



LIBERTY!

PROCLAIMING EUREKA

#87 March 2024



EurekaAUSTRALIA
DESCENDANTS AND SUPPORTERS

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Welcome to Liberty! (image by Absolutely Ai. Read the full Story on page)

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***A friendly reminder!**
Membership renewals for 2024 are due. We welcome new memberships from family, friends. You'll find our Membership form on the last page of this edition of Liberty!



President's column

Hello to all our members, potential members and friends. The Eureka Australia Democracy Award Dinner in November last year was a memorable event,

Democracy Heroes

Two separate Awardees, Hugh de Krester and Phillip Moore were recognized and their contributions to date were celebrated. We congratulate them both.

Bernard Collaery was an intriguing guest speaker and while the injustices he has faced are slowly it seems being reversed he has paid a heavy price professionally and personally for representing a whistle blower. It was a sobering presentation.

Commemorating Eureka and celebrating our democracy are our two major objectives as an organization. The 120 attendees at the Dinner certainly fully participated in and enjoyed those twin celebrations.

Who we are and what we do.

We have now published our Eureka Australia leaflet entitled *"Who are we and What do we do"* and anyone who has not received a pdf copy is encouraged to email our Secretary, Peter Gavin at committee@eurekaaustralia.org.au and ask for a pdf version. Limited hard copies are also available.

As an extract from the leaflet notes **"The Eureka battle tragedy became an immediate triumph with an historic victory, because public opinion reflecting demands for improved social, economic and political justice, won the day. This public reaction gave birth to a more representative, responsible and democratic government, at State and at local levels which are still the envy of many other countries.**



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I would encourage you all to read the leaflet for its content, spread the word to those you interact with and do send a copy to friends and colleagues as much as possible.

When former PM Malcolm Turnbull attended the Prime Ministers Walk in the Ballarat Botanical Gardens in late 2022, for the unveiling of his head and shoulders statue, he remarked that *“ When people come through here, and look through the various prime ministers, ...I hope they also reflect, as they will at the Eureka Centre, on the importance of our freedoms, the importance of maintaining them, and the importance of defending the integrity of the institutions that enable them to be realized in our Parliaments. We cannot take democracy for granted.”*

Democracy is under great threat around the globe. So many democracies through history have been captured by autocrats and changed if not permanently then for decades with devastating effects on freedoms. This is a theme we at Eureka Australia will all be reminded of during 2024 as the US presidential elections act out the battle between Democracy and clearly stated Autocracy. It is a situation I did not think I would see in my lifetime. If supporters for the autocratic candidate do prevail in November, our world and our country will be heavily impacted.

Coming up

We have a busy programme of activities ahead with a revamp of our website proposed to streamline it and enable membership and merchandise purchases to be more readily carried out on line.

The 2024 EA Democracy Award Dinner is planned for November 30, 2024 again at the Amora Hotel, Richmond.

We are finalising some pilot educational video plans about Eureka’s major impacts and this programme will commence the building of available key materials for students and scholars, including references on line to existing material.

We are also further developing our Ballarat App which is to focus on Eureka outcomes related to 10 sites in Ballarat and we hope to complete it this calendar year.

We are researching the location of the graves of the other 12 diggers who were tried for treason and acquitted in early 1855, following the installation of a plaque and planting of an American oak at White Hills Cemetery at Bendigo last year by Ambassador Caroline Kennedy to commemorate John Josephs’ courage and contribution at the Eureka Stockade.

Thanks for your ongoing support.

Eric Howard
President

Letter to the Editor – Eureka Australia

Eureka absent at the MOAD

“We are both members of Eureka Australia, living in Canberra. We have recently revisited the Museum of Australian Democracy(MOAD) in Canberra. MOAD is an important national institution which educates thousands of visitors every year, especially school children, on Democracy in Australia. We were interested to see how the Eureka Rebellion was presented therein. Visitors are invited to: “follow the journey of Australia’s democracy through the debates that have shaped our nation. Explore the events, debates and decisions that shaped our nation through the stories of the people who created our democracy.”

What we saw was mainly kitsch memorabilia of political events from recent times. There's even corflutes of failed One Nation and Palmer's Party candidates. **There are none for Peter Lalor or John Humffray.**

There is a one wall display in a room labelled 'Writs to Referendums' which has small summaries of the milestones in the evolution of Democracy in Australia. Compare this to a multi room exhibition called 'Howard Library', which uncritically covers the events in John Howard’s Prime Ministership.

At the start of this display there is a small poster with the words *“Events from the Eureka Stockade to the People’s Convention on Federation shaped our electoral system and the ways we are represented”*

Next, this there is a 23 x 12 cm card worded *“1854. Miners in Ballarat protested the way the colonial government administered the goldfields, leading to reforms in representation, suffrage and secret voting”*. Then there are several cards covering other milestones in the evolution of democracy in Australia. That’s it.

The Ballarat Reform League (BRL) Charter is not included in this display. We noted in the MOAD Annual Report that the Ballarat Reform League Charter is displayed in 'Blueprint' room. It’s again just a small card.

Visitors can't appreciate the importance of the BRL Charter and the Eureka Rebellion by visiting MOAD.

□ www.eurekapedia.org states *“The Ballarat Reform League Charter is the first document in the history of Australia to promote democracy. That document has been entered into the UNESCO Memory of the World database, which aims to collect the most important documents in the history of mankind.”*

Visitors can't appreciate the importance of the BRL Charter and the Eureka Rebellion by visiting MOAD.

Before the Eureka Rebellion there was no democracy in Australia. There was only Legislative Councils in NSW and Victoria, reserved for wealthy land owners, and appointed by the Governor.

In Victoria, diggers twice petitioned Governors for some democratic rights for working people, including an end to taxation without representation, and access to land. Both petitions were dismissed.

Immediately after Eureka:

1. There were no more licence hunts.
2. A Royal Commission was set up which found that ‘offensive and tyrannical force’ had been used against the diggers.
3. The 13 Stockaders charged with high treason were acquitted and an amnesty given to others.
4. A new gold-fields administration was appointed in 1855.
5. The ‘Miner’s Right’ replaced the licence fee. It cost one pound (down from 18 pounds) per year, and entitled diggers to mine anywhere in Victoria and gave them legal rights to a mining claim. State revenue from gold was maintained by a new export duty of 2/6d per ounce of gold.
6. Great tracts of land held by squatters were sold to the public.
7. Parliamentary representation was introduced. Eight parliamentary seats were located on the goldfields. Ballarat elected Eureka heroes Peter Lalor and John Humffray.
8. The Eureka Rebellion led to a wave of democratic sympathy thruout Victoria, as demonstrated by the overwhelming public support for the 13 Eureka prisoners. It was this public support that ensured the swift introduction of the democratic and mining reforms that the diggers fought and died for.

Some say that all this would have occurred without the bloodshed at Eureka, but the fact is that it didn’t and Governors LaTrobe and Hotham said it wasn’t about to. All these sudden reforms would not have been granted by Hotham and the unelected Legislative Council, had they not been forced to by the Eureka Rebellion and the public reaction to it.

The Eureka Rebellion initiated the development of Democracy in Australia. The Eureka story should be accurately and appropriately represented at MOAD.

We believe that Eureka Australia should lobby now for the due MOAD recognition of the lead up to the Eureka Rebellion and its aftermath.

Yours Sincerely,

Leigh & Martin Callinan. Canberra.



What does Eureka mean to me?

Professor Clare Wright AO. Historian and Academic.

This is the second in a series by Marianne Messer, exploring the impact of the Eureka story on individuals and careers in the 21st century. The first story featured David Taggart, Vice President, Australian Society for the Study of Labour History (ASSLH Melbourne), and is available in the December 2023 issue of Liberty

Clare, how would you describe your job?

“Mmm. One of my best friends calls me ‘Clare everywhere’. But officially I am Professor of history and Professor of Public Engagement at La Trobe University. I have been here since 2004 when I arrived to do my post doctoral research on the women of Eureka. So Eureka has special significance for me. I am also involved in a couple of podcast series, including hosting Radio National’s podcast series called “Shooting the Past”. I make television documentaries and I consult for film and television. I also work at the interface between academia and activism where I am involved in current debates including a group I co-convene called “A Monument of One’s Own – which works towards statue equality remembering the people who haven’t been acknowledged traditionally. “

What does the Eureka movement mean to you ?

“My professional life is indivisible from Eureka. My Eureka research led to my book, [The forgotten Rebels of Eureka](#), which really launched my career, out of academia, and into the wider community. So I can’t think about my life, I can’t think about my career without thinking about Eureka.

“... I can’t think about my life, I can’t think about my career without thinking about Eureka. “

How has it impacted on your professional life?

For me personally the Eureka research was a wonderful journey of testing my instincts. My hypothesis was that there were more women at Eureka than were ever acknowledged. So I went back to the archives, and researched to build a strong case to support my hypothesis. It's a methodology I've been using ever since. I found a different set of answers (about the women of Eureka) because I went in with a different set of questions. Even the fact that women were killed at the Eureka Stockade was something that hadn't been recognised previously.

Who does Eureka represent ?

Youth and diversity. Most of the Eureka activists were young people. It was a young people's movement. It was also an international, and racially diverse movement which included women of all backgrounds. Today we have monuments in Ballarat that acknowledge the fallen included women, and that came directly out of my research. This is so empowering and motivates me to tell the diverse stories about Eureka.

How can we get the story of Eureka out to our young people who may be growing up unaware of its importance, not just in Australia, but as part of global movements including democracy, women's suffragette movement and voting rights?

I have been similarly concerned. I have had three kids who have all gone through our education system and I was concerned that they were being taught the same things about Eureka that I was taught in the 1970's. So I ended up writing a young adults' version of my Eureka book, called 'We are the rebels – the men and women who made Eureka' which comes with teacher notes, on the website, and is specifically adapted to appeal to young adults. Teachers want the material they teach to be more inclusive, more diverse to reflect the classrooms of today. But they are often limited by the resources they have to draw from. If you give teachers the capacity to teach from various angles and points of view, they will!

At the same time, in the civic and cultural infrastructure our commemorative structures need to be accurate and inclusive. When we were remodelling the Eureka Museum in Ballarat, everything that went into that space benefited from the Eureka research I was doing at the time. Telling the story in a much more inclusive way, right down to the artworks. Museum practice is so important.

Thirdly my book is being adapted into a 10 part television series with an international production company and while it's a long term project, I think it's a really important way to get the Eureka story across that it was not just a group of male miners and soldiers, but it's a story of a diverse and wide ranging group of individuals. Television has the power to take this to a wider audience, and make Eureka a part of a wider cultural understanding. We have included a waturang character as well, since it is a drama, we are able to interpret the facts, flesh out the characters French, Italian, American, you don't have to make them up. They were all there. The story is pitched that way by the screen writer, Anne Penny, who wrote Outlander. It's not just a two dimensional story, Eureka is a lived experience with people from all over the world, with women fighting for their community, which as we know, they do all the time.

Can you tell us about one of your Eureka heroes ?

I have so many. It's like choosing your favorite child! But I do have a very soft spot for Ellen Young, who called herself the Ballarat Poetess. Ellen was a writer, a poet, at a time when women's voices weren't often heard. Ellen was the intellectual leader of the movement, She was the one writing letters to the Ballarat times. She was also writing directly to Governor Hotham, telling him what needed to be done in land reform in taxation, in the Eureka movement. Ellen was a leader, a thinker, a revolutionary. I have so much respect for her.

I understand you are about to release the third book in your trilogy about the fight for democratic representation in Australia. Can you tell us a bit about that ?

When I wrote the first book The Forgotten Rebels of Eureka I didn't realise I was starting a Democracy Trilogy. But my second book, You daughters of Freedom, was about the Australians who won the vote for women. Now I am finishing off a History of the Yirrkala Bark petitions, which the Yongu people of NE Arnhem land of 1963, presented as part of their petition for voting rights. So there are my three books covering Flag, Banner and now Bark, all about fighting for the right to have a voice. Stay tuned for Clare's latest release, due out later this year.

Marianne Messer. Eureka Australia



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Transparency in Democracy- Honouring the Resolve of Bernard Collaery

Dr Lynne Reeder

While governments need to preserve aspects of secrecy for national security, they also need to protect democratic principles through accountability and transparency. Striking this balance has been at the heart of the long-standing case, which has involved Bernard Collaery in fifty-nine court cases.

Collaery was the guest speaker at the annual Eureka Australia dinner in November 2023.

Since 2018 this Canberra lawyer has been fighting to have his name cleared after being charged with helping his client Witness K reveal details of an alleged Australian spying operation in East Timor. Collaery's professional stance in challenging his prosecution significantly impacted his personal life as for four years he was unable to practice as a lawyer, and his Manuka office was raided while he was away at the International Court of Justice in the Hague.



The charges against Mr Collaery were subsequently dropped by the Labor government in July 2022 and fully overturned in January 2024 on the basis that one of the judges likely gave "too much weight" to national security when deciding if matters should be heard in open court.

Despite this prosecution, the Australian government has never confirmed or denied the allegations about its conduct, which it has to be said, is not unusual with classified information. Whilst Mr Collaery agreed that some of the information in the case should remain secret, he did acknowledge that there were some issues that were not of national security importance and fought against the government's application for redactions partly on the basis that it was an abuse of process.



In reporting on this case, ABC journalist Elizabeth Byrne stated that the alleged actions related to claims Australia had spied on the East Timor cabinet during sensitive oil and gas treaty negotiations. This spying allegedly involved the Australian Secret Intelligence Service planting listening devices in a room adjacent to the East Timor Prime Minister's Office, specifically intended to obtain information so that Australia held the upper hand in negotiations with East Timor over the rich oil and gas fields in the Timor Gap.

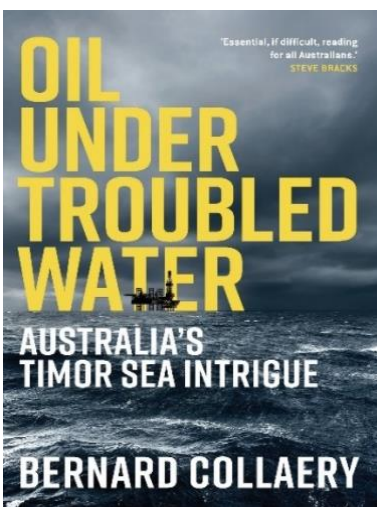
Transparency is crucial in all organisations but is particularly important in government dealings because transparent actions promote accountability and reduce the likelihood of unethical practices. The actions of the Australian government in the context of the negotiations over oil and gas in the Timor Gap including expanding the maritime boundary in Australia's favour could be seen to have been at least morally questionable.

In his 2020 book, *Oil Under Troubled Water* Collaery spoke to how the actions of both major political parties enriched Australia and its corporate allies at the expense of East Timor which is one of the poorest nations in the world.

During his Eureka talk Collaery mentioned that in addition to oil and gas, the Timor Sea is also home to helium - and the price of this inert lighter-than-air gas, a critical component in high-tech processes - has significantly increased in recent years. It seems integrity in government will become even more necessary at a time when the ethical aspects of transparency will be impacted by future high-tech and artificial intelligence programs.

Bernard Collaery is well aware of the vicissitudes of government processes, as he is not only a lawyer but was also an Attorney General in the ACT Government. In 1989 the ACT became self-governing with a minority Labor government. At that time, I was one of two researchers who conducted over 60 oral history interviews with politicians, public servants, and community leaders, including with Bernard Collaery for the publication: *Reluctant Democrats: The Transition to Self-Government in the Australian Capital Territory*.¹ At that time Collaery was the Leader of the Residents Rally an independent group that had a strong local emphasis with his Party gaining four seats in the first ACT Assembly.

Following the dismissal of his case, the Human Rights Law Centre commented that the release of the redacted judgement had underscored the need for transparency, and reform of whistleblowing laws with senior lawyer for the Centre, Kieren Pender describing the release as a win and *...an overdue end to a sorry saga for Bernard Collaery and Witness K*.



While it seems that this case has now been resolved, according to the well-known Canberra-based journalist Jack Waterford, national security is now so thoroughly politicised that *...it is too early to come to any conclusion that the oppressive overreach of national security legislation, and its threat to the justice system is over*.

Transparency in democracy should not be taken for granted, as Waterford reminds us there is more to transparency in policy settings, than the dissemination of data. There are no easy answers to when and how transparency should be integrated into democratic processes – which means that there are many ongoing questions that need to be kept at the forefront of our minds, including:

- Are the multiple dimensions of both democracy and transparency changing, and if so, how?
- How can we more expertly map all the factors that affect information flow and the evaluation of performance within governments?

- At what point in the political process should transparency be expected?
- What are the moral dimensions of transparency in government decisions and procedures?
- What role does the media play in supporting the release of information in the public interest?

¹ Grundy. P, Oakes. B, Reeder. L, Wettenhall. R. (1996) *Reluctant Democrats: The Transition to Self-Government in the Australian Capital Territory*. Federal Capital Press, Canberra.

- How will artificial intelligence interfere with perceptions of government actions in negotiations between sovereign nations?

The story of the Eureka Stockade is a reminder that vigilance is always required in a functioning democracy, and that attentiveness needs to be built into democratic systems - after all those participating in the Eureka Stockade did not want to overturn the system of government; rather they wanted to be formally included in it.

The Ballarat Reform League Charter's focus was to *...place the power in the hands of responsible representatives of the people to frame wholesome laws and carry on an honest Government*. Even back in the 1850's the Chartists were raising concerns around the distinction between morality and law, questioning any governing that is done *... on the basis that law is greater than justice* - and this distinction is still current, and indeed was central to this influential case.

Bernard Collaery did not want to overturn security laws, rather he wanted higher levels of transparency evident within them; and we ought to be grateful to him for his resolution in pursuing this matter - since justice and integrity should always underpin the formation of laws within democratic systems.

At a time when democracies around the world are under threat, it is more important than ever that adequate safeguards are embedded in policy in visible and accountable ways, because transparency builds trust - and trust was always, and still is the foundation of democratic processes.



Dr Lynne Reeder is an Adjunct Research Fellow at Federation University Australia and a member of Eureka Australia.

What has the Australian Broadcasting Corporation got to do with Eureka?

CHAIRMAN KIM MIGHT HAVE TO STUDY HIS BASIC ABC

By Peter Lalor Philp

Kim Williams, the newly appointed ABC chairman, has had some encouraging things to say about his new treasure, the ABC. However he is still roaming outside this complex media den.

Soon he will be inside the cage with a pride of unhappy lions.

What has the Australian Broadcasting Corporation got to do with Eureka?

A hell of a lot.

In 1854 the diggers' demand for social justice echoed near and far thanks to the local press, vastly deficient as it was. Today under repressive regimes not only are the activists jailed so too are the journalists and their printing presses and broadcasting stations silenced.

Since its creation in 1932, the ABC has been a powerful and faithful safeguard to our often-fragile democracy. Like its commercial competitors, it has remained relevant by accommodating the expectations of an ever-changing community, without dumbing down its standards as outlined in the ABC Charter. An excellent example was the massive broadcasting reform instigated by the ABC in the 1960s when it vacated its sombre highly BBC formal approach to programming and presentation. Radio and television current affairs along with its entertainment programs, not only deliver good entertainment but essential communications.

In recent times, Aunty has been the news maker. The sacking of presenter Antoinette Lattouf has given the ABC media wide coverage that its publicity department would never have dreamt possible. If its staff and critics are

correct that powerful external agents have successfully silenced this independent voice of truth, then all Australians should be alarmed.

Unfortunately, the abrupt termination of Lattouf's ABC radio career is only the latest of many woes impacting on the national broadcaster.

For years it has been crippled by severe budget slashings, resulting in regrettable cutbacks to the few locally produced TV and radio programs such as the pruning of the 7.45 am radio news, AM, PM and the World Today, broadcasts that many decision makers relied on.

ABC TV has never out rated its commercial cousins, however ABC radio has. But even these high ratings have taken a tumble, calling for another major overhaul. Like democracy, restructure is always a fragile balance between the present and future.

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Recent appointments by the ABC aim to give greater emphasize to digital media and a cut back in spending on traditional radio and free to air television. At least one of the key consultants in this latest review is an ex-programmer from commercial radio's rock music scene.

The building of tomorrow's audience and a decline in ratings are points of concern however it is not the younger audience who are the chief departers from ABC local radio and free to air television. They were never listening in big numbers before the fall-off. A key audience problem relates to the loss of the long-time loyalty over 35-year-olds. I suspect that this devoted band is decrying the loss of the ABC's crucial standards as outlined recently by former respected staff members of the ABC: Stuart Littlemore, and David Salter. Unfortunately, ABC's local radio is attempting to sound more like modern day commercial radio. I suggest if that is what a few listeners want then they will be better accommodated by selecting one of the many commercial stations which present this type of entertainment better.

However, our ABC should also examine its increasing daily trend of running its own campaigning of many current events instead of its once proud policy of impartiality where its audience made its own considered judgement. This campaigning frequently disparages moderate opinions, leaving vacant ground for those on the extreme political and religious fringe. As Littlemore and Salter rightly suggest, "attempts to make the ABC flashier and trashier – only alienate its loyal and mature audience."

Take lessons from the commercial broadcasters who have attempted to snare the uncatchable: the upshot, lots of empty seats.

TV and radio are notorious for writing off all past experience. This frequently results in the loss of invaluable wisdom. I make my point by highlighting a comment by former ABC broadcaster and board member Quentin Dempster, writing in The Saturday Paper.

"Only through a critical mass of quality Australian programs in news, news analysis, dramas, documentary, information, entertainment, sport and the arts, can the ABC regain its place as a valued and loved institution."

In a world of growing and dangerous complexities, a strong independent and impartial ABC radio and television is even more essential today.

Peter Lalor Phillip, a direct descendent of Peter Lalor, leader of the Eureka Uprising, is a broadcast journalist and member of Eureka Australia



Eureka Australia's Mary Howlett awarded OAM

Congratulations to Former Victorian Catholic school principal and education consultant Mary Howlett (pictured left) who was recently awarded an OAM for service to the community, and to education.

Mary has played a key role in many Catholic schools in the Diocese of Sale. She was the foundational principal of Trinity Catholic Primary School, Narre Warren South from 2000-2008, and the principal of St Kieran's Catholic Primary School, Moe from 1995 to 1999.

Overall, she has dedicated 30 years as a teacher. Mary also served as an Educational Consultant for the Diocese of Sale from 2009-2011, and continues to support education in her work with Eureka Australia.

Absolutely Ai and Eureka Australia. A partnership for the 21 Century.

Eureka was a game changer for Australia but its significance can often be lost on us.

Eureka Australia's partnership with Absolutely Ai has given us the opportunity to look virtually into the faces of those who were there, and re-appreciate the human cost, the price they paid for our democracy.

We honour those who were there, who made the choice to claim a new life for themselves and for the generations to come. These magnificent images bring that sacrifice to life!"



Absolutely Ai' uses generative AI tools to develop images that depict key scenes from the Eureka Stockade, to make history more accessible and engaging, and to allow individuals everywhere to gain a visual understanding of the events and their impact on Australia's democratic journey. Jamie van Leeuwen, the founder of Absolutely Ai, explains: "Our collaboration with Eureka Australia represents a unique opportunity to blend technology with history. By using AI to visualize the Eureka Stockade, we're hoping to bring a new dimension to how people learn about and connect with this event. It's about preserving the legacy of those who fought for their rights and ensuring their story continues to resonate."

The Eureka Australia Absolutely Ai partnership not only highlights the potential of AI in educational contexts but also underlines the importance of technology in keeping historical narratives alive and relevant. The imagery created through this partnership will be distributed across various channels to reach a wide audience, fostering a greater appreciation for pivotal moments that have shaped Australia.

A tribute to Lowitja O'Donoghue

By Frank Brennan



In 2017, I was privileged to deliver the Lowitja Oration at her invitation marking the 50th anniversary of the 1967 referendum. I thanked Lowitja for her national leadership, for her trust, for her hopeful example, and for her friendship.

Through the prism of Lowitja's early political involvements, I recalled the years of hard labour put in by those Australians who contributed to FCAATSI and its predecessors. Having left the Colebrook Home, she first became involved with the Aboriginal Advancement League in South Australia because it was the only organisation working for Aboriginal rights at the time. Lowitja recalled that there were many white people from the churches involved. She would take Thursdays off and meet up with like-minded people near what is now Rundle Mall. Looking back on those days, she recalled a strict religious upbringing so that even going to the cinema was not well regarded. She was sent to the country to work after her 16th birthday. She observed, 'I'm not a radical but I certainly wasn't to be walked over.'

When she took up nursing as a career, she had less time to dedicate to the Advancement League. But on her return from India in 1962, she got involved with the Aborigines' Progress Association (APA). The APA was affiliated with FCAATSI. Lowitja used travel to Canberra for the annual Easter conference. One attraction of the APA in contrast to the Advancement League was that the executive positions were held by Aboriginal people. Lowitja then found a more natural home in the newly established Aboriginal Women's Council. She was the first secretary. She found her political voice, working locally with these fledgling Indigenous organisations in South Australia, and participating in the annual FCAATSI meeting at which Indigenous and non-Indigenous Australians worked together. Their great achievement was harnessing support for the 1967 constitutional referendum. This involved sustained effort over many years, with close collaboration of key Indigenous and non-Indigenous leaders representing many varied communities and sectors of society. Their efforts were rewarded with the highest 'Yes' vote ever in a referendum campaign.

The 1993 native title debate was the first time in Australian parliamentary history that Aboriginal people had real bargaining chips to bring to the table of political deliberation. The High Court had determined that Aboriginal native title existed in areas undefined, with rights undefined. Any native title which survived until 1975 was thereafter buttressed by the Racial Discrimination Act, ensuring that it could not be treated in a less advantageous way than any other form of land title. Miners and pastoralists wanted certainty when planning future activities on lands which

might be subject to native title. It was imperative that government fashion legislation which was seen to be fair to Aboriginal people as well as to miners and pastoralists. Prime Minister Paul Keating needed to cut a deal with Aboriginal Australians knowing he could not expect unanimity among Aboriginal leaders. Keating needed an Aboriginal group with whom to work. As Keating said in his 2011 Lowitja Oration:

‘Had Aboriginal and Torres Strait Islander leaders not stepped up to the plate, the substance and equity of the subsequent *Native Title Act* may never have materialised. In an instant, I was struck by the opportunity of the High Court decision and was determined to not see it slaked away in legislative neglect. But determined as I was, I needed the partnership with Indigenous leaders to get it done and get it done fairly.’

This was Lowitja’s finest hour. As the chair of ATSIC she had the opportunity to bring a group of key Indigenous leaders into the tent. It was not all plain sailing. On Black Friday, 8 October 1993, negotiations had broken down and Keating let fly as only Keating could. He said, ‘I am not sure whether Indigenous leaders can ever psychologically make a change to decide to come into a process, be part of it, and take the burdens of responsibility which go with it.’ In his own Lowitja Oration, he added that he was not sure ‘whether they could ever summon the authority of their own community to negotiate for and on their behalf’. Looking back in 2011, he said:

‘I like to think those remarks helped galvanise Lowitja O’Donoghue’s view as to what needed to be done. But as it turned out – only she could do it. She was the chair of ATSIC. This gave her a pulpit to speak from but no overarching authority, much less power. But this is where leadership matters: she decided, alone decided, that the Aboriginal and Torres Strait Islander peoples of Australia would negotiate, and I emphasise negotiate, with the Commonwealth government of Australia – and that the negotiators would be the leaders of the Indigenous land councils. She decided that. And from that moment, for the first time in the 204-year history of the settled country, its Indigenous people sat in full concert with the government of it all.’

Through all these complexities and intrigues, Lowitja O’Donoghue held a steady course with an unerring instinct about where to find true north. She did it, not by treating ATSIC as the primary consultative body for Aboriginal Australia, but by using ATSIC as the clearing house or hub to bring the key local and specialist representatives to the table. But having done so, she knew there would be other Indigenous leaders who would want their own place at the table, and that was a different table – the table of Senate deliberation and horse trading, rather than the cabinet table of negotiation.

Lowitja also worked closely with Malcolm Turnbull when he was full of idealism for constitutional change as Chair of Paul Keating’s Republican Advisory Committee. As a member of that committee, she recommended a constitutional preamble recognising her people and she convinced Turnbull to back it.

After the 2015 Lowitja Oration delivered by Marcia Langton, Lowitja compared the situation in 1967 with the contemporary situation:

Lowitja O’Donoghue brought and sustained unity amongst her mob when it mattered most

‘There was a different movement to what it is now. The only way I can explain it is that black and white were together, walking towards the path to referendum. I think there’s another element to it now because I think there are activists out there who want things to happen before the referendum. They’re really more keen about getting action now and not waiting until what, hopefully, is a successful referendum. At the beginning I had confidence ... but we don’t have the unity and we have to get the unity.’

Lowitja O’Donoghue brought and sustained unity amongst her mob when it most mattered and she made her people’s aspirations comprehensible and acceptable to ordinary Australians. She did it with personal integrity and grace, never putting herself before those she served. She did it through friendship. May she rest in peace.

Frank Brennan

Frank Brennan AO is a Jesuit priest and Rector of Newman College at the University of Melbourne. He is a Distinguished Fellow of the PM Glynn Institute at Australian Catholic University and an Adjunct Professor at the Thomas More Law School at ACU.

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Dr Lowitja O'Donohue AC CBE DSG – 1932-2024

This tribute to Dr O'Donohue was submitted by Eureka Australia's Dr Mary Howlett, and prepared by her son Barry Howlett.

Genuine franchise is the cornerstone of true democracy. Eureka led directly to universal male suffrage in Victoria and extended franchise. In the early twentieth century, women in Australia grew their franchise through suffrage. However, it would take forty years for a woman to enter Parliament, close to seventy-five years for a woman to become a Minister and more than a Century for a woman to become Prime Minister.

Aboriginal and Torres Strait Islander people got the vote in 1965. True democratic franchise, on equal terms with non-indigenous Australians, is still very much a work in progress.

Lowitja O'Donoghue was a remarkable Australian in many ways. A member of the stolen generations, she came to activism in her early twenties in the Aborigines Advancement League. In the late 1970s, she was appointed the inaugural chair of the National Aboriginal Conference. When that was replaced with ATSIC in 1990, she became the inaugural chair of what remains the closest thing Aboriginal and Torres Strait Islander people have had (so far) to an authentic voice to Australia's Parliament.

Perhaps Lowitja O'Donohue's most profound impact on Australian democracy came when she steered ATSIC's response to the landmark Mabo decision. Mabo challenged the landed establishment in Australia in a way not seen since the events of 3 December 1854. ATSIC's fierce advocacy and engagement in the political process saw the retention of the Racial Discrimination Act and the development of the Native Title Act, which has inched Australia further down the path of true reconciliation.

No indigenous Australian has held a position of equal influence to that Lowitja O'Donohue did as chair of ATSIC before or since.

A Yankunytjatjara woman from Central Australia who was stolen from her mother and denied the right even to vote until she was thirty played a leading role in extending true democratic franchise to the first peoples of Australia. It is difficult to imagine a more critical role that one can play in our democracy than that.

Barry Howlett

LITTLE EUREKAS MATTER

By Peter Lalor Philp

It might have started in December 1854, but its repercussions are still alive 170 years later, often in small unexpected ways.

In the recent Australia Day awards an inner suburban Catholic priest was given a gong posthumously. Father Bob McGuire was no ordinary pastor; rather he was rebel, not only standing for justice against the secular authorities but also often against his own Christian denomination. He claimed amongst his many supporters, Protestants, and non-believers.

His weekly reflection of the Gospel in the Catholic Advocate was extensively read because his readers were cognizant that Bob was not penning predictable sweet messages but was living out the deepest meaning of the Gospels.

Well before the media was awash with allegations of child sexual abuse, Father Bob was thumping on the doors of power demanding action against the perpetrators in his local St Kilda area, but nobody was home. This silence might have resulted because the catchers were too big and influential.

Finally, the priest went public, and the story exploded. Next morning the government hunters had been released rifling for the pastor's blood. Of all places to meet, the hunters chose the Coroner's Court. He took me along to view what he termed 'a circus'. After a long futile session during which they hammered him like a lynch mob, the hunters gave in, choosing instead to treat him with the respect he deserved. One official representing a senior government department paused and asked: "Bob, what do you suggest we do about this situation?"

Simultaneous, Bob dropped his wicked humorous adlib, and both parties accepted their failed responsibilities. When things were wrong, when silence masked corruption, Bob McGuire confronted these injustices, as the diggers did at Bakery Hill.

Eureka continues to remain illuminated by these small but highly significant disturbances, thanks to people like Father Bob. It is a useless exercise to feel sorry for the victims of injustice unless one is prepared to disturb the formidable status quo.

The circus at the Coroners Court is only one of many significant events orchestrated by Bob McGuire.



Peter Lalor Phillip, a direct descendent of Peter Lalor, leader of the Eureka Uprising, is a broadcast journalist and member of Eureka Australia

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A friendly reminder for members to pay their memberships if still outstanding for 2024, and to look to register new members from their family and/ or friends. They would be most welcome.

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