⁴⁷ Alan Atkinson, ‘Historians and Mora: Disgust’ in *Frontier Conflict: The Australian Experience*, ed. Bain Attwood and S.G. Foster (Canberra: National Museum of Australia, 2003). p. 115.

¹⁴⁸ Lorena Allem and Nick Evershed, *The Guardian*, ‘The Killing Times’, 4 March, 2019. Courtesy of Guardian News & Media Ltd. (accessed on 20 March, 2019).

<https://www.theguardian.com/australia-news/2019/mar/04/the-killing-times-the-massacres-of-aboriginal-people-australia-must-confront?>

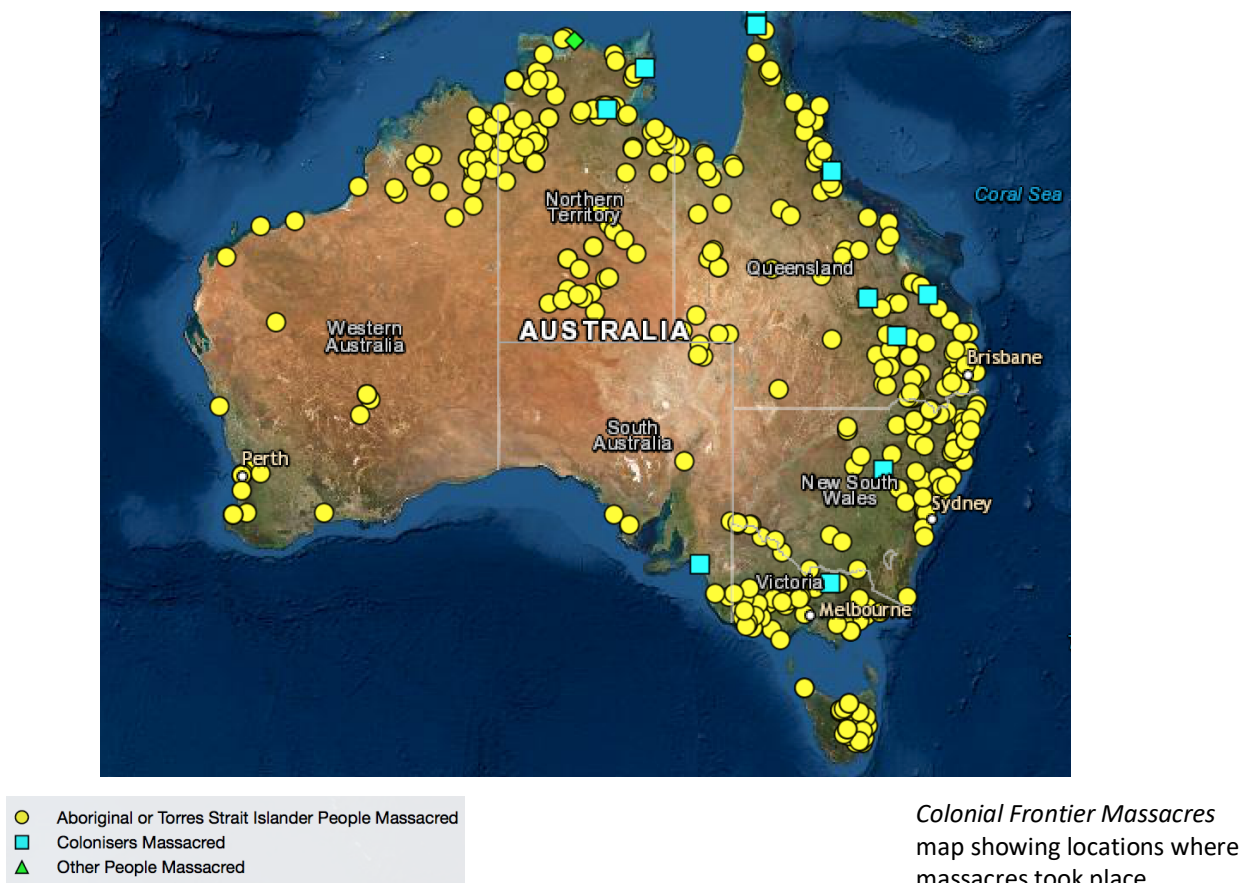
¹⁴⁹ Ibid.

Professor Lyndall Ryan and her research team at the University of Newcastle have mapped the locations where massacres took place. The team define a colonial frontier massacre as the deliberate and unlawful killing of six or more undefended people in one operation.¹⁵⁰ Ryan and her team hold that most of these massacres had the following characteristics:

- were planned rather than spontaneous
- took place in secret, with no witnesses
- were a one sided event in that the victims lacked self defence
- victims and assassins usually knew each other
- their purpose was to eradicate the victims or force them into submission.¹⁵¹

Their interactive map, *Colonial Frontier Massacres in Central and Eastern Australia 1788-1930*, shows the locations of places where there is good evidence that massacres occurred during these years.¹⁵² Ryan cautions that that estimates are provisional and may change over time.

Figure 4



¹⁵⁰ Lyndal Ryan, Bill Pascoe et al. *Colonial Frontier Massacres in Eastern Australia 1788–1872*, v1.0 Newcastle: University of Newcastle, 2019. ‘Definition’, <https://c21ch.newcastle.edu.au/colonialmassacres/introduction/defifnition.php> (accessed 18/01/2022).

¹⁵¹ Ryan, ‘Characteristics of Frontier Massacre’, <https://c21ch.newcastle.edu.au/colonialmassacres/introduction.php> (accessed 26/09/2019).

¹⁵² Figure 3: Ryan, ‘Map’. <https://c21ch.newcastle.edu.au/colonialmassacres/map.php> (accessed 18/01/2022).

The Newcastle research team estimate that 350 – 400 massacre sites will have been documented by the end of 2021. actofrecognition.org.au

In Reynolds' opinion, the slaughter of First Peoples was taken to extremes in North Queensland. He quotes the statistics by R. Evans and Robert Orsted-Jensen that over 60,000 deaths may have occurred in Queensland alone.¹⁵³ Reynolds believes that a figure of over 100,000 deaths is the likely national total – 'a figure equal to all the Australians who have died in our much storied wars overseas'.¹⁵⁴ Whatever the full total of Indigenous deaths may be, in Jackson Pulver's view, the 'killing times' remain in the living memories of Aboriginal people throughout Australia.¹⁵⁵

The Bathurst Massacres

It is not within the scope of this paper to examine all the massacres of First Peoples in Australia. The focus therefore will be on just one area and one period of time – that of the massacres of the Wiradjuri People in and near Bathurst in 1824. Similarly, because it is not possible to delve into the vexed question of the validity of oral tradition, this paper will focus mainly on written accounts of massacres.

It is helpful to understand the context in which these massacres took place. Even in the early years of the colony, the need to find further fertile land for farming had reached a critical level of importance. Governor Macquarie had therefore commissioned the building of a road in early 1814, deeming it to be 'an object of the first Importance to the future Prosperity of the Colony'.¹⁵⁶

The Blue Mountains pass over Mt York was constructed in a very short time-frame, with former lieutenant William Cox commencing the work on 6 July 1814 and completing the 101 mile-long road just six months later on 14 January 1815. Governor Macquarie was one of the first to visit the newly established town of Bathurst, situated at the end of the new road, and he himself raised the flag of the Union Jack there on 7 May 1815.

To show his appreciation for the building of the road, Macquarie granted Cox a land grant of 2,000 acres plus a one-off payment of £300.¹⁵⁷ This first land grant was soon followed by several grants to other new arrivals, without the Wiradjuri demonstrating obvious opposition to this expansion into

¹⁵³ Reynolds, *Truth-Telling*, p186.

¹⁵⁴ *Ibid.* p. 191-192.

¹⁵⁵ Jackson Pulver, 'An argument on culture safety in health service delivery'. p. 67.

¹⁵⁶ J. T. Campbell, Secretary to Governor Macquarie, 'Government and General Order: Civil Department', Sydney Gazette 12 July 1814, p. 1. https://infobluemountains.net.au/history/road_cox.htm (accessed 15 September, 2019).

¹⁵⁷ Edna Hickson, 'Cox, William (1764–1837)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/cox-william-1934/text2309>, published first in hardcopy 1966, (accessed online 27 May 2019).

their Country. Neither Governor Phillip nor Governor Macquarie made extensive land grants, with Macquarie fearing that convicts might escape in the newly opened up and isolated part of the country.¹⁵⁸ Between 1815 and 1822 this new western frontier seemed relatively peaceful, but in historian Stephen Gapps' view, this initial occupation 'contributed to a false sense of having successfully completed a successful operation'.¹⁵⁹

Early in 1815, while Macquarie was waiting for official approval to send colonists across the mountains, he could send the next best thing – cattle and sheep – and these became an 'advance guard' for the colonists.¹⁶⁰ They were, in Gapps' opinion, to 'play a critical role in the eruption of conflict between the Wiradyuri and the colonisers'.¹⁶¹

This tenuous equilibrium between Wiradjuri and colonists changed in December 1821 with the arrival of Sir Thomas Brisbane as Governor of New South Wales. In the four years of his governorship, Brisbane granted huge tracts of land to settlers, increasing the amount of land granted from 2,250 acres to 91,636 acres – an increase of over 4,000 %. This massive increase radically altered the *status quo* and undoubtedly alienated the First Nations People.

It was not, however, solely the expansion of land grants that led to hostilities breaking out between the Europeans and the First Peoples. As well as the increased stock numbers of sheep and cattle, the increase in settler population, the building of fences and the gradual disappearance of native fauna (such as kangaroos, wombats and possums) all combined to inhibit the First Peoples from being able to carry out their traditional land-use practices. Pearson holds that the aggression that took place in the Bathurst Plains area was 'a response not to the arrival of European land-use, but to its escalation to the point where it was incompatible with the viable continuation of the traditional Aboriginal land-use of one clan group'.¹⁶²

Early in 1824, the First Peoples began a series of widespread attacks around the Bathurst area. This area covered 'a huge arc of hundreds of square kilometres from the present day towns of Oberon to the southeast of Bathurst, to Rylstone and Mudgee, in the north, and to the south and west towards

¹⁵⁸ Richard Cox, *William Cox: Blue Mountains Road Builder and Pastoralist* (Dural: Rosenberg 2012), p. 138.

Biographer Richard Cox even holds that 'Macquarie's illogical caution' inhibited the settlement of the land west of the Blue Mountains for several years.

¹⁵⁹ Stephen Gapps, *Gudyarri: The First Wiradyuri War of Resistance* (Sydney: NewSouth Publishing 2021), p. 42.

¹⁶⁰ *Ibid.*, p. 51 and p. 54.

¹⁶¹ *Ibid.*, p. 55

¹⁶² Pearson, 'Bathurst Plains and Beyond', p. 78.

Orange and beyond Blayney'.¹⁶³ Groups of warriors were, in fact, operating as 'full-time raiding bands.'¹⁶⁴

The First Peoples had worked out that the best way of defending their lands was to 'attack the introduced crops and animals' of the farms that had been established on their lands – a 'tactical innovation' that in historian John Connor's view 'deserves to be recognised as a new form of warfare'.¹⁶⁵ Technically, however, the fact that the First Peoples were British subjects meant that they could not be 'at war' with their own sovereign or country. Instead, they were seen as 'rebellious' and 'criminal', and could consequently be either punished or killed accordingly.¹⁶⁶

In 1823 the Wiradjuri people, led by local leader Windradyne, tried to force a general withdrawal of the invaders from their lands. They attacked outlying stations by burning buildings and 'destroying as many sheep and cattle as the spears could dispose of'.¹⁶⁷

Connor has examined the fire power of the government troops and pointed out that the favoured 'Brown Bess' flintlock musket could only fire three times a minute, and that supplies of musket balls were, on average, limited to four balls per year for training purposes. Despite these limitations, the superiority of the musket over the spear meant that the advantage lay with the invaders, even though the Wiradjuri had acquired and learned to use some guns.¹⁶⁸ It was not just the military that had the use of firearms. It was government policy to supply muskets to both settlers and convicts, thus creating a militia that was unlikely to be punished for unauthorised attacks on Indigenous people.¹⁶⁹

Unfortunately for the local clan of the Wiradjuri nation, Governor Brisbane was not a 'hands on' administrator. He delegated oversight of the Bathurst area to James Morisset, who took command of the Bathurst garrison in November 1823. Morisset requested reinforcements. In June 1824, Brisbane decided that a troop of colonial cavalry should be sent to Bathurst. Two months later, on

¹⁶³ Gapps, *Gudyarra*, p. 156.

¹⁶⁴ *Ibid.*, p. 120

¹⁶⁵ John Connor, *The Australian Frontier Wars 1788–1838* (Sydney: University of NSW Press, 2005), p. 20.

¹⁶⁶ Reynolds, Interview.

¹⁶⁷ Al Grassby and Marji Hill, *Six Australian Battlefields* (St Leonards, Allen & Unwin, 1988) p. 156.

¹⁶⁸ Connor, *The Australian Frontier Wars* p. 19-20.

¹⁶⁹ Gapps, *Gudyarra*, p. 165.

In July 1824, five armed colonists were brought to trial for the killing of three Aboriginal women at the 'Eight Mile Swamp' massacre. Their acquittal was based on an 1816 edict by Governor Macquarie that 'natives ... were not to appear at or within one mile of any town, village or farm...' but that, if they did so, they could be 'driven away by force of arms' – an edict which was interpreted to mean that settlers could kill the First Peoples, even if they were not attacked themselves.

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14 August 1824, Brisbane proclaimed martial law, an action that delivered 'absolute power' into Morisset's hands.¹⁷⁰

It is worth noting that, in his proclamation of martial law, Governor Brisbane decreed that, as long as martial law was in place, troops should be :

always mindful, that the Shedding of Blood is only just where all other Means of Defence, or of Peace, are exhausted; that Cruelty is never lawful; and that, when personal Attacks become necessary, the helpless Women and Children are to be spared.¹⁷¹

The sparing of women and children was an admonition that was largely ignored in the Bathurst area.

History teacher from Canberra, Richard Egan, points out that this declaration of martial law meant that British soldiers could now shoot the Wiradjuri 'with impunity', even though the First Peoples were classed as British subjects.¹⁷² Without martial law, the troops could have been charged with murder – unless their actions had been sanctioned by a magistrate. Morisset's strategy was:

to use soldiers, augmented by armed mounted auxiliaries, to strike out in a number of search-and-kill operations. No warnings were given, no prisoners taken, and women and children were killed as readily as warriors. ... The policy of massacre was brutally carried out.¹⁷³

The reprisals on the First Peoples by colonisers and the expanded troops were fierce and unmerciful.¹⁷⁴

Ryan's map pinpoints three Bathurst locations where massacres took place: the Bathurst Plains (six Aboriginal people and one coloniser killed), the Turon River (45 Aboriginal people killed) and Mudgee/Rylstone (16 Aboriginal people killed).¹⁷⁵ It is tenable that additional massacres occurred in the Bathurst area during these turbulent few years, but until further evidence is found, they will not be added to this map.

The Reverend Lancelot Threlkeld recorded his views on the Turon River massacre:

There were many European stock-holders who had suffered severely from the depredations of the Aborigines, and consequently were infuriated against the Blacks. One of the largest holders of Sheep in the Colony maintained, at a public meeting at Bathurst, that the best thing that could be done would be to **shoot all the Blacks** and manure the ground with their carcasses, which was all they were fit for! It was recommended likewise that the **Women and Children should especially be shot** as the most certain method of getting rid of the race.

¹⁷⁰ Al Grassby and Marji Hill, *Six Australian Battlefields*, p. 159.

¹⁷¹ Thomas Brisbane, 'New South Wales: Proclamation', *Sydney Gazette*, 19 August 1824. <https://trove.nla.gov.au/newspaper/article/2183147> (accessed 27 March, 2019).

¹⁷² Richard Egan, *Neither Amity nor Kindness: Government Policy towards Aboriginal People of NSW from 1788 to 1968*. (Paddington, Richard Egan Publishing, 2012), p. 50.

¹⁷³ Grassby and Hill, *Six Australian Battlefields*, p. 160.

¹⁷⁴ *Ibid.*, p. 157.

¹⁷⁵ Ryan, 'Timeline for Frontier Massacres', <https://c21ch.newcastle.edu.au/colonialmassacres/timeline.php> *actofrecognition.org.au*

Shortly after this declaration, martial law was proclaimed, and sad was the havoc made upon the tribes in Bathurst. A large number were driven into a swamp, and mounted police rode round and shot them off indiscriminately until they were all destroyed! When one of the police enquired of the Officer if a return should be made of the killed, wounded there were none, all were destroyed, Men, Women and Children! the reply was: - that there was no necessity for a return. But *forty-five* heads were collected and boiled down for the sake of skulls! My informant, a Magistrate, saw the skulls packed in a case ... ready for exportation ... to England. Nor were other districts exempt from such atrocious acts of cruelty.¹⁷⁶

In 1854, Threlkeld published an account of the massacre and the collection of skulls in the *Christian Herald*. Gapps notes that he was asked for 'more definite data' by its readers. Threlkeld offered no additional data. Instead, he replied that, although investigations did take place at the time, 'now such atrocities can only be referred to as matters of history'.¹⁷⁷

Wiradjuri Elders hold that dozens more massacres took place on their Country, the recounts of which have been orally handed down through several generations.¹⁷⁸ Historian Michael Pearson also notes that the Wesleyan missionary, the Reverend William Walker, 'believed that at least 100 Aboriginal men, women and children had been killed in 1824; massacres were reported at Billiwillinga, Wattle Flat, Capertee and Clear Creek, but no details were recorded.'¹⁷⁹

Writing his family history some sixty years later, Bathurst pastoralist William Suttor noted a massacre recorded by his father, who told his son that a massacre took place near Capertee in 1824.

... Martial law was proclaimed through all the country lying west of Mount York. Under this condition of things, the blacks were shot down without any respect. Getting the worst of it, most of them made out into the deep dells of the Capertee country, and although some escaped, many were killed there. At the place we are writing of, a camp of blacks had been established. The proclamation of martial law was as undecipherable to them as Egyptian hieroglyphics. This mattered little to the whites – the fiat had gone out and must be acted upon. So a party of soldiers was despatched to deal with those at this camp. Negotiations, **apparently friendly, but really treacherous**, were entered into. Food was prepared, and was placed on the ground within musket range of the station buildings. The blacks were invited to come for it. Unsuspectingly they did come, principally women and children. As they gathered up the white man's presents they were shot down by a brutal volley, without regard to age or sex ... When martial law had run its course, **extermination** is the word that most aptly describes the result.¹⁸⁰

Gapps points out that Suttor's is the only known historical account of this massacre. He ponders:

¹⁷⁶ Threlkeld in Gunson, pp. 48-49.

¹⁷⁷ Gapps, *Gudyarra*, p. 190.

¹⁷⁸ Brian Grant, Interview with author at Bathurst, 26 November 2020.

¹⁷⁹ Michael Pearson, 'Bathurst Plains and Beyond: European Colonisation and Aboriginal resistance'. *Aboriginal History* 8, no. 1/2 (1984), p. 75. www.jstor.org/stable/24045798. (Accessed March 30, 2020).

¹⁸⁰ William Henry Suttor, *Australian Stories Retold and Sketches of Country Life* (printed by Glyndwr Whalan, Howick St Bathurst, 1887), p. 46.
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While questions remain as to whether soldiers were involved (and would indeed use these tactics) – and whether Suttor may have re-versioned or even manufactured a story based on other attacks on Aboriginal people that occurred later, elsewhere on the frontier – his narrative certainly fleshes out some of the many claims of “indiscriminate” killings at this time.¹⁸¹

Another reported massacre is the one described by M. Lambert whose father, a descendant of the Dabee tribe, passed on to his son an account of this attack, now known as the ‘Brymair Vallry Massacre’.

A detachment of "Redcoats" were sent (from Bathurst) to punish the tribe. Their appearance took the camp by surprise. The tribesmen hastily instructed the women and children to climb into the trees on the flat, while they themselves ran for cover behind the tree trunks on the opposite mountainside. The soldiers chased them, using their firearms, and wounding quite a few, amongst them a young stripling who was later to be known as "King Jimmy" of the Dabee Tribe. (Dabee Station near Rylstone is called after this tribe). After a brief skirmish, the Redcoats, finding the Blacks had outsmarted them, ran back to the flat and fiendishly shot every woman, girl and piccaninny who had taken shelter in the trees there.¹⁸²

Gapps holds that it is unlikely that soldiers carried out this massacre, and that the term ‘redcoats’ was commonly used ‘as a shorthand for constables, militia or simply armed white people’.¹⁸³

Oral tradition holds that yet another massacre also occurred at Bell’s Falls Gorge, not far from Bathurst. In his book *Blood on the Wattle*, historian Bruce Elder recounts the story that he has heard about this massacre. It tells how soldiers encircled a camp of Aboriginal people and blocked off their escape. For the First Nations people:

The choice was simple. In front of them was the possibility of jumping to their deaths over the falls. Behind them were the soldiers whose pincer movement was clamping them in a deadly vice. They had no option. Those who did not die from gunfire grabbed their children and leapt. Their broken bodies piled up on the rocks below. Some twenty or thirty people ... had been wiped out.¹⁸⁴

Historian David Roberts, who has examined the problematic oral and written records for Bell’s Falls Gorge in some detail, concludes that, although there is no written proof that it occurred ‘this does not mean that the massacre itself is a “complete fabrication”’.¹⁸⁵

¹⁸¹ Gapps, *Gudyarra*, p. 192.

¹⁸² M. Lambert, ‘Poem Recalls Troops’ Cruel Massacre’, *Tribune*, 26 April 1961.
<https://trove.nla.gov.au/newspaper/article/236251000?searchTerm=POEM%20RECALLS%20TROOPS%27%20CRUEL%20MASSACRE&searchLimits> (accessed 14 April, 2020.)

¹⁸³ Gapps, *Gudyarra*, p. 186.

¹⁸⁴ Bruce Elder, *Blood on the Wattle: massacres and maltreatment of Aboriginal Australians since 1788*. (Child and Associates, French’s Forest, 1988), p. 59.

¹⁸⁵ David Roberts, ‘The Bells Fall Massacre and Oral Tradition’ in *Frontier Conflict*, ed. Attwood and Foster, (Canberra: National Museum of Australia, 2003), p. 156.

Future research may well reveal additional details of some of the massacres that are still being investigated. Whether that happens or not, it is well to remember that the frontier war around Bathurst in the 1820s were not just a series of massacres. In Gapps' words: 'Far from it – it was a period of all-out resistance warfare that was only put down by massacres'.¹⁸⁶

Gapps also contends that the violence that was visited upon the Wiradjuri people in 1824 was not mainly inflicted by the military. Rather, he believes that responsibility for the massacres undoubtedly 'lay fairly and squarely in the hands of free colonists, their convict overseers and their armed convict workers'.¹⁸⁷ He goes on to point out that it was no coincidence these settlers were usually employed by large landholders. It was these wealthy pastoralists who spearheaded the British response to initial attacks on sheep and cattle by Wiradjuri warriors. Arguably, the 'unfettered march of "large Capital" ... could not be jeopardised'.¹⁸⁸

The Bathurst massacres marked a symbolic increase in government power. Pulver Jackson concurs with historian D. J. Mulvaney's opinion that the declaring of martial law in the Bathurst region sanctioned the Governors' power 'to act as accuser, judge and executioner'.¹⁸⁹ To this list, the words 'prosecutor and jury' might justifiably be added.

It is interesting to note the way in which public opinion varied during July and August of 1824. The 'Letters to the Editor' section of the *Sydney Gazette* contained a spirited discussion on reports of the raids by the First Peoples that were occurring west of the Blue Mountains and the reprisals being carried out by the military, police and settlers. Most letters reveal not only the inherently racist attitudes of the writers, but also an awareness of both the successes of the attacking First Peoples and the degree of vulnerability felt by the farming community.

One contributor, 'Fidelis', expressed his distress at the raids by the First Peoples:

To hear the lamentable fate of so many defenceless and un-protected fellow-men, stationed beyond the reach of succour, inhumanly murdered, robbed, or pillaged, must be galling to the feeling ... and awaken the spirit of justice in every British heart.¹⁹⁰

Several letter writers commented on the successes that First Peoples were achieving in their raids on farms near Bathurst. The correspondent 'Subscriber' noted:

¹⁸⁶ Gapps, *Gudyarra* p. 214.

¹⁸⁷ *Ibid.*, p. 193.

¹⁸⁸ *Ibid.* p. 215

¹⁸⁹ D. J. Mulvaney and in Jackson Pulver, 'An Argument on culture safety in health service delivery', p. 34.

¹⁹⁰ 'Fidelis', Letter to the Editor, *Sydney Gazette*, 29 July 1824. p. 4.

It was common practice at that time for letters to the editor to be written under a *nom de plume*.
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The savages seem naturally brave, and instead of now dreading us, seem to hold us cheaper than ever, and appear also to be combining together and moving in larger numbers than formerly.¹⁹¹

Very few letter contributors conveyed any awareness of the degree of ferocity with which martial law had been implemented in the Bathurst area. 'Amicitia' was one who did seem to know what had been happening. He voiced his concern, taking his fellow contributor, 'Fidelis', to task:

The total extermination of the Blacks, which is the measure "Fidelis" seems to recommend ... would be a needless, unmerited and consequently a murderous destruction of our fellow men ... Before we determine of the extinction of several thousand individuals, we should scrupulously enquire into the justice and necessity of so dreadful a doom.¹⁹²

Letter writer 'Amicitia' even gives a possible explanation for the First Peoples having raided the farms in the first place:

They were incensed by the wanton cruelty and shameful brutality with which some of the whites had treated them, and particularly their women; and, though the door of legal redress is open to them as well as to us, yet they are probably ignorant of it.¹⁹³

By September 1824, just a few weeks after this spate of letters, the superior fire power of Morisset's muskets had defeated the weapons of Windradyne's warriors. The Wiradjuri capitulated. In Gapps' opinion, in the face of armed colonists who 'went out and shot and killed any they came across, little and big, young and old', there were in fact few other options available'.¹⁹⁴ On 28 September, the troops returned to Bathurst where Morisset held a victory dinner at the barracks. Al Grassby and Marji Hill write poignantly that, 'as black September died into history, October saw the first surrenders'.¹⁹⁵ Governor Brisbane lifted martial law on 11 December 1824, formally ending the hostilities.

The fact that the Wiradjuri people were forced off their lands meant that they were no longer able to provide themselves with food by using their traditional methods. Formerly, the Wiradjuri had resided in one part of their lands until changing seasons or declining sources of local food prompted them to move to another part of Country. Now, the circular route they had followed for thousands of years was compromised by European settlement.

Wiradjuri elder Mallyan Uncle Brian Grant holds that, in his Country, It was important for his people to stay connected to the land, especially to their 'sitting down place' – the place where they were

¹⁹¹ 'Subscriber', Letter to the Editor, *Sydney Gazette*, 5 August 1824. p. 4.

¹⁹² 'Amicitia', Letter to the Editor, *Sydney Gazette*, 26 August 1824. p. 4.

¹⁹³ Ibid.

¹⁹⁴ Gapps, *Gudyarra*, p. 198.

¹⁹⁵ Grassby and Hill, *Six Australian Battlefield*, p 163.

born and where their connection to Country would forever remain.¹⁹⁶ It was also essential, however, that that they should be able to continue to follow their traditional seasonal patterns of movement, not only in order to obtain food, but also to continue the family and cultural connections that these traditional routes had facilitated. It is simplistic to interpret the circular movements of the Wiradjuri after European settlement as being merely the result of their having been dispossessed of their lands. In Grant's opinion, his people were adaptive in keeping their connection to Country. They became farmhands or shepherds, thus enabling them to keep moving through their traditional Country in circular routes.¹⁹⁷

The Wiradjuri's exact movements can be traced by an examination of 'blanket lists', the colonial records that document the distribution of blankets and food parcels handed out to First Nations People after European settlement.¹⁹⁸ A close analysis of the 'blanket lists' for Wiradjuri Country reveals the tribe's precise stopping points on their circular route as they moved from farm to farm. Even though they were able to continue to maintain some aspects of their traditional life by moving through Country, Grant believes that the colossal change in lifestyle experienced by his people, post British colonisation, has resulted in a devastating loss of well-being for the Wiradjuri Nation.

Although the Bathurst massacres were a particularly brutal example of the 'Frontier Wars' that occurred when the British invaded the First Peoples' lands, it was only one of many similar massacres. Reynolds cautions that it is not just the number of Aboriginal deaths that must be remembered but that we must also bring to mind 'the heroism of the many small wars in defence of their homelands, their customs and traditions, their accustomed way of life and their very survival as a people'.¹⁹⁹

The massacres that took place from the 18th to the 20th centuries are a particularly abhorrent segment of Australian colonial history. They are part of the larger national narrative that the wider Australian community needs to acknowledge if we are to achieve justice for our First Nation People and healing for our nation.

¹⁹⁶ Mallyan Uncle Brian Grant, Meeting of 'Gunhigal Mayiny Wiradyuri Dyilang' (Plains people of the Wiradjuri) held at Bathurst, 31 October 2019. Transcript of meeting held by author.

¹⁹⁷ Grant, *Ibid.*

¹⁹⁸ Textual Record: 'Number of Blankets served out to Aborigines at Bathurst 1867–1888.' State Library of NSW, https://search.slnsw.gov.au/primo-explore/fulldisplay?docid=ADLIB110327766&context=L&vid=SLNSW&lang=en_US&search_scope=E&adaptor=Local%20Search%20Engine&tab=default_tab&query=any,contains,Blanket%20lists

¹⁹⁹ Reynolds, *Truth-Telling*, p. 194.
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Question 5. Why weren't we told?

Until the 1990s, many Australian schoolchildren received a 'white blindfold' version of Australian history – an approach that focused on telling the narratives of the explorations of 'Lieutenant' (later 'Captain') Cook and the 'settlements' of Governor Phillip and the First Fleet. This approach glossed over the impact that these events had on the First Peoples of Australia. In contrast, the 'black armband' version of history that developed in the 1990s focused on the confrontations that came to be known as the Frontier Wars. One 'black armband' historian, Henry Reynolds, even wrote a book with the title *Why Weren't We Told?: a personal search for the truth about our history*.²⁰⁰

Like Reynolds, many non-Indigenous Australians now want to know why they were not told about the nature of the instructions that were given to the then Lieutenant Cook, or the fact that he fired his 'Musquet' at the First Peoples before he had even stepped onto the beach at Kamay Botany Bay. They also question why they were not informed about the way First Peoples cultivated the land or the extent of the massacres that occurred during the Frontier Wars. Is it because the past is too shameful to be acknowledged or is it because many people fear that recognition will be followed by demands for recompense and restitution?

The two contrasting approaches to interpreting history erupted in the 'history wars' of the 1990s and 2000s when the 'black armband' historians and political leaders were pitted against the 'white blindfold' historians and political leaders. Pearson contends that the result of these 'history wars' was twofold – that the progressives (the 'black armbands') reinforced victimhood of the indigenes, while their opponents (the 'white blindfolds') denied their victimisation.²⁰¹

Griffiths suggests that one reason people weren't told about the Frontier Wars was that these wars became 'white noise'.²⁰² In effect, people largely did not listen to what was happening all around them. Moreover, in Griffiths' view, the Frontier Wars developed language that euphemistically camouflaged the events that had taken place. He cites such examples of language camouflage as the Indigenous people being 'pacified' (i.e. overcome), settlers 'going on a spree' (i.e. murdering Indigenous inhabitants), and the land itself acquiring new names such as 'Murdering Creek' – no explanation needed. Griffiths goes on to argue that:

²⁰⁰ Henry Reynolds, *Why Weren't We Told?: a personal search for the truth about our history* (Ringwood: Penguin Books, 2000), title page.

²⁰¹ Pearson *A Rightful Place*, p.15.

²⁰² Tom Griffiths, 'The Language of Conflict', in *Frontier Conflict: The Australian Experience* ed. Bain Attwood and S.G. Foster (Canberra: National Museum of Australia, 2003), p p 138.

many colonists accepted murder in their midst; but they reveal too their awareness that it could not be openly discussed ... Even those who were appalled by what was happening found themselves forced into impotence and silence.²⁰³

With such a legacy of denial, it is hardly surprising that the 'white blindfold' version of Australian history filtered down to the general public for many years. For almost two centuries, the bulk of the Australian populace paid little attention to the impact of colonisation on First Nations People. The voices of those who did attempt to raise the issue were barely heard. Jackson Pulver holds that:

It has been a shock for many Australians to find that a state of active warfare existed between Aboriginal nations and the colonists for over 150 years, a fact that even our most learned institutions attempted to cover up.²⁰⁴

Over time, however, an awareness of the 'profound injustice' done to First Nations People has begun to permeate public consciousness. This awareness is now being examined in primary, secondary and tertiary educational institutions and debated in the public arena.

In 1992 the then Prime Minister, Paul Keating, gave voice to the injustices done to First Nations People in his landmark 'Redfern Speech':

The starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with that act of recognition.

Recognition that it was *we* who did the dispossessing.

We took the traditional lands and smashed the traditional way of life.

We brought the diseases. The alcohol.

We committed the murders. We took the children from their mothers.

We practised discrimination and exclusion.

It was our ignorance and our prejudice.

And our failure to imagine these things being done to us.

With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds.²⁰⁵

First Peoples' lawyer and activist Professor Megan Davis sees hope for the future through international law:

In Australia in the 1970s it [international law] led to the abolition of the protection legislation and permit system so my grandfather and his brother had freedom of movement and freedom of speech. It has led to substantial gains in rights — especially land rights — for Indigenous peoples in Australia: in particular, the *Racial Discrimination Act 1975* (Cth) and the *Aboriginal Land Rights Act (Northern Territory) 1975* (Cth). In the absence of entrenched

²⁰³ Ibid. p. 139.

²⁰⁴ Jackson Pulver, 'An argument on culture safety in health service delivery'. p.10.

²⁰⁵ Paul Keating, 'The Redfern Speech', 10 December, 1992.

https://antar.org.au/sites/default/files/paul_keating_speech_transcript.pdf (accessed 19 June, 2019).

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rights and protections in Australia, international standards, whether binding or non-binding, have had persuasive authority in the Australian legal and political system.²⁰⁶

The fact that an 'Act of Recognition' passed through the Australian Parliament on 13 February 2013 reflects the Australian government's awareness that, in the words of the then Prime Minister Julia Gillard, the Act:

acknowledges in law that Aboriginal and Torres Strait Islander people are the first inhabitants of this nation. It acknowledges that they occupied this land from time immemorial. They honoured and cared for it and do so to this day'.²⁰⁷

Australia's High Court judge Michelle Gordon reinforced this awareness by her ruling that 'the Indigenous peoples of Australia are the First Peoples of this country and the connection between the First Peoples of this country and the land and waters that now make up the territory of Australia was not severed or extinguished by European settlement'.²⁰⁸ Unfortunately, however, neither the passing of an Act of Parliament nor the ruling of a High Court judge seem to have generated an awareness in the collective Australian consciousness that the displacement of Aboriginal and Torres Strait Islander people from their country was achieved by such force that they became 'marginalised in their only home'.²⁰⁹

If passing an Act of Parliament has not substantially alleviated the marginalised plight of Australia's First Peoples, then what might an 'Act of Recognition With Australia's First Peoples' achieve? Like Nelson Mandela, who held that 'education is the most powerful weapon that you can use to change the world', the Recognition Team believes that **education** will provide the answer to that question.²¹⁰ This paper is part of a strategy to inform the wider Australian community about the truth of our past history.

Indigenous activist Eddie Koiki Mabo held that both First Peoples and settler Australians were bound to the past, stating to his friend Donald Whaleboat that he believed that freedom would come – one day – for both Aboriginal and white society.

²⁰⁶ Megan Davis, 'To Bind or Not to Bind: The United Nations Declaration on the *Rights of Indigenous Peoples* Five Years On'. *Australian International Law Journal*, Vol. 3. 2012. p. 17-48. NB: (Cth) stands for (Commonwealth law). <http://www.austlii.edu.au/au/journals/AUIntLawJl/2012/3.html> (accessed 19 August, 2019).

²⁰⁷ Julia Gillard, *Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 - Second Reading*. https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansardr/e1b9741b-6117-42e6-bb54-219d93714fe7/&sid=0024 (accessed 5 February 2020).

²⁰⁸ Justice Michelle Gordon's judgement in radio National's The Law Report, 11 February 2020. <https://www.abc.net.au/radionational/programs/lawreport/high-court-indigenous-deportation-and-illegal-evidence-in-court/11948486>

²⁰⁹ Clegg to McDowell, 10 November, 2018.

²¹⁰ Nelson Mandela, Address to Madison Park High School, Boston. 23 June 1990. <https://www.oxfordreference.com/view/10.1093/acref/9780191843730.001.0001/q-oro-ed5-00007046>
actofrecognition.org.au

They see us but then they say we are not here. And that's because of *terra nullius*. So they've got a big chain around their neck. They've got a chain around their minds. So they are bound just as much as we are.²¹¹

It is tenable that Mabo might also see a National Act of Recognition as a valid means for 'breaking the chains of the past' for all Australians.

Historian Maria Nugent has noted that the marketing line 'the view from the ship and the view from the shore' for the Covid-cancelled 250th Cook anniversary suggested that 'each party remained – and can remain – suspended in their own separate world: on the ship and on the shore.'²¹² She went on to point out:

Missing from the tagline 'the view from the ship and the view from the shore' is the word 'beach' – 'the literal and metaphorical space where cross-cultural encounters, misunderstandings and, too often, violence have taken place.'²¹³

It is literally the very beach at Kamay Botany Bay to which the Recognition Team is inviting the Australian people. On or near that beach, those present will be invited to publicly renounce the injustices that resulted from colonisation and to commit to promoting the true history of Australia's past. Regional Acts of Recognition at other significant First Nation sites throughout Australia will give additional opportunities for those who cannot be at Kamay to be involved in truth-telling events.

Conclusion

Australia is one of many nations wrestling with ways to acknowledge past injustices to their First Nations People. Across 'The Ditch', former Prime Minister of New Zealand, Jim Bolger, stated that it was 'for the honour of New Zealand' that he had worked to bring the shortcomings of the Waitangi treaty to the attention of the all.²¹⁴ It is a principle that might equally well be applied to Australia's attempts to acknowledge past injustices towards her own First Peoples.

The 'big picture' of the impact of European colonisation on First Nations People in Australia emerges by combining all the answers to the questions set out in the Preface. This paper has set out the

²¹¹ Donald Whaleboat, *First Australians*. Blackfella Films, SBS and Screen Australia in association with New South Wales Film and Television Office, South Australian Film Corporation, Screen West and Lottery West, 2008. Conversation @ 48.30 minutes of broadcast.

²¹² Maria Nugent, 'A failure to say hello: how Captain Cook blundered his first impression with Indigenous people'. *The Conversation*, 29 April 2020. <https://theconversation.com/a-failure-to-say-hello-how-captain-cook-blundered-his-first-impression-with-indigenous-people-126673> (accessed 1 May 2020)

²¹³ Ibid.

²¹⁴ Jim Bolger, 'The Treaty is a Fraud' in interview with Matthew Tukaki on Radio New Zealand, 13 August 2019. <https://m.facebook.com/matthewtukaki>
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facts, supported by documentary evidence, concerning the ‘profound injustice’ that lies at the heart of our nation. By so doing, it provides an opportunity to acquaint the wider Australian community with the true history of the past they share with Australia’s First Peoples.

In the 2017 ‘Uluru Statement From the Heart’, the First Peoples who gathered at Uluru from across the continent expressed their desire to have a ‘rightful place’ in their own country and invited all Australians to walk with them ‘for a better future’.²¹⁵ The First Peoples stated that:

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.²¹⁶

Arabunna nation elder, Uncle Kevin Buzzacott, is also focused on the future rather than the past:

We don’t want to blame today’s people for what happened in the past. We just want peace and we want to leave the land safe for our little ones.²¹⁷

His desire to leave the land safe for the next generation includes his concern for the devastation that current environmental policies are having upon the land.

The Mother Earth, water and sky, and her people, and all her life, the birds and animals and plants and rocks, they are all being pounded and crushed and ground down ... The country is calling out. The birds and animals are there, calling out too, crying. We can hear them, we must listen to them.²¹⁸

In her poem *Ssh, listen*, Wiradjuri poet Aunty Kerry Reed-Gilbert has eloquently pleaded for recognition of past wrongs.²¹⁹

Ssh, listen.

Ssh, listen, can’t you hear
Hear those voices there
What voices you say?
Ssh, listen, listen. You will hear.

Hear the voices.
The voices of the People.
Listen to what they have to say.
People dying, dying everywhere.
Land – Mother, she’s crying,

Aunty Kerry’s poem ends with the plea that non-Indigenous Australians should ‘learn about country, learn about history’ and ‘fight, yell, scream, shout’ to help the First Peoples ‘fight for justice in this their own land’.²²⁰

²¹⁵ *Uluru Statement From the Heart*, Uluru, May 2017.
https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF
(accessed 20 October, 2019).

²¹⁶ Ibid.

²¹⁷ Kevin Buzzacott, Interview. Canberra, 16 October 2019.

²¹⁸ Buzzacott, ‘Peace for the Earth, Justice for All the Generations’, Peace Gathering, (Canberra, Tent Embassy Gathering, October 2019), p. 1.

²¹⁹ Kerry Reed-Gilbert, ‘Ssh’ in *Talkin’ About Country*, Kuracca Communications (Watson, ACT 2002), p. 25.

²²⁰ Ibid.

Our voices can stay silent no longer. Because of the shameful but true history of our past, the National Act of Recognition Team therefore asks that non-Indigenous Australians join with their First Nation brothers and sisters by :

- ***taking part in Regional and National Acts of Recognition gatherings in which all who are present will publicly renounce the initial forced entry into community life and the later dispossession of lands***
- and***
- ***continuing to promote the truth-telling that will truly begin to lay the foundation essential for justice and genuine healing.***

The National Act of Recognition will take place on **Saturday 2nd March, 2024**. It will be held on the very shore where Cook first landed – at Kamay, Botany Bay. There will be opportunities for meeting and yarning on the days before and after the main gathering.

When the proposed Regional and National Act of Recognition gatherings eventually take place, they will be only another step in the long journey that First Peoples and non-Indigenous Australians have taken together in order to right the injustices that began over 250 years ago. Let us hope and pray that it is indeed a step in the right direction.

Appendix

Early Team Leaders for A National Act of Recognition were:

Pastor Peter Walker (Mt Druitt, NSW), Mrs Kerry-Ann Winmar (Perth, WA), Mr John Ives (Canberra, ACT), Mr Mal Prior (Canberra, ACT), Reverend John Blacket (Perth, WA), Mr Herb Simms (La Perouse, NSW), Ms Rangi Stephens (Sydney, NSW) and Mr Brian Pickering ((Sydney, NSW).

In addition, there have been many advisors, participants and contributors Australia-wide, people whose contribution the Leadership Team acknowledges with gratitude.

Current team Leaders are:

Pastor Robyn Beezley (Cairns, Q'ld), Pastor Ossie Cruse (Eden, NSW), Mr Tom Hallas (Canberra, ACT), The Reverend Lindsay McDowell, (Canberra ACT) and Mr Rodney Rivers (Perth, WA).

Robyn Beezley (Green), a Yidingi-Malanbarra woman, is a pastor singer/songwriter and a domestic violence counsellor.

A member of the Monaro people, pastor **Ossie Cruse** (OAM) has spent the greater part of his life as an Indigenous activist. He has served his people at both national and international levels.

Pastor **Tom Hallas** is the Field Director for Asia and the Pacific of Youth With a Mission.

Lindsay McDowell is an Anglican priest who spent 16 years serving in parishes in the Diocese of Canberra-Goulburn. He is the founder of Southern Cross Ministries Australia Incorporated. He has been a wheat and woolgrower, harvesting contractor, stockman, drover, insurance officer and an enthusiastic admirer of classic cars.

Fluent in four Indigenous languages, **Rodney Rivers** is a singer/songwriter who has worked as an ethnic and Indigenous translator for the Summer Institute of Linguistics in Darwin.

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Images:

Figure 1: from <https://twitter.com/pauloCanning/status/1038846212034768896/photo/1> (accessed 02/08/2022)

Figure 2: Timeline from <https://murruppi.com/rainforest-culture> (accessed 02/08/2022)

Figure 3: Map: *Aboriginal Australia*, <https://c21ch.newcastle.edu.au/colonialmassacres/map.php> (accessed 18/01/2022).

Figure 4: Ryan, Lyndal et al. Map: *Colonial Frontier Massacres in Eastern Australia*. <https://c21ch.newcastle.edu.au/colonialmassacres/map.php> (accessed 18/01/2022)

Figure 5: *Kamay Botany Bay National Park*, Google Maps. (accessed 02/08/2022)