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"An audience with the Queen": Indigenous Australians and the Crown, 1854-2017

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Abstract: This article is the first substantial examination of the more recent historical relationship between Indigenous Australians and the Crown. While the earlier tradition of perceiving the Queen as benefactress has survived in Indigenous communities, it now co-exists with more critical and antagonistic views. After the High Court's Mabo decision (1992), the passage of the *Native Title Act* (1993), and the federal government's Apology to the Stolen Generations (2008), it is clear that the only avenues for seriously redressing Indigenous grievances lie within the courts and parliaments of Australia. The Australian monarch—either as a supportive voice, or as a vehicle for highlighting the failure of Australian governments—no longer holds any substantial political *utility* for Indigenous Australians. Monarchy has become largely irrelevant to the fate of future Indigenous claims for political and social justice.

Keywords: monarchy, republic, Indigenous Australia

In October 1999, a delegation of Indigenous leaders from Australia visited Queen Elizabeth II at Buckingham Palace. The 'audience,' which lasted for little more than an hour and was widely reported in the British and Australian press, was claimed to be the first granted to Indigenous Australians by a reigning British monarch since 24 May 1793, when Bennelong, who had been captured by Governor Arthur Phillip in Sydney and later sailed with him to England, was presented to King George III.[1] The 206-year hiatus was telling for more than one reason.

In 1999, it was commonly assumed that Bennelong had indeed been introduced to George III, but historians have since shown that there is no evidence to support the claim.[2] In fact, the audience granted to the Indigenous delegation in 1999 was the first of its kind; a historic occasion that was entirely in keeping with the exclusion and oppression of Indigenous Australians throughout Australia's post-1788 history. When Bennelong visited London, the vast majority of Australia's 250 Indigenous nations remained intact. Yet, long before Indigenous leaders graced Buckingham Palace in 1999, their ancestors had been largely dispossessed of their lands in the name of the Crown: without their consent, without treaty, and without compensation. The Crown, which had promised its Indigenous 'subjects' full 'protection' under the law, had instead presided over their exclusion from the colonial, state, and federal institutions that were created in its name. The leader of the delegation, Patrick Dodson, pointed to the failure of successive British and Australian governments to adequately protect the human rights of Indigenous Australians:

> Australia is unique among British colonized countries in its non-recognition of the rights of its Indigenous peoples. And contrary to British policy of the time, Britain colonized Australia without the Indigenous people's consent. This has left a fundamental void at the heart of Australian political life. For 200 years the original error of Britain ... has allowed human rights abuses to occur.[3]

[1] "Reconciliation Strikes a Chord with the Queen," *The Australian*, 14 October 1999, 2.
[2] See, for example, Kate Fullagar, "Bennelong in Britain," *Aboriginal History* 33 (2009): 31-51.
[3] Margo Kingston, "Queen to Meet Black Leaders," *Sydney Morning Herald*, 13 October 1999, 9.

Dodson explained that the reason for the delegation's visit to the Palace was because Indigenous Australians wanted "recognition of the historical relationship between the UK and Australia."[4] While Elizabeth II, as Australia's Head of State, was the most obvious source of appeal in this regard, the delegation—which was briefed by historian Henry Reynolds, and included the prominent Indigenous representatives Lowitja O'Donoghue, Peter Yu, Marcia Langton, and Gatjil Djerrkurra—also met with British, Irish, and EU leaders, as well as with business groups during their two-week stay in Europe. They described these meetings somewhat ironically as "a courtesy call"; part of their campaign to establish a "dialogue" as part of the "unfinished business" of reconciliation between Indigenous and non-Indigenous Australians, which had been formally set in motion by the Australian government in 1991, and designated to conclude by 2001, the centenary of Australian Federation.[5] Despite the delegation's focus on the denial of Indigenous rights, the *Sydney Morning Herald* reported that sections of the British media appeared more concerned that Indigenous leaders had come to London to announce they were boycotting the Sydney Olympic Games, which were due to take place in September the following year.[6]

When they emerged from the Palace, Dodson described the meeting as "extraordinarily beneficial." Although he refrained from revealing the contents of the meeting, he made it clear that the Queen had been "sympathetic" to their claims, which included "changes to the Constitution and reconciliation with Aborigines in Australia." Pointedly remarking that the party were accorded far more respect by the Queen than the "way we're treated sometimes in our own country with our Prime Minister [John Howard]," Dodson also divulged that he had "presented the Queen with a picture of her meeting his grandfather on a visit to Australia, another of his grandfather meeting the Prince of Wales, and a painting by Stumpy Brown, an Aboriginal artist from Fitzroy Crossing [Dodson's homeland]."[7]

The photograph of Dodson's grandfather, Paddy Djiagween, was particularly poignant. When the Queen visited Broome in 1963, Paddy was one of several Indigenous dancers who had performed for the royal party. Meeting her afterwards, he asked her why, having danced for her, he was not allowed to drink in a Broome Hotel like white Australians. She was supportive, and after seeking the assistance of the Queen's equerry, he won his case.[8] Like other members of the delegation, Dodson was hopeful that reminding the Queen of this encounter would encourage her to once again support Indigenous claims for social justice before the decade of 'reconciliation' formally concluded in 2001. Mindful that their visit was timed only weeks before Australians would vote on whether to sever their remaining links with the Crown in a referendum, he also wanted to draw attention to the fact that the republican movement, with its narrow focus on installing an 'Australian Head of State,' offered little for Indigenous Australians.

That the nation's foremost Indigenous leaders were appealing to the Queen at the very moment republicans were hoping to terminate her role as Australia's Head of State pointed not only to the failure of Australia's political processes to redress their grievances, but also to the long tradition of Indigenous Australians' petitioning the Crown for land, recognition, and justice. From the mid nineteenth-century, as Maria Nugent has most recently shown, many Aboriginal people in south-eastern Australia saw Queen Victoria as their "benefactress," believing that she had personally granted them small reserves of land. 'Queen Victoria gave us the land' "became a common refrain during much of the twentieth century." As Nugent

[4] "Leaders' Talks with Queen were Positive," *The Koori Mail*, 20 October 1999, 3; Simon Mann, "Queen showed more interest in us than Howard does, say Aborigines," *Sydney Morning Herald*, 14 October 1999.
[5] "Leaders' Talks with Queen were Positive," 3.
[6] "Leaders' Talks with Queen were Positive," 3.
[7] "Leaders' Talks with Queen were Positive," 3.
[8] Tony Stephens, "Poor Queen my country," *Sydney Morning Herald*, 25 March 2000, http://www.kooriweb.org/foley/images/history/news/2000s/2000/smh25mar2000.html.

points out, however, while this benign view of Victoria still remains vividly present in "community and oral history," such claims became far less prominent after the 1960s, when Aboriginal land rights were claimed more on the basis of "inalienable rights."[9] While this generalization remains broadly accurate, Indigenous Australians have continued to appeal to their Queen in the late-twentieth and early-twenty-first centuries: the very period that witnessed the slow death of the idea of Australia as a British society.[10]

Despite the fact that Australia entered its post-monarchical era in the early 1990s, when, in the words of historian John Hirst, the institution lost its 'civic personality' after the passage of the *Australia Act* (1986), which guaranteed the independence of the state and federal legislatures and ended appeals to the Privy Council, and Prime Minister Paul Keating led the push for the declaration of a republic, Indigenous Australians have persisted with their "courtesy calls" to the monarch. To date, there has be no substantial attempt to examine this more recent historical relationship between Indigenous Australians and the Crown. To what extent has the earlier tradition of perceiving the Queen as benefactress survived? Does it now co-exist with more critical and antagonistic views in Indigenous communities? After the High Court's Mabo decision (1992), the passage of the *Native Title Act* (1993), and the federal government's Apology to the Stolen Generations (2008), has it not become abundantly clear that the only avenues for seriously redressing Indigenous grievances lie within the courts and parliaments of Australia? Does the Australian monarch—either as a supportive voice, or as a vehicle for highlighting the failure of Australian governments—hold any substantial political *utility* for Indigenous Australians? And finally, as the movement for constitutional recognition of Indigenous Australians remains unresolved and the prospect of an Australian republic once again looms on the horizon, has the monarchy become largely irrelevant to the fate of future Indigenous claims for political and social justice?

The Crown

To speak of the 'Crown' is to invoke a hydra-like beast capable of many incarnations. There is the Crown as object: the talisman that sits atop the monarch's head, sanctioned by God, a symbol not only of divine authority and wealth, but also of majesty itself. Then there is the Crown as synonym for the state. The Crown is both the ultimate and singular source of authority—moral, legal, and political—and yet, like the Holy Trinity, it is divisible, morphing at the will of its subjects into the Crown of Canada, Britain, New Zealand, Queensland, or Tasmania, thus representing quite distinct executive governments in different jurisdictions. Each 'crown' comprises a separate political and legal entity, each capable of declaring war with or without the other, each capable of introducing parliamentary legislation found in no other commonwealth country, and each capable of independent legal action—of both suing and being sued. The 'chameleon Crown' is ingenious; it symbolises the state, yet it also embodies the idea of the state in the person of the monarch, thus giving the state a personalised dimension. When needed, this personal dimension surfaces; when not, it retreats behind the arras of political and judicial power, separating the person of the monarch (the Crown) from the day-to-day function of state power performed in the name of the Crown.[11]

When James Cook reached the northerly tip of Cape York on 22 August 1770, after sailing almost the entire east coast of Australia, he wrote in his journal that while he had

[9] Maria Nugent, "The politics of memory and the memory of politics: Australian Aboriginal interpretations of Queen Victoria, 1881-2011," in *Mistress of Everything: Queen Victoria in Indigenous Worlds*, ed. Sarah Carter and Maria Nugent (Manchester: Manchester University Press, 2016), 100-101, 103.
[10] On this, see: James Curran and Stuart Ward, *The Unknown Nation: Australia After Empire* (Melbourne: Melbourne University Publishing, 2010).
[11] See Anne Twomey, *The Chameleon Crown: The Queen and her Australian Governors* (Annandale, NSW: Federation Press, 2006).

already "taken possession" of several places along the coast during his journey, he would do so once again:

> I now once more hoisted English Couleurs and in the name of His Majesty King George the Third 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 of the Bays, Harbours Rivers and Islands situate upon the said coast, after which we fired three volleys of small arms.[12]

Like Governor Arthur Phillip, reading the proclamation at Sydney Cove eighteen years later, Cook's declaration of possession represented the first example of the Crown serving as the authority that legitimised the assertion of British sovereignty over Aboriginal land. It was nothing less than a form of sorcery—the hoisting of the colours, the reading of an incantation, the firing of a few volleys into the air—and thousands of square kilometres, in British eyes, instantly became the property of the Crown. The Crown thus sanctioned occupation, possession, settlement, and the imposition of British rule and British law on the Australian continent. It was the word that hovered above the colonial project—strangely distant, and yet powerfully present—the word through which the invasion and settlement of Indigenous lands was executed. The term 'Crown' (or 'public') Land, which comprises nearly one quarter of Australia's land mass today, is the very embodiment of this process of dispossession.

In 1901, the Australian Commonwealth was founded as "one indissoluble Commonwealth under the Crown."[13] The Crown, through the person of the monarch, has underwritten state authority and legislation—including, on the one hand, the White Australia policy, and on the other, the *Racial Discrimination Act* (1975) and the *Native Title Act* (1993)—and all those who have acted in the name or in the service of the Crown. And yet, through the person of the monarch, it has also acted as the source of appeal against arbitrary exercise of state power. Historically, therefore, the Crown has been perceived by Aboriginal people as both a symbol of the protection of Indigenous rights, and as a symbol of dispossession.[14]

While a substantial body of historical scholarship over the last two decades has mapped Indigenous peoples' changing perceptions of the monarchy throughout the British Empire and the shifting nature of Indigenous political appeals, little attention has been paid to the period after the 1950s, particularly the way in which the monarchy's perception of Indigenous people has changed over time. Yet, just as the views of Indigenous Australians regarding the British monarchy have neither been static or consistent, nor have those of the monarchy regarding Indigenous Australians.

The Queen Came By

In the months before Elizabeth's coronation in 1953, it became clear that Prime Minister Robert Menzies had not included Aboriginal representatives among the Australian delegation to visit London. Private citizens, churches, Aboriginal welfare groups, the National Council of Women, and the RSL all petitioned Menzies to include "Aborigines" among the Australian "representation" at Westminster Abbey. As Winnifred King implored him in April 1953:

> Is it too late for Australia to redeem itself in the eyes of the world by sending at least one of her original inhabitants to represent us at the Coronation of their Queen and ours? ... There are many sad stains on

[12] James Cook, *The Journals*, ed. Philip Edwards (London: Penguin, 2003), 170-171.
[13] Preamble to the Australian Constitution (1901), https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution/preamble.
[14] For more on the relationship between Aboriginal people and the Crown, see Mark McKenna, *This Country: A Reconciled Republic*? (Sydney: UNSW Press, 2004).

> our memories which we wish we could forget. Perhaps such a gesture as this would remove the sting of old wrongs from them, and from us, some of their shame.[15]

Other correspondents reminded Menzies that the issue went to the heart of his government's "prestige."[16] But after consideration of "the many difficulties involved ... it was decided that the representation of aborigines from Australia at the Coronation was not practicable."[17] Yet when London's *Daily Mail* requested the Australian government send details of its coronation celebrations, the cablegram from Canberra explained that one of the major events would take place in the "sweltering north," where "engineers, geologists and miners winning the precious uranium ore from the desolate rum jungle field" would "leave their tractors, drills and explosives and trek 50 miles to Darwin to attend a Coronation corroboree at which ochre daubed Aboriginals will perform their ancient ritualistic dances in honour of the young Queen,"[18] Indigenous Australians could dance for the Queen in northern Australia, but they were not deemed fit to be seen as Australians in the heart of empire. When the newly crowned Queen arrived in Australia in February 1954, and in doing so became the first reigning monarch to set foot on Australian soil, the position of Aboriginal people remained largely unchanged: they were not treated as equal citizens in the rituals of the royal tour. Instead, they served as 'authentic' cultural adornments to the Queen's glorious progress, performing their "historical" corroborees before "the Great White Lady" and her reliably wooden consort, Prince Philip.[19]

In the Queen's speeches, Aboriginal people were largely invisible, as was their millennia-long presence in the continent. At Farm Cove, where she first came ashore, she reminded her star-struck subjects that she was standing on the same spot where "Captain Phillip and his small band of Englishmen" once stood. "And now," she stated demurely, skipping over the question of how the country had been acquired, "there stands a fine city."[20] Although Elizabeth quickly grew tired of the distance placed between herself and the Indigenous men and women who performed for her—she asked the Australian government to schedule "not just a dancing troupe" for her next tour in 1963, but also visits to "a government or mission station working with Aboriginals"[21]—the Queen continued to praise the arrival of a redemptive British 'civilisation' in "what was once a wilderness."[22] The trope of the 'empty land' saved by British ingenuity was repeated ad nauseam in her speeches and public pronouncements, one that clearly gelled with her Australian audience. At the "pageant of nationhood," held in Sydney for Australia's 175th anniversary in 1963, the Queen was entertained by the "Burragorang Dream Time Fantasy." As the official program wistfully and triumphantly proclaimed: "The Dreamtime comes to an end with an Aboriginal death corroboree on the beach. Out from the endless sea ... out from the mists of another time ... appears a new spirit image, the white man."[23]

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[15] "Winifred J. King to Robert Menzies, 'Coronation of HM Queen Elizabeth II—Representations of Australian aborigines at coronation,'" 10 April 1953 (National Archives of Australia [hereafter NAoA] 53A462/4).
[16] "Mary Gray to Robert Menzies," 27 April 1953 (NAoA 53A462/4).
[17] "Sir Philip McBride to Senator Wedgwood," 15 May 1953 (NAoA 53A462/4).
[18] "Cablegram from S. S. Brown, Commonwealth News and Information Bureau," 23 March 1953 (NAoA A462 821/1/111).
[19] "Aborigines Honour Queen," *Northern Star* (Lismore), 22 March 1954, 1. For other corroborees, see "SA Aborigines rehearse Royal Corroboree," *News* (Adelaide), 19 February 1954, 6.
[20] Quoted in Sally Warhaft, ed., "*Well May We Say": The speeches that made Australia* (Melbourne: Black Inc., 2004), 542.
[21] "Michael Adeane to Allen Brown, 10 July 1962, 'Visit by Queen and Duke of Edinburgh,'" A2908, V81/1, NAoA.
[22] "Queen Elizabeth II, speaking at Kununurra, Western Australia, 17 March 1963," MS 9174 (Queen's Speeches, 1954-1992), National Library of Australia [hereafter NLA].
[23] "Burragorang Dreamtime Fantasy," Part 3 (Sydney: TV program, 1963).

The 'death' of traditional Aboriginal culture would be accompanied by their resurrection as assimilated citizens of the modern nation state. As the Queen told "outback" missionaries in a radio broadcast from her royal yacht, the *Britannia*, in 1963: "yours is the particularly delicate task of adjusting the original inhabitants of this area to the forms and responsibilities of a modern state. The clash of temperament and custom is very severe ... [but] it is my hope that the Aboriginal people will increasingly understand and accept their full responsibilities as citizens."[24] It was a predictably patronizing plea for their inclusion. And there would be little sign of any change in the Queen's understanding of Indigenous Australia until she was personally confronted by Aboriginal protesters in the 1970s and 1980s, the majority of whom saw the Crown's role in the dispossession of their people in a far more critical light than earlier campaigners such as William Cooper, who, in 1937, still believed that if his people could not obtain "full justice in Australia," then they "must ask the King."[25]

The bicentenary of Captain James Cook landing at Kurnell on 29 April 1970 was the first occasion the Queen personally experienced Indigenous protest in Australia. It also provided the first opportunity for her to reflect on the resistance of Indigenous people to the discovery narrative and the re-enactment of Cook's landing that her presence that day was meant to commemorate. On the day of the re-enactment, led by poet Oodgeroo Noonuccal (then known as Kath Walker), Aboriginal people threw wreaths onto Botany Bay, "aiming them to drift into her Majesty's view,"[26] while in Melbourne, they marched wearing red headbands to symbolize that Cook's arrival was a portent of bloodshed—a day to be mourned rather than celebrated.[27] Aware of the protests and the "suffering" of "Aborigines," New South Wales Premier Robert Askin claimed the government was trying to "restore something of what they inevitably lost in moving out of the stone age into the age of machinery."[28] Not since Australia's sesquicentenary celebrations in 1938 had Aboriginal protesters so successfully managed to expose the myth of peaceful British settlement. As the *Britannia* sailed out of Botany Bay under naval escort, they turned their backs, holding banners high above their heads demanding land rights.[29] Somewhat predictably, the Queen's speech before the crowd of up to 20,000 people at Kurnell had praised Cook and the pioneers and explorers, omitting any mention of Indigenous Australians, a silence that only seemed to reinforce the more strident arguments now being made by Indigenous leaders before the United Nations: that from the moment of first settlement in 1788, the crown had seized Aboriginal lands "without treaty, without purchase and without compensation of any kind."[30]

When the Queen returned in 1973, she was jeered by protesters as she ascended the steps of Parliament House in Canberra, while Aboriginal Tent Embassy protestors handed the Duke of Edinburgh a list of their demands, which included the recognition of Indigenous sovereignty. In 1977, during her silver jubilee visit, she was presented with a petition by Michael Mansell, which demanded the Crown recognize "prior Aboriginal ownership of Tasmania."[31] Similar protests and petitions greeted her throughout her Australian tours in the 1970s and 1980s. Although they were by no means representative of her meetings with Indigenous Australians, whose political views in any case varied widely, these protests, which increasingly presented claims for Indigenous sovereignty and land rights as the natural

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[24] "Queen Elizabeth II, 18 March 1963," MS 9174 (Queen's Speeches, 1954-1992), NLA.
[25] William Cooper, quoted in Bain Attwood and Andrew Markus, eds., *The Struggle for Aboriginal Rights* (Sydney: Allen & Unwin, 1999), 153.
[26] Stephen Gapps, "Commemoration and contestation at Kurnell," accessed 29 January 2018, https://anmm.wordpress.com/2015/05/11/commemoration-and-contestation-at-kurnell/.
[27] "Aborigines say: We're not begging, We're Demanding," *Tribune*, 6 May 1970, 3.
[28] "Aborigines had Suffered," *Canberra Times*, 30 April 1970, 16.
[29] "Aborigines say: we're not begging, we're demanding," *Tribune*, 6 May 1970, 3. See also: "Big Fireworks Display to Remember Cook," *The Canberra Times*, 30 April 1970, 1.
[30] Quoted in Mark McKenna, *This Country: A Reconciled Republic?* (Sydney: UNSW Press, 2004), 72.
[31] McKenna, *This Country* 75-77.

alternative to the sovereignty of the Crown, gradually succeeded in eliciting a more sensitive and understanding response from the Queen and other members of the royal family when they visited Australia. By the 1980s, the Queen demonstrated the monarchy's infinite capacity to adapt its public statements to changing political contexts, telling the Australian press that she was encouraged by the far greater "attention" that was being "given to the history and needs of Aborigines and their descendants."[32] In a similar fashion, when Prince Charles delivered the major address at the bicentenary celebrations on 26 January 1988 in Sydney, he was able to empathise with the Indigenous perspective, admitting that for Australia's "original people," the process of British colonization "must all have seemed very different, and if they should say that their predicament has not yet ended, it would be hard to know how to answer, beyond suggesting that a nation free to examine its own conscience is a land worth living in, a nation to be envied."[33] Over three decades, the public statements made by visiting royals regarding Indigenous Australians had shifted from polite indifference to gracious acknowledgement, while at the same time refraining from any explicit endorsement of Indigenous claims for social and political justice.

After the Labor government and the Australian Republican Movement (1991) began to advocate for a republic in the 1990s, the Queen, who visited again in 1992, did not return again until 2000. The decade-long debate over the future of Australia's political institutions and the goal of 'reconciliation' were both timed to conclude on or before 1 January 2001, the centenary of Australian federation. Two High Court decisions—Mabo (1992) and Wik (1996)—together with the findings of the Royal Commission into Aboriginal Deaths in Custody (1991) and 'Bringing Them Home,' the Australian Human Rights Commission's report into the separation of Aboriginal and Torres Strait Islander Children from their families (1997), presented Indigenous Australians with a radically different political context within which to negotiate with the state. More legally and politically empowered, and more capable of receiving supportive media coverage, their claims fed into a *fin de siècle* climate of national re-imagining that raised the prospect of substantive constitutional and political reform for the first time since the 1967 referendum. Throughout the 1990s, Indigenous leaders sought recognition, native title, an apology, treaty, and compensation from state and federal governments. In such a political climate, and with the Queen, as Australia's Head of State, absent for nearly a decade, their perspective on the legacy of the Crown hardened considerably.

In 1995, the Queen endorsed an apology to the M□ ori of New Zealand's Waikato region by signing into law a "deed of settlement" which guaranteed them financial compensation for the "illegal" dispossession of their lands during the Maori Wars in the 1860s.[34] Aware of these developments, Indigenous leaders in Australia, understandably lacking a legal settlement akin to the Treaty of Waitangi (1840), drew more frequent attention to the manner in which the "legal fiction of Crown land" and the "tainted and useless symbol of the Crown" denied Aboriginal people the sovereignty that was rightfully theirs.[35] As both the republic referendum and the movement for reconciliation approached their denouement in the late 1990s, it became clear from the statements of Indigenous leaders that the monarchy was becoming largely irrelevant to the campaigns they were fighting in their own country. Aside from the occasional publicity opportunity, as in London in 1999, neither the Crown nor the promised republic appeared to offer them much solace, as Gatjil Djerrkura told the Constitutional Convention in Canberra in 1998:

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[32] "Queen Elizabeth II, speaking in Adelaide 11 March 1986," MS 9174 (Queen's Speeches, 1954-1992), NLA.
[33] See also *Sydney Morning Herald* supplement, 27 January 1988, 6, http://resources.news.com.au/files/2014/04/24/1226894/934844-aus-web-file-50b-1988-front-page.pdf.
[34] "Maori Joy as Queen Signs Compo Deal," *Canberra Times*, 4 November 1995, 10.
[35] McKenna, *This Country*, 79.

> For 211 years, non-Australians have ruled Australia. Before this period of rule by the kings and queens of England, we, the Indigenous peoples, had our own governments. Our Heads of State were all born in Australia! We did not need republican referendums. For my people, there is a far more important question than asking: Do we want a Queen or a President as our Head of State? Instead, we ask: Are our rights as the continuing custodians of this land being recognized? Shall we hunt with a President or shall we gather with the Queen? No! We will dance with the new Australia that allows us our self-determination as the first peoples of this land.[36]

Within four months of the failed republic referendum in November 1999—despite almost 5 million Australians approving the change—the Queen returned to Australia. In March 2000 she surprised both Indigenous and non-Indigenous alike by making a strong statement in support of Aboriginal social justice. Speaking in Sydney, she urged Australian governments to ensure that prosperity "touched all Australians" and pointed to the severe "economic and social disadvantage" suffered by Indigenous people. Many "Aborigines," "particularly from rural areas," she said, felt "left behind."[37] In the Indigenous press her intervention was interpreted as a direct result of the request made by the Indigenous delegation to London six months earlier. In light of her previous statements while visiting Australia and the well-established protocols that ensure that the monarch remains 'above' and 'beyond' politics, her comments were certainly highly unusual and widely interpreted as criticism of the Howard government's failures in Indigenous affairs. Had the monarchy become useful after all?

Despite the hopes of many Indigenous leaders such as Evelyn Scott, Chair of the Council for Aboriginal Reconciliation, that the federal government would respond positively to the Queen's intervention, it had little impact beyond short-term publicity. Notably, the Queen did not endorse an apology to Indigenous people as she had done in New Zealand five years earlier, as to do so would have been to openly contradict the Howard government. Her words were reported as a "lament for deprived Aborigines"—a welcome attempt to draw attention to the parlous state of Indigenous social and economic disadvantage.[38] However, her statement probably did more to revive the monarchy's ailing fortunes after the republic referendum—which failed not because Australians wished to remain a constitutional monarchy, but because republicans were divided over the precise form a republic should take—than it managed to do for Aboriginal communities. Although the Queen met with Indigenous leaders to discuss various issues surrounding reconciliation, it was difficult to point to any substantial outcome, either from these meetings or her intervention. Even when she did visit remote Aboriginal communities, some elders remarked that she was not "exposed to the real problems" to which she had tried to draw attention.[39]

Ancestral Ties?

During her four visits in the early-twenty-first century (2000, 2002, 2006, and 2011), the Queen was greeted warmly by Aboriginal people, many of whom treated her as a leader they respected and admired. The people who lined Alice Springs's Todd Mall to see her in April 2000 were both black and white, with Arrernte elder Max Stuart expressing his pride that his people could greet such a "big Lady" for the first time as native title holders.[40] For the Queen's part, she always accepted Indigenous petitions and requests gracefully, including at Alice Springs, where elder Margaret-Mary Turner presented her with a "video" that

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[36] Gatjil Djerrkura, "Making the Republic important to a Majority of Australians," in *The Australian Republic: The Case for Yes*, ed. John Uhr (Annandale, NSW: Federation Press, 1999), 92.
[37] "Queen Elizabeth Supports Reconciliation," *Koori Mail*, 5 April 2000, 1, 20.
[38] "Queen's lament for deprived Aborigines," *Sydney Morning Herald*, 21 March 2000, 15.
[39] Max Bates, quoted in "Aborigines are Disadvantaged," *The Koori Mail*, 5 April 2000, 20.
[40] "Aborigines are Disadvantaged," *Koori Mail*, 5 April 2000, 20.

highlighted pleas from local Aboriginal people for the abandonment of the Northern Territory's mandatory sentencing legislation. "I think Aboriginal people really respect the Queen," said Turner, after giving the Queen the film. "Today is not the day for a protest. We see her as a friend. We see her as a leader."[41]

By the early 2000s, there was often a marked difference between the more critical comments of Indigenous leaders who were circulating in various corridors of power and negotiating with the state—"we are not monarchists,"[42] declared Peter Yu—and those in local communities whose view of the Queen tended to be far more forgiving. While these views sometimes contained echoes of the earlier images of Queen Victoria as 'benefactress,' they were also marked by a recognition of Elizabeth's esteemed status. In his recent history of Indigenous Australian art, Ian McLean remarked on the way that monarchy's significance as a symbol relies on "ancestral reverberations" which, he claims, make "most remote Aborigines reluctant republicans and ready royalists."[43] Sociologist and Indigenous art authority, Vivienne Johnson, has also explained how "being presented to royalty is a huge status symbol in Western Desert Society, signifying one's acceptability at the highest levels of 'whitefella' society." Her interpretation of Charlie Tarawa's 'Audience with the Queen' reveals how Tarawa "casts the audience with the Queen in terms of his Ancestor Wati Kuwulu, the Ice Man who guards a secret cave in the Western Desert," thus establishing "a kin relationship between himself and the Crown."[44] Because monarchy undeniably embodies an aura of majesty bestowed by nothing more (or less) than hereditary authority, it resonates powerfully with the centrality of ancestral beings in Indigenous cultures. These resonances can also be found in the recent 'audiences' granted by Queen Elizabeth at Buckingham Palace in 2013 to the grandchildren of artist Albert Namatjira, who met the Queen almost sixty years earlier in 1954.

Kevin and Lenie Namatjira, both watercolour artists, used their family's fifteen-minute meeting with the Queen "to call for a better deal for Indigenous Australia." Much like the Indigenous delegation to London in 1999, they claimed "that while they were treated like royalty in London it was a different story back in the Northern Territory." Recalling Albert Namatjira's gift of one of his paintings to the Queen and the Duke of Edinburgh in 1954, they both presented the royal couple with one of their own paintings and "also a postcard made by schoolchildren from their community in Hermannsburg west of Alice Springs."[45] Their presence was a powerful reminder of the ancestral resonances of monarchy in particular Indigenous cultures, a continuation of ceremonial meetings and the exchange of gifts that has been passed from one generation to the next. One year later, in 2014, 'Uncle' Boydie Turner, grandson of Yorta Yorta campaigner William Cooper, delivered a petition to Elizabeth (via Governor General Sir Peter Cosgrove) that Cooper had written to her grandfather, George V, in 1934. Although it was signed by over 1,800 people, Australia's prime minister Joseph Lyons had failed to pass on Cooper's petition to the King. 80 years later, Turner was determined that his grandfather's words reach the granddaughter of their original addressee. The petition stated boldly that Aboriginal Australians had been robbed of their land and legal status by the Australian government, and called for guaranteed Indigenous representation in federal parliament.[46]

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41 McKenna, *This Country*, 78.
42 McKenna, *This Country*, 59.
43 Ian McLean, *Rattling Spears: A History of Indigenous Australian Art* (London: Reaktion Books, 2016), 253. On Charlie Tarawa, see: http://www.cooeeart.com.au/marketplace/artists/profile/TjungurrayiCharl/.
44 Vivienne Johnson, quoted in McLean, *Rattling Spears*, 252-253.
45 "Albert Namatjira's Descendants meet the Queen," *The Australian*, 28 November 2013, http://www.theaustralian.com.au/news/world/namatjiras-descendents-meet-the-queen/news-story/c750de2917d193e6fb4ef8adec8ce1be.
46 "Queen accepts petition for Aboriginal rights, 80 year on," *Sydney Morning Herald*, 4 October 2014, http://www.smh.com.au/federal-politics/political-news/queen-accepts-petition-for-aboriginal-rights-80-years-

The monarchy had consistently provided Indigenous Australians with a source of appeal 'above and beyond' state and federal governments. From the late twentieth century, these appeals, now established as a tradition within the memory of both royal and Indigenous 'families', co-existed with arguments from Indigenous leaders that condemned the Crown as an agent of dispossession. In the wake of the republic and reconciliation movements of the 1990s, Indigenous artists such as Darren Siwes and Luke Roberts began to draw attention to the fact that the sovereignty of the Crown obscured Indigenous sovereignty.[47] Each sovereignty was the inverse of the other; each inextricably bound with the other.

Siwes' series 'Oz Omnium Rex Et Regina' revealed what had already been implied in earlier forms of Australian banknotes and coinage: that the flipside of the Crown's sovereignty was Indigenous sovereignty. Now, however, Indigenous sovereignty was restored as 'the head' rather than the tail.[48] This critique mirrored arguments made in the political realm, such as the "Final Report of the Expert Panel," "Recognising Aboriginal and Torres strait Islander Peoples in the Constitution" (2012), which argued that "the basis of settlement in Australia is and always has been the exertion of force by and on behalf of the British Crown. No-one asked permission to settle. No-one consented, no-one ceded."[49] This much was implicitly admitted by the Palace itself. Until 2015, the Royal Family's official website carried brief historical narratives for each of the Queen's commonwealth realms, explaining the evolution of the Crown's sovereignty through the process of treaties in countries such as New Zealand and Canada, stressing the "enduring and very close relationship" between Indigenous peoples, "the person of the sovereign and the Crown." The 'creation story' provided for Australia was radically different:

> Captain James Cook claimed the east coast of Australia for the British Crown in 1770 under instruction from King George III, naming it New South Wales. British colonisation commenced with the arrival of the First Fleet to establish a penal colony at what became Sydney in January 1788. The modern Commonwealth of Australia dates from 1901.[50]

The silence was deafening. What had taken place between 1788 and 1901? The cloak of the venerable, majestic Crown—at once object, person, and synonym for state authority—had legitimized and disguised the taking of Indigenous land by force. It is little surprise that not one Indigenous Australian was granted an 'audience' with the monarch before 1999. For these reasons, Indigenous leaders increasingly called the political utility of the Crown into question in the early-twenty-first century. What many Indigenous people had earlier seen as a potentially empowering symbol was now losing its lustre, at least as an effective and potentially redemptive agent of negotiation with state and federal governments. Even when visiting royals such as Prince Charles in 1988 attempted to address Indigenous injustice, they could not help exposing their complicity in the process of dispossession. "The true celebration of this nation," said Charles, "is in its constitution ... [wherein] every family in this remarkable country has its rights protected and cherished."[51] Yet of course, Indigenous Australians were not recognized in the Australian Constitution, nor were their rights explicitly protected, a fact impressed upon Charles in April 2018, when he visited North East Arnhem Land and was greeted warmly by Yolngu elders. They presented him with a "message stick" to remind him

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[47] See Luke Roberts's Archibald entry: https://www.artgallery.nsw.gov.au/prizes/archibald/2012/29241/.

[48] Darren Siwes, "Oz Omnium Rex et Regina," accessed 29 January 2018, http://gagprojects.com/index.php/artists/darren-siwes/oz-omnium-rex-et-regina-2008/.

[49] "Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution," *Report of the Expert Panel, Commonwealth of Australia* (Canberra, January 2012), 22.

[50] The British Royal Family's official website (www.royal.uk). Now superseded, accessed February 2015.

[51] *Sydney Morning Herald* supplement, 27 January 1988, 6, http://resources.news.com.au/files/2014/04/24/1226894/934844-aus-web-file-50b-1988-front-page.pdf.

that they had not been "conquered" and their sovereignty had never been ceded.[52] Without knowledge of the country that was deeply embedded in place, visiting royals could do little else but make generally encouraging (and often patronizing) remarks, hovering in icy altitudes above their realm, and occasionally making benign visitations.

Conclusion

Despite the many appeals made by Indigenous Australians to the person of the monarch in both the nineteenth and twentieth centuries, and the handful of more recent meetings between the monarch and Indigenous representatives in London, there is little evidence that these interactions have made a substantial difference to the social, legal, and political status of Indigenous Australians. At best, they have offered the possibility of highlighting government inaction on Indigenous issues. At worst, they are a reminder of the monarch's majestic distance and her powerlessness to effect real change in the lives of Aboriginal people. Fifteen minutes of fame in Buckingham Palace cannot atone for more than two centuries of profound neglect.

In May 2017, the First Nation's National Constitutional Convention held at Uluru in Central Australia produced the Uluru Statement, a document that distilled the guiding principles for future negotiations with the Australian federal government. Calling for "the establishment of a First Nation's Voice enshrined in the Constitution" and a "Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history," the document was grounded in the assertion of Indigenous sovereignty:

> Our Aboriginal and Torres Strait Islander tribes were the first sovereign nations of the Australian continent and its adjacent lands and islands, and possessed it under our own laws and customs…This sovereignty is *a spiritual notion: the ancestral tie between the land, or 'mother nature', and* [*Aboriginal people*] ... it has never been ceded or extinguished, and coexists with the sovereignty of the Crown.[53]

Despite the Turnbull government's rejection of the Uluru Statement in October 2017, the unfinished business of constitutional settlement between Indigenous and other Australians remains. In the years ahead, Australia faces the challenge of reconstituting the foundation of its constitution and commonwealth. In light of the Uluru Statement, it is already clear that any new constitutional settlement will need to acknowledge what the coming of both responsible government and federation under the Crown were unable to acknowledge: that the sovereignty of the Australian people is no longer embodied or 'protected' through the person of the British monarch. Rather, the *origin* of the Australian people's sovereignty and any new constitutional settlement is the millennia-long depth of Indigenous occupation of the continent, the "spiritual" sovereignty that resides not in the person of the monarch, but rather, in the "ancestral tie between the land, or mother nature," and Aboriginal people.

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[52] "Prince Charles tours Nhulunbuy for sixth visit to the Northern Territory," accessed 16 April 2018, http://www.abc.net.au/news/2018-04-09/charles-visit-nhulunbuy-royals-northern-territory/9632620.
[53] "Uluru Statement from the Heart," *The Referendum Council*, accessed 29 January 2018, https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF.