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The Voice: self-determination is the problem not the solution

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The Voice: self-determination is the problem not the solution

Introduction

The referendum on October 14 proposes to alter the Constitution by adding a new chapter, an Indigenous Voice, empowered 'to make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to them'. It appears headed for emphatic rejection from mainstream Australia. This is despite endorsement and support from celebrities like Cate Blanchett and John Farnham and the country's corporate and sporting elite; Yes public rallies; an expensive television advertising campaign, and free air travel for Yes campaigners on Qantas. According to Prime Minister Anthony Albanese, speaking in Question Time in Parliament on Monday 11 September, 'Woolworths, Coles, Telstra, BHP, Rio Tinto, the Business Council of Australia, the Catholic Church, the Council of Imams, the AFL, the NRL, Rugby Australia, Netball Australia - all are supporting the Yes campaign'.

It would appear that the more the Voice has been debated, the more people have learned about it, the more focus on the Aboriginal leaders and the policy settings, assumptions and objectives behind it, the more support has evaporated. Confusion about how the Voice would work and concern about the separatist agenda of the Indigenous leaders aside, there are two reasons why voters are rejecting the Voice: it doesn't conform with the image Australia has of itself as an egalitarian multicultural democracy; and mainstream voters do not believe it will 'close the gap'.

Public rejection of the Voice is not surprising. What is surprising is that this nation's government and national 'elites' considered majority Australia would, in 2023, support a proposal that seems so disconnected from its democratic values. What is also surprising is the assumption by the Albanese Government that adopting the advice 'in full' of activist Indigenous leaders, advice based on the policy of 'self-determination' that has failed for over 50 years to improve the lives of the most disadvantaged Indigenous Australians, would be supported by mainstream Australia.

The debate has shone even more light on the alcohol-fuelled violence against women, and abuse and neglect of children, that is happening in remote 'communities' and spilling into towns like Alice Springs. Voters are frustrated, if not outraged, that such social pathology has been allowed to continue, given the vast amounts of taxpayers' money - \$30 to \$40 billion a year over the last decade - that has been spent on programs and services for Indigenous Australians. On a per capita basis this is twice what has been spent on non-Indigenous Australians.

The proposal and the problem

Public support has been expressed in recent years for the recognition of Indigenous people in the Constitution, in the form of an acknowledgement of them as the nation's 'First People'. The Indigenous leaders who have had the ear of government, however, have made it clear that they are not interested in 'symbolic' recognition, they want 'active' recognition, 'substantive change', and 'empowerment'. The objectives and intentions, beliefs and assumptions guiding the Voice, and details about its proposed regional and national structures, are set out in its background documents, the 2017 petition 'Uluru Statement from the Heart'¹ and the final (released September 2022) report of the Indigenous Voice co-design process, co-authored by Professors Marcia Langton and Tom Calma, known as the Calma Langton report.² The Voice would comprise 35 regional assemblies feeding into a national body of 25 representatives in Canberra. It would not be responsible for actual service delivery. It would make representations on any matter affecting Indigenous People, and it would direct these representations to executive government (before, during and after the making of laws), as well as to the parliament.

The background documents make it clear that the Voice would be based firmly within the rights-based policy setting of 'self-determination', introduced by the Whitlam Government with the goal of enabling Indigenous people to preserve and practice their culture and manage their own affairs. The Voice would pursue the goal of self-determination further by empowering Indigenous leadership to negotiate with government in the pursuit of a 'Makarrata' or treaty, 'truth-telling' and sovereignty or 'co-sovereignty'.

Regarding 'closing the gap', the rationale for the Voice provided by the Albanese Government, the Indigenous leaders claim in the background documents that the Voice would enable more effective service delivery for disadvantaged and marginalised Indigenous Australians (and thus help 'close the gap'). It would achieve this by passing on to government the specific needs of people at the local community level, as determined by these people themselves. This is the same policy approach that has pertained since the introduction of self-determination by the Whitlam Government in the early 1970s. But because the Voice would be in the Constitution, government 'would have to listen'. The 'co-design' authors advised that extra, secure funding would be needed for the Voice, and that none of the existing Indigenous representative, advisory or service delivery bodies should be abolished or have their funding or functions altered: the Voice would work in collaboration with them.

There is a disconnection between the Voice proposal and the messaging provided by successive governments that have overseen this country's large-scale annual immigration intakes, which would have concerned the public. Maintaining social cohesion, equality of access to public resources, and equality of political representation for all, regardless of race or ethnic background or ancestry, or religion, or length of time in the country, or income or social status, has been the public policy mantra of political leaders in this country for many decades. While few voters may be familiar with the 1901 Constitution, most would understand that it is the most basic instrument in this country's democratic system of government. They would understand that it is considered to have served Australia well, in that it has underpinned social and political stability over periods of significant change in the country's population. Entrenching a representative advisory body (or lobby) in Australia's Constitution for any group defined by race or ethnic identity, even a group comprising citizens whose ancestors were here first and who claim to be uniquely disadvantaged, was always going to be a confusing ask.

Rather than a new Voice, many voters have indicated during the referendum debate, in commentary on newspaper articles and letters to the editor and comments on social media, that they want a reckoning; a thorough audit of where all the money has gone.

Rather than another voice within the same policy settings that have failed to improve the lives of Indigenous Australians, they want a review of these policy settings, and of the assumptions behind them. They are questioning why, in this day and age, Indigenous Australians are treated differently from other Australians in public policy and administration.

Assimilation, Multiculturalism, Access and Equity, Integration

In the early post-War years, migrants from non-English speaking, mainly European countries, were assisted to settle under a policy of assimilation. They were provided with English language tuition and information about Australia. Volunteers in a Good Neighbour Council scheme assisted migrants to become 'new Australians'. In the 1960s, official settlement policy was changed to 'integration', based on the experience and understanding that not only were immigrants from non-English-speaking European countries retaining their home cultures and languages, this assisted them to settle and contribute to mainstream society. Source countries diversified; in the early 1970s, the numbers of Australian citizens born especially in Asian, and also in Latin American, Pacific and African countries, increased dramatically.

Advocates and academics and ethnic community leaders in the early 1970s argued that the specific identities of migrant communities of non-English speaking background and cultures were insufficiently recognised, and their needs inadequately serviced, through mainstream services. Ethnic Communities Councils, and a Federation of Ethnic Communities Councils, were established to advise government. Ethnic community 'leaders' advised government that their communities required 'ethno-specific' services. In 1973 the policy of multiculturalism was officially adopted.

Multiculturalism was much debated in the late 1970s and early 1980s, with 'hard' multiculturalists advocating a vision of Australia as a 'mosaic' of different cultures. This vision was criticised for ignoring or downplaying the reality of a mainstream, absorptive, English-speaking Australian culture. Official multiculturalism was never supported by majority mainstream Australia, which, as shown by attitude surveys over the years, has always wanted and expected migrants to 'join in', and supported services and funding to assist their integration. There was scepticism regarding the leadership credentials and representativeness of the ethnic community leaders advocating separate services, and about whether such service provision was beneficial to a cohesive society, or practical.

In reality, the programs and services funded by the Commonwealth government under the rubric of 'multiculturalism', mainly English language tuition, interpreting and translation services and settlement grants, were always directed at assisting migrants to integrate into mainstream Australian society. In the mid 1990s, while recognising the multicultural reality of Australia, the Howard Government scrapped multiculturalism as official government policy, in favour of integration.

In 1985 the Hawke Government had adopted the policy of 'mainstreaming' Commonwealth Government service delivery through an 'Access and Equity' strategy. This required - and still requires - mainstream health, welfare, education and other services to be accessible and equitably delivered to all eligible citizens, regardless of their cultural or language backgrounds. Service planners and deliverers are required to consult with ethnic groups about cultural requirements, but members of these groups are required to use the same services that are available to all. Resources are allocated and priorities determined, in service delivery, on the basis of need, not ethnicity.

The Access and Equity strategy requires any government assistance for ethnic groups to have the specific objective of encouraging and assisting members of ethnic communities to participate in and contribute to mainstream Australian society. Settlement grants formerly provided to ethnic communities for the purpose of strengthening those communities, subsequently have been provided for the purpose of assisting recent arrivals, including particularly vulnerable young refugees or older people, to connect with and utilise mainstream programs and services. Grants are available to assist ethnic communities to maintain and celebrate their cultures, on the understanding that they will share their culture and celebrations with all Australians.

Protection, Assimilation, Self-Determination, Reconciliation, Treaty, Truth-telling

The first official policy of 'protecting' Indigenous Australians by segregating them from the early British settlers, was replaced in the 1930s and 1940s by a policy of 'assimilation', pursued with the assistance of Christian missionaries. The aim, obviously, was to assimilate Indigenous people into the 'settler' society. In 1972, under the Whitlam Government, as noted, this policy setting shifted, from cultural assimilation to self-determination. This radical shift was justified as being in accordance with the principle set down in United Nations declarations and charters, that Indigenous people had a right to determine their own political status and pursue their own economic, social and cultural interests.

In Australia, self-determination has been interpreted as meaning that government should listen to the advice of Indigenous people about their needs, and Indigenous people themselves should direct the provision of publicly-funded services to Indigenous Australians. Before 1972, program delivery was the responsibility of the normal agencies of governments, ie mainstream departments. In 1972, responsibility shifted to the funding of Indigenous-controlled organisations.

A department of state was created in 1972, the Aboriginal Affairs Department, to implement and oversee the new policy setting, which has encompassed Indigenous land rights and the negotiation of treaties, as well as 'self-governance'. Under the self-determination policy setting an 'outstation' or 'homelands' movement was commenced, under which very small, remote settlements were funded with the aim of enabling Indigenous people to preserve 'connections to country'.

In 1988, a 'Barunga Statement' was presented to Prime Minister Hawke by Indigenous leaders, which called for the recognition of Indigenous people's rights 'to selfdetermination and self-management, including the freedom to pursue their own 'economic, social, religious and cultural development'. Political support was not forthcoming during the Hawke Government to negotiate a treaty. The Hawke Government did however establish, in 1990, an Aboriginal and Torres Strait Islander Commission under the policy setting of self-determination. Indigenous representatives were elected to ATSIC, and it had responsibility for funding Indigenous service delivery agencies as well as advising government. ATSIC failed to effect significant improvement in the lives of the most disadvantaged and marginalised Indigenous Australians, and some members were found to be corrupt and nepotistic. It was abolished by the Howard Government in 2004, with the support of the Labor Opposition.

The Barunga Statement was presented to Prime Minister Hawke at the time that the Commonwealth Government's Access and Equity strategy was being implemented with 'mainstreaming' and integration as guiding principles for public administration. While Indigenous people can, of course, access mainstream services, Indigenous-specific services have remained quarantined from the policy. The Access and Equity policy guide on the Department of Social Services website emphasises that the policy is for *all* Australians. It then states, however: 'to avoid duplication of policy and reporting obligations the policy does not extend to ... Indigenous Australians. The distinct needs of (this group) are addressed through separate initiatives'.

Modern multicultural Australia

People from Britain and European countries were favoured in the early post-War years of Australia's migration program, and people from Asian countries and temporary workers from the Pacific were excluded from permanent settlement. The White Australia policy was abolished in 1972: for over 50 years Australia's immigration policy has been non-discriminatory in terms of country of origin. Since 1975, and the passage of the Racial Discrimination Act 1975, discrimination on the basis of race in public life in Australia has been illegal.

Traditionally-living Indigenous people were displaced and their culture disrupted following the arrival in Australia of the early, British, settlers. Indigenous people became Australian citizens with the passage of the *Australian Citizenship Act 1948*. While able to vote and counted in some State censuses before the 1960s, since 1967, with the passage of a referendum with 90 per cent public support, Indigenous Australians have been fully included in national population and citizenship data. For over 50 years Indigenous Australians have had the same civic rights as other citizens.

Today, Australia is a modern, wealthy, diverse country in an increasingly diverse and connected world. Of Australia's population of around 26.5 million, more than half has one or both parents born overseas. The main countries of origin over the last decade have been India, China, the United Kingdom, the Philippines, Nepal, Vietnam, New Zealand, and Hong Kong. A significant and rapidly growing proportion of the population is of mixed heritage: rates of intermarriage between people from different ethnic groups are very high by international standards. Rates of intermarriage between people identifying as Indigenous and non-Indigenous are particularly high in Australia's cities and urban areas. In the 2021 census, there were nearly 160,000 couples where one or both parties identified as Indigenous: 82 per cent of these were couples where one partner identified as non-Indigenous (or did not respond to the question). Of the couples where both partners identified as Indigenous, most, 72 per cent, were in the Northern Territory.³ Indigenous Australians comprise 3.8 per cent of the population. (Increasing numbers of people have identified as Indigenous in recent censuses.)

The achievements of Indigenous Australian sports stars, musicians, writers, artists, journalists, television presenters, actors, academics, artists, fashion designers etc are celebrated in mainstream Australia. Indigenous culture is extensively displayed, performed, and marketed, in mainstream Australia. Diversity is fashionable; indigenous models and actors market products in advertisements. Australian society has arguably never been more inclusive. Not only is racism not tolerated in Australian institutions - sporting, public service, business - any hint of it is crushed, and perpetrators risk being publicly humiliated, prosecuted, and hounded from their employment.

There are arguably backward-looking and reality-defying aspects to the self-determination project of Voice, treaty, truth-telling and sovereignty set out in the 26-page Uluru Statement From the Heart, which proclaims an Indigenous 'story' that Prime Minister Albanese claims not to have read. The separatist agenda is justified by Indigenous activists on the basis of intergenerational suffering and trauma caused by dispossession. The end-goals appear to be a separate state, through secession, or some sort of autonomy or association in a federal state. These goals have been downplayed during the referendum debate, for the obvious reason that mainstream Australia is unlikely to support them.

Mainstream Australia does support closing the gap. To close the gap, however, the selfdetermination project of Voice, Treaty, Truth would be more usefully redirected towards integrating those Indigenous people who are living marginalised and unacceptably disadvantaged lives, into mainstream Australian economic and social life. These people comprise about 20 per cent of the national Indigenous population. Eighty per cent of people claiming Indigenous ancestry have chosen modernity; most of them live in Australia's multicultural cities and urban areas with Indigenous and non-Indigenous family members, with roughly the same living standards as other residents.⁴ They use mainstream services. While Indigenous people who live in urban areas may be more likely to be disadvantaged than other residents, there is no gap requiring billions of dollars of funding to be closed between them and the non-Indigenous people who comprise Australia's city populations.⁵ Obviously, the more integrated Indigenous people are into mainstream Australian life, the more likely they are to live lives of equal outcomes.

Mainstream multicultural Australia has arguably demonstrated that it has the public policy skills to include in the 'national story' those Indigenous Australians who have been marginalised and excluded for too long, under originally well-intentioned but arguably outdated 'self-determination' policies. The sorts of reforms that are needed are obvious. 'Bush Aborigines' living 'on country', on land that is collectively owned and managed by Indigenous Land Councils, need to be enabled to benefit economically from that land, to own houses and establish businesses. Funding for Aboriginal organisations should be conditional on those organisations' capacity to connect and to transition Indigenous people into mainstream employment, education, training, legal and health services. Mainstream health, education, legal and other services could absorb Indigenous employees presently providing Indigenous-only services. Projects funded through Indigenous organisations should have clear integration and social cohesion objectives. They should be properly evaluated and audited.

Indigenous citizens like any others are entitled, of course, to practice their culture within the law, and live where they choose. It is not practical or affordable, however, to provide

more than basic services for people who choose to live in very remote areas. Support would of course have to continue for Indigenous people who wish to remain in remote communities. Integration goals could be pursued, however, for example by providing transport to regional centres for health, education and legal services, rather than funding Indigenous-specific services. Funding for the education of Indigenous children in very remote areas could be directed towards connecting these children into mainstream distance learning arrangements, or establishing boarding arrangements near mainstream schools in regional centres.

How racist is Australia?

While seeing itself as a 'fair-go' society, willing to give a hand-up to those in need, Australians have long expressed scepticism and resentment regarding the provision of special treatment and privileges for people solely on the basis of (in Australia's cities, sometimes recently discovered) Indigenous identity or heritage. Many have expressed frustration that Indigenous people they see living in wretched, squalid conditions 'don't' or 'won't' clean up their own mess and take up the opportunities available to them as Australian citizens. Some commentators have pointed out that isolation, lack of employment, inability to own property, lack of agency or purpose, and intergenerational welfare dependency would create social pathology in any group of people. Some observers, including anthropologists, have blamed aspects of the traditional authoritarian patriarchal and obligatory 'share' culture for high rates of violence against women, 'humbugging' of Centrelink benefits, and poor outcomes for children in remote Indigenous communities. Some have observed that activist leaders and well-meaning journalists have downplayed the negative aspects of Indigenous culture. Indigenous activists blame racism in mainstream Australia and inter-generational trauma from dispossession and cultural loss, for the social and economic dysfunction in remote communities.

There are of course racist and stupid people, as well as brilliant and talented people, Indigenous and non-Indigenous, in Australia. In terms of international comparisons, however, Australia is one of the most inclusive and least racist countries in the world. According to indicators used by sociologists, Australia has: very high rates of intermarriage; an absence of ghettos of significant racial or religious economic disadvantage; laws prohibiting discrimination on the grounds of race or religion; very low levels interethnic or racial violence; no formal barriers to employment or political participation; policies and programs to promote social cohesion and harmony; and very high levels of social mobility. As noted above, Australia arguably has one of the least racist societies in the world, and any trace of it is hounded out of our institutions.

Claims that racism is nevertheless widespread, based on more subjective attitudinal or 'advocacy' type research, should be kept in perspective. Analysis shows that this sort of research will uncover however much racism suits the agenda of the researcher. For example, an evaluation of programs funded to enhance 'multiculturalism' in Victoria in the mid-1990s, found very little racism in Melbourne's public schools, which the researchers attributed to the success of multiculturalism.⁶ A study of Brisbane schools undertaken in the mid-1990s for the purpose of securing funding for anti-racism activities, found racism was a serious problem.⁷ At the Lowitja International Health and Wellbeing Conference held in Cairns 14-16 June, a speaker on the topic of Indigenous Research shared with her audience, to knowing laughter, that, as an Indigenous researcher with long experience of undertaking the sort of research required to secure government funding, she of course 'knew the answer' before she began her research: mainstream health services are afflicted with 'institutional racism', and they are not meeting the needs of Indigenous people. She argued that more Indigenous research is needed, to support more advocacy.⁸

Rather than how racist is Australia, the question that the referendum debate has thrown up is: how useless are our politicians, who have overseen the continuing disadvantage and suffering of the most marginalised of the nation's citizens, and the expenditure of hundreds of billions of taxpayer dollars on programs and services, under a policy setting that has failed?

A Productivity Commission report in 2016 found that of 1000 Indigenous programs funded to tackle Indigenous disadvantage, only 34 have been properly evaluated. Premier Palaszczuk responded that her government would address the disadvantage of Indigenous Queenslanders and close the gap by listening more intently to Indigenous people, especially in Queensland's remote communities: it would 'empower' Indigenous Queenslanders by giving 'real meaning' to self-determination. As noted, Prime Minister Albanese said in 2023, while promoting the Voice, that little progress has been made in meeting the needs of disadvantaged Indigenous communities, that in some of the most important 'close the gap' areas such as high incarceration rates, and poor school attendance and performance, Indigenous disadvantage had worsened.

Prime Minister Albanese's acknowledgement that billions of dollars have been wasted on trying to close the gap, with little effect, was intended to strengthen the case for the Voice. It is, rather, being seen as demonstrating the failure and ineptitude of governments which have thrown more and more money at Aboriginal agencies under the policy of self-determination. They have promised, despite the apparent and continuing failure of this policy setting, only more and more consultation and 'listening'. Government in Australia appears to have abnegated its responsibility to equally care for all Australians, to address the plight of the country's most marginalised. It appears to have handed responsibility for policy development over to activist Indigenous leaders. Mainstream Australia may no longer tolerate this. The referendum has shone light on the failure of the Albanese Government to grasp the obvious: that a change in policy is needed.

Conclusion

Yes proponents have argued that nothing will change if the referendum is not passed. Continuation of the status quo, however, may not be politically possible after the referendum. Australian voters will have indicated that they do not believe that more 'selfdetermination' will close the gap. They will also arguably have sent a message that they will not accept the separatist goals and objectives of the activist Indigenous leaders who have had the ear of the Albanese Government. It is likely that the failure of the Yes case in the referendum will see increasing public demand, and expectations, for wholesale review and reform of the public policy settings for Indigenous people. The instincts of mainstream voters have been affirmed during the referendum debate through the prominent participation of Indigenous leaders who have not supported the Voice, who see it as perpetuating an 'Aboriginal industry' that has presided over, without solving, Indigenous marginalisation and disadvantage. It has also seen the emergence of a crop of articulate young Indigenous commentators, who have 'self-determined' their own futures within modern mainstream Australia without shedding their Indigenous identities or connections, who have rejected the call for separatist policies. They have promoted the integration of Indigenous people into the mainstream Australian economy and society as the inevitable and obvious way to 'close the gap'.

While not popular with some activist leaders who have had the ear of the Albanese Government, Jacinta Nampijinpa Price, Shadow Minister for Indigenous Australians, is delivering a message that is clearly resonating with Australians of whatever political persuasion or ancestry background. She, Indigenous Australians Minister Linda Burney, and Voice architect Marcia Langton, on separate occasions, addressed the National Press Club on the Voice. Their appearances were available to be streamed on YouTube. Linda Burney received 10,500 views and Marcia Langton received 19,000. Within one week of her address, Jacinta Nampijinpa Price received 130,000 views.

Jacinta Nampijinpa Price has stated that she looks forward to the day when the separate portfolio arrangements for 'Aboriginal Affairs', established over 50 years ago, are abolished. She looks forward to the day when Indigenous Australians are treated the same as other Australians.

Notes

- 1 The Uluru Statement from the Heart is accessible at <u>ulurustatement.org</u>. The 26-page document titled Uluru Statement from the Heart is document 14 of the Uluru Dialogues, and is accessible at <u>https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/305</u>.
- ² The Indigenous Voice Co-Design Process Final Report is on the Voice website and is accessible at <u>https://voice.gov.au/sites/default/files/resource/download/indigenous-voice-co-design-process-final-report_1.pdf</u>. The principles guiding the Voice arrangements are set out at page 40.
- ³ Australian Bureau of Statistics (2021), <u>Understanding change in counts of Aboriginal and Torres</u> <u>Strait Islander Australians: Census</u>, ABS Website, accessed 29 September 2023
- ⁴ Gary Johns, in 'The Burden of Culture', Quadrant Books, Sydney 2022, argues that the 'gap' is between a minority 20 per cent of Indigenous people who have failed to adapt, who live in remote and regional areas, and all other Australians. See also Peter Sutton, who writes about the damaging effects on Indigenous people of 'structural racial segregation', in *The Politics of Suffering*, MUP 2011.
- ⁵ An Australian Aboriginal and Torres Strait Islander Performance Framework report (accessible at <u>indigenousehpf.gov.au</u>), based on 2016 census studies, found 'a clear gradient of disadvantage by remoteness for Indigenous Australians: capital cities rank well, while remote areas rank poorly'. It noted that not all Indigenous people are disadvantaged: five per cent who lived in urban areas lived in 'the most advantaged' areas. An Australian Productivity Commission Report *Overcoming Indigenous Disadvantage: Key Indicators 2016* (accessible at

<u>https://www.pc.gov.au/ongoing/overcoming-indigenous-disadvantage/2016</u>) found that while Indigenous people who lived in Australian cities and urban areas tended to have poorer outcomes than non-Indigenous residents, they experienced significantly better outcomes than Indigenous Australians in remote and very remote areas.

- ⁶ Bill Cope and Mary Kalantzis authored the survey report 'Young people Speak About Identity and the Making of a New Australia', released 7 April 1998 by Victorian Premier Kennett. Survey findings summarised in Fiona Carruthers, 'Youth won't tolerate racism', *The Australian*, 16 March 1998.
- ⁷ Described Caroline Milburn, 'Teachers believe racist attitudes widespread', *The Age* (Melbourne), 23 February 1995.
- ⁸ Distinguished Professor Linda Tuhiwai-Smith from the University of Waikato, New Zealand. The conference proceedings were presented on ABC Radio National on 8 September 2023, in the program 'Speaking Out', under the title 'Truth, Rights and Response'. Accessible at <u>https://www.abc.net.au/listen/programs/speakingout/speaking-out/102752058</u>