



Sovereign Union of First Nations and Peoples in Australia
Asserting Australia's First Nations Sovereignty into Governance
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MEDIA RELEASE

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Referendum Council's constitutional 'Dialogue' processes fatally flawed

In order to educate our people on the consequences of the Referendum Council's push to ensure Aboriginal and Torres Strait Islanders people are included in the colonial constitution, Anderson calls for Sovereignty meeting at the Aboriginal Embassy, Canberra, starting Saturday 22 April through to Wednesday 26 April. (This includes the Frontier Conflicts/Wars March on Anzac Day 25 April 2017).

Ghillar, Michael Anderson, Convenor of the Sovereign Union, last surviving member of the founding four of the Aboriginal Embassy and Head of State of the Euahlayi Peoples Republic said on his way home from the Saturday Referendum Council meeting at Sydney's Rooty Hill RSL:

I have now witnessed first hand that the Referendum Council's push for constitutional inclusion and 'recognition' of Aboriginal and Torres Strait Islanders is not premised on obtaining the free prior and informed consent of all Aboriginal and Torres Strait Islanders, whose lives and cultures will be significantly impacted upon. The idea of specially invited handpicked 'delegates' is the first flaw in the process. This evident dictatorial approach of the Referendum Council to obtain 'consent' from a very significant minority for the five key issues for the constitutional referendum is genocide by intent, design and outcome. Additionally, these Referendum Council meetings/Dialogues are expecting handpicked 'delegates' to make decisions on non-existing wording for the proposed five changes to constitution. How absurd and traitorous!

Following from the Dubbo Referendum Council meeting which I was unable to attend <http://nationalunitygovernment.org/content/grassroots-aboriginal-movement-nsw-squashes-recognise> let me reflect on my experience in Sydney at Rooty Hill RSL on Saturday 11 March 2017. (I was unable to attend on Friday or Sunday)

Firstly, the Referendum Council has engaged a frontline of Aboriginal and Torres Strait Islander people, who have little to no knowledge of constitutional law, international law, let alone having the ability to read and understand the High Court *Mabo (No.2)* judgement. Of course, this is part of the strategy by ensuring that the meetings/Dialogues are run by uninformed ignorant and disrespectful Aboriginal public servants, who in most cases are failed former public servants and young lawyers who are totally inexperienced in the political struggle of Aboriginal Peoples, along with white bureaucrats pulling strings in the background.

A video report from 'observer' Ruth Gilbert can be viewed here:
https://www.youtube.com/watch?v=NLBxTDwt_Nw

Secondly, the engagement of young Aboriginal lawyers, who are just starting their careers, sees them being thrown to the wolves in this case, in an attempt to shield criticism of the Referendum Council for having under educated and misinformed people engaged in the delivery of the Referendum Council's agenda to engage with Aboriginal and Torres Strait Islanders. What is

extraordinary is the fact that these young lawyers have no evident understanding of the true consequences of the High Court *Mabo (No. 2)* judgement and other related cases, which would have informed them that the Australian common law recognises Aboriginal rights and interests in the Country, despite the British occupation of our lands and waters. The High Court rules in *Mabo* that Aboriginal Law and custom is not a construct of the common law but is recognised by it as *sui generis* – unique. Additionally, the limited rights that the Commonwealth, State and Territory governments have in respect to dealings with any property throughout Australia can be attributed to Aboriginal ownership of lands and waters under our Law, customs and culture.

Do these young lawyers have any idea that in the New South Wales Native Title Act 1994 the Commonwealth government gave New South Wales the right to validate all past acts without any consideration for compensation measures. This goes against the fact that we have continuing proprietary interest in all land. Another evil exemption in this process is that our rights to the natural resources are being completely ignored. There can be no extinguishment of any of our rights given that the High Court has not been able to identify any type of colonial validation of land tenure title to land or otherwise that denies us our rights in all things in this country. In the words of the High Court in *Mabo* the land is held with ‘a tenure of some kind’!

I was also informed at this Referendum Council meeting that the universities do not even teach anything of the *Mabo* judgement, let alone First Nations’ history and sovereignty, and those that do teach *Mabo* only focus on the British Crown's radical title and the parliamentary process which had the right to change those laws. The lecturers do not tell students that this is not correct, as is evidenced when former Prime Minister John Howard's Ten Point Plan of ‘bucket loads of extinguishment’ amended the *Native Title Act* in 1998, but could only be made 'legal' in their colonial system by suspending the *Racial Discrimination Act 1975*. If we take time to think about that, then there is a bigger story that must be exposed.

Thirdly, when people were talking about the 1998 *Native Title Act* amendment in the workshops, one group with a significant number of people and Elders in the room, concluded that subsection 51 (26) of the constitution must be removed and that this be replaced by insertion of section 105A to read along the lines of :

'...this Commonwealth parliament shall have the right to negotiate treaties with the various sovereign First Nations on the island continent of Australia.'

In respect of this proposal, it was agreed in the workshop that there should be a list, as in section 51, of all the issues agreed upon by First Nations Peoples across this continent. From the days of the 1980s National Aboriginal Conference (NAC) Makarrata, a national framework of significant points came from extensive community consultation with Aboriginal people across approx 60% of the Australian continent over a period of four years. From these community discussions there were 27 significant points of interest that continued to emerge repeatedly from one end of the continent to the other [see Background info]. It was these 27 points that were being used to commence the process for the development of a national framework of important topics for Treaty negotiations. This list could be used and updated to suit our needs thirty years on. Our people need to know what went before, rather than trying to reinvent a wheel that has already been built.

Fourthly, it was significant that some of those present argued that the constitution of Australia is an invalid document from an Aboriginal and Torres Strait Islanders Peoples' perspective and has no relevance to us. From this thought it emerged that, if Aboriginal and Torres Strait Islanders Peoples are subjects of the British Crown and true citizens of Australia, then why does the Commonwealth government need a section in the constitution specifically for Aboriginal and Torres Strait Islanders? This ambition by the Commonwealth government sets out very clearly an admission against interest that the Commonwealth and States do not have control over us as First Nations

Peoples across this country and they seek to get control over us by engineering 'consent' for us to be recognised in the constitution. Our inclusion would shore up their powers to make specific laws for us as First Nations Peoples. This way the courts, that they own, will only look at what has been granted as a power to rule over First Nations Peoples and this will take away the uncertainty of the law as it relates to us *now*. We will no longer be able to challenge their jurisdiction ever again, because the constitution of Australia will have a clause that says they have the head of power over us now because we are written into the constitution of Australia, which will be a false representation of our 'consent'.

Fifthly, I don't know what it takes to convince our people that those Aboriginal people running these processes throughout Australia for the government do *not* understand fully what they are complicit in. I must say that the legacy they will leave behind will be a much more evil and reprehensible act than one can ever talk about in terms of the wrongdoings of the Black Trackers and the house Blacks of the American slave trade program. Both groups were used to bring about their destruction and downfall of Peoples who oppose the tyranny of dictatorship.

I cannot understand for one minute how people like Geoff Scott, Roy Ah See, Mick Dodson, Noel Pearson, Warren Mundine and Marcia Langton can ever say that what they are driving will be of benefit to Aboriginal people, especially when one considers that the bipartisanship between Labor and Coalition governments is riddled with racism.

The power of the Commonwealth to institute proceedings against us in a racist fashion comes out of the existing Australian Constitution, e.g. the *Native Title Act* and John Howard's amendments of 1998; the Northern Territory Intervention; and the Basics card, which prevents Aboriginal people from spending their money how they choose; to name a few Acts.

This insidious evil relationship between Aboriginal bureaucrats and the appointed Aboriginal advisors to the government represents the devil walking the earth and will create so much misery and loss for First Nations Peoples now and well into the future.

There can be no excuse for what they are doing. There are NO beneficial proposals being discussed at these constitutional Referendum Council meetings. It is all about their pre-approved options that they are manipulating. There are no other outcomes permitted so far as they are concerned.

I guess one of the soothers that they will put up is that Aboriginal people want a Bill of Rights, but while ever we an Attorney-General like George Brandis this will never be part of the equation. Australian governments and racist media cannot even deal with section 18C of *Racial Discrimination Act 1975*, let alone the creation of a Bill of Rights.

Sixthly, on the question of sovereignty it is said that this process and whatever is going to be put up for which there is NO wording, will not impact on inherent sovereign rights, but how can they say this when it is proposed to put an amendment in the Australian constitution to permit their colonial power to pass laws specifically for First Nations Peoples?

Don't these people understand the ramifications that will flow if the government and their well paid lackies, agents of the coloniser, get their way?

Finally, the greatest flaw in this process is the fact that the government will not fund a process where Aboriginal and Torres Strait Islander Peoples, whose lives and culture are going to be significantly impacted, can be openly invited to forums to have their say. The consultation process should not be about creating the space for aristocrats; people who own land; run businesses; are fully employed; who have vested interest and who unknowingly suffer the Stockholm Syndrome,

because they need to keep their jobs and their status and feel that the oppressor loves them, without realising they are tools of oppression and are being used to that extent. What about the majority First Nations people who never get to have their say and whose lives are constantly impacted upon by the removal of their children; their inability to get jobs in their own home bases, where they choose to live; have police clean the streets so white people can walk there freely without having Aboriginal people present? (If the non-Aboriginal residents don't like what they see out in the rural and remote areas of Australia; in the parks; in the cities, then it is they who must take responsibility for the creation of such a shamble.)

We have reached a stage in our lives where the descendants of those Blacks, who were exempted from being 'Aborigines' in earlier times and had the right to educate their children away from the camps, reserves and other places, are now overly represented in leading this current 'Recognition' campaign on the constitution process, along side, are those who are descendants of the stolen generations and who never found their way home. The majority of these assimilated people think white, they do not think Aboriginal and the moment has come when we must call a spade a spade. They talk about Aboriginal Law and Lore, but in reality have no understanding of what this means, nor do they have any understanding that what they are doing will significantly contribute towards the total cultural destruction of us as First Nations and Peoples.

Our culture requires land and space. Our culture is embedded within the landscape itself and unfortunately for us Aboriginal people, the occupying power and their agents in the guise of economic entrepreneurs are ecocidal, and severely object to our cultural norms and our requirements for not only our survival, but also our wellbeing for generations to come.

The Australian governments are fully aware of the fact that we are NOT citizens of this country; that we are still defined as 'aliens' under the constitution form Britain. We are outside the legal system as Robert Menzies said in 1968 and they have agreements with white lawyers and white institutions not to divulge the depth of these legal facts.

<http://nationalunitygovernment.org/content/governments-attempting-counter-sovereignty-movement-understanding-when-we-are-winning>

<http://nationalunitygovernment.org/content/first-nations-peoples-australia-are-being-crushed-governments>

<http://nationalunitygovernment.org/content/government-asking-you-blindly-vote-changes-referendum-without-even-clarifying-final-wording>

These 'Recognition' and 'Referendum Council' processes cannot be allowed to continue. They must be fully challenged and us First Nations must come together and talk as Aboriginal people imbued with Respect for Law and culture.

To workshop these issues we propose a Sovereignty meeting at the Aboriginal Embassy Canberra starting Saturday 22 April through to Wednesday 26 April. This includes the Frontier Conflicts/Wars March on Anzac Day 25 April 2017.

Ghillar

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BACKGROUND:

Other press:

<http://www.theaustralian.com.au/national-affairs/indigenous/sydney-conference-calls-for-treaty-talks-at-all-levels-of-government/news-story/05cfc818aed22b057dc549783070a1a7>

The NAC preliminary list of Aboriginal demands as a basis for negotiation of an Agreement (Makarrata) between the Australian Government and the National Conference on behalf of all Aboriginals.

The terms of these negotiations are on the basis that the Federal Government recognises.

1. Land to be acquired by the Commonwealth for and on behalf of Aboriginal people and vested in freehold title to the Aboriginal people and given in perpetuity not subject to mortgage and or sale outside the Aboriginal community and or communities.

It is further suggested that:

1A. The Commonwealth acquire all lands that were originally set aside for the use and benefit of Aboriginals since colonisation, and where possible the Commonwealth acquire an equivalent size parcel of land adjacent or within close proximity to such reserves and that these lands be given to Aboriginal communities in perpetuity with inalienable Freehold Title, if original lands are not able to be acquired.

1B. That all vacant Crown Land throughout Australia be acquired by the Commonwealth Government and given to Aboriginal Communities who are within close proximity and that such land be given in perpetuity with inalienable Freehold Title.

2. The development of self-Government in each respective tribal territory take due respect for the culture of Aboriginals and to ensure their political, economic, social and educational advancement, and by virtue of this, the right to freely pursue their economic social cultural development.
3. A National Aboriginal Bank be established with branches in each State of the Commonwealth.
4. Payment of 5% of the Gross National Product per annum for a period of 195 years come into effect upon the date of this section being given assent and or upon the signing of the agreement.
5. All national parks and forests to be returned to the Aboriginal communities whose territorial jurisdiction prevail.
6. All artifacts, artworks and items located by archaeological diggings from museums and other art centres in Aboriginal territories where the items were located and or found, be returned.

7. Rights to be granted to hunting, fishing and gathering on all lands and waterways under the jurisdiction of the Commonwealth of Australia.
8. Rights over all minerals and other resources that may exist on all lands be given in perpetuity to Aboriginal people and or communities and all minerals from the earth's surface to the centre of the earth, and all air space from the earth's surface to the outer perimeters of earth's atmosphere.
9. Recognition be given to Aboriginal customary law in those territories which deem it necessary.
10. Aboriginal schools (pre-schools, infants, primary, secondary and colleges) be established within those Aboriginal territories which deem it necessary.
11. Freehold title and full ownership of all houses currently occupied by Aboriginal people throughout Australia be given in perpetuity.
12. Aboriginal medical centres be established in the Aboriginal territories which deem it necessary.
13. Aboriginal legal aid offices be established in all territories which deem it necessary.
14. Of land vested in freehold title to Aboriginal people throughout Australia for a period of 195 years from the commencement of this section and or agreement be exempt from all forms of taxes.
15. Any monies derived by Aboriginal businesses and or commercial ventures within their respective territories for a period of 195 years from the commencement of section and or agreement be exempt from all these taxes.
16. On monies derived from the Commonwealth as cash compensation from the Gross National Product for Aboriginals for a period of 195 years from the commencement of section and or agreement be exempt from all these taxes.
17. That Parliament makes laws for the carrying out by the parties thereto on any agreement.
18. Any laws established for Aboriginals by the Federal and State Parliaments prior to the commencement of this section become null and void upon the commencement of this section 129 or agreement. Except for those pieces of legislation that refer to land.
19. Any such agreement may be varied or rescinded by the parties thereto and every such agreement and any such variation thereof shall be binding on the Commonwealth and the Aboriginals who are party to such agreement thereto, notwithstanding anything contained within this section or agreement.
20. The Parliament make laws for validating such agreement contained in this section and or agreement.

21. The powers conferred by this section are not to be construed as being limited in any way by the provisions of section and or agreement.
22. Timber rights to all forests and timbered areas within Aboriginal territories including rights to all waterways be granted.
23. The right to move freely across State borders without prejudice due to the differences in State Laws be granted.
24. The right to have all Laws and By-Laws of Aboriginal self-governed territories apply equally across State borders where Aboriginal territories involve two or more States be granted.
25. One seat be made available in both Houses of Federal Parliament per State and that one seat per House be available for Torres Strait Islander Representation, further, that each State Parliament make available one seat in each House for representation for each Aboriginal territory and the Torres Strait Islands. And that all the representatives be elected by Aboriginal and Torres Strait Islander people at the same time as ordinary State and Federal elections. Such elections should not jeopardise their normal voting rights.
26. The studying and diggings of all lands by anthropologists and archaeologists are to cease. Any further studies by the said groups can only be conducted with the approval of those Aboriginal people whose Territorial Jurisdiction prevail.
27. The rights to the waterways flowing between Australia and the Torres Strait Islands including the right to control the shipping lanes.