**Robert Manne**

... welcome you all here very much. This session is shorter than the normal Ideas and Society event because it’s embedded within a more general conference, some of many of the audience are in that larger conference as well. I'm incredibly pleased that for that conference and for this event, I was able to have both Mick and his brother Pat here, I don’t know whether ... I'm sure it’s the first time at La Trobe and both have come.

I'm not going to read all the things that Mick Dodson is or has been, because if I did we’d have very little time for the discussion. He’s currently Director of the National Centre for Indigenous Studies at the ANU and Professor of Law at the ANU College of Law. I became I think friendly with Mick, and certainly a great admirer of Mick when he was working for the Human Rights and Equal Opportunity Commission and in particular because some of the younger ones here won’t know, he with a great High Court judge, Sir Ronald Wilson, was given the task by Paul Keating to investigate the question of indigenous child removal and for me, at least, there were some memorable evenings when we drank and laughed together and also I learned a lot and I've always wanted to be able to get Mick to come to La Trobe and I'm really pleased a really great Australian that you have come.

This is going to be a relaxed conversation. Mick doesn’t have any idea of what I'm going to ask him, but it will cover, just so you know, three areas that Mick has been a really important thinker. One is to do with the Stolen Generations and then we’re going to talk about the Northern Territory Intervention and then finally I want to talk about, as it happens, something I didn’t realise was going to be so topical, the question of constitutional recognition, all of which Mick has had really very important and to me very interesting things to say.

Mick, can I start with your role with Ronald Wilson in the report into the removal of indigenous children this century, or last century now? The twentieth century. First, what I really want to ask, if I go to the heart of it is, what was the experience for you like listening to the many, I think hundreds of then adults, who came to you to talk about their experience of removal.

**Mick Dodson**

Some words come to mind, like shocking, distressing, the sadness, disappointment. I think none of us were prepared for the stories that were told to us. We were all, including Ron Wilson, we were all affected by it. But I think the great feeling I had was one of deep sorrow, not just for the victims of the laws and policies and practices that forcibly removed predominantly Aboriginal kids, but Torres Strait Islanders, from their families and communities. Not just deep sorrow about that, but deep sorrow that I belonged to a nation state that did that, to a political system that did that.

But it also, there was also hope for me. Particularly hope in the people who were telling the stories, that their life experiences would be vindicated. And there’d been so much denial about it actually happening. To tell a person this didn’t happen to you, and they know the facts flies in the face of that. Denialism is ... and to get someone officially to sit with them and make them tell their story, either privately or publicly, removes the ground from under the denialists and also as I said, vindicates their life experience.

**Robert Manne**

Can I ask a more political question following from that and a slightly complicated question, how did you then respond to the way in which the Howard government, which had inherited from the Keating government this project, how did you respond to the way in which the Howard government reacted when *Bringing Them Home* was published, or when it was sent to government.

**Mick Dodson**

Putting it mildly, we were disappointed. You know I remember having a conversation with Ron Wilson and the other Commissioners of what was then the Human Rights and Equal Opportunity Commission, and because of ... you know, it’s a federal statutory body, authority, they were answerable to a Minister, the Attorney-General, it’s a document produced essentially for the government, it’s delivered to the Minister and the Prime Minister and it then becomes privileged under parliamentary rules. Wilson was determined because it was May and we had the big Reconciliation event here in Melbourne and we were all at that and Mr Howard had become Prime Minister, and he’d had the document from some time in April, I forget the precise time but about mid April, and had not yet tabled it in parliament, and Ron Wilson was going to hand it out to journalists.

**Robert Manne**

Because of the delay.

**Mick Dodson**

Well, this is the former High Court judge here, become a complete subversive. I said, Ron, you know, we’ll be in contempt of parliament. And he said, we’ve got a lot of friends who’ll visit us in jail. But anyway, the next day it was tabled and the response from the government led by Mr Howard was pretty deflating. I think in the end we just accepted the fact that he wasn’t going to do much about it and we should wait until we got a Prime Minister who would. And a lot of the members of the Stolen Generation felt that way. I thought it was a very realistic approach to take. And they’d waited so long.

**Robert Manne**

One of the reasons I think that many conservatives in Australia rejected the spirit of the report was the fact that because of the inter-war policy of breeding out the colour, and children being removed for the purpose of ...

**Mick Dodson**

The absorption policy.

**Robert Manne**

The absorption policy, before assimilation. One of the reasons I think why some conservatives, or one of the reasons they used for denying the report was the conclusion about genocide, that the report came to. I just wondered what you now think about that whole issue.

**Mick Dodson**

Of the Commissioners, and we had, you know, there were the six standing Commissioners for the Human Rights and Equal Opportunity Commission, including the President who was Ron Wilson, and we had I think eighteen community Commissioners, additional Commissioners from all around the country, who helped us with the ... particularly with the public hearings and also the private hearings. I think I was the only one that ... I don’t think I've ever said this publicly before, but I think I was the only one that had to be persuaded on the genocide question. And Wilson eventually got me over the line. But if you look back at the policies, you know, kids started getting taken away shortly after the First Fleet arrived, being removed. But you know, post the First World War, the policy generally was one of ... and particularly after the Bleakley Report about half-castes in the late 1920s, the federal policy and state policy was that, you know, the full descendant people will die out. We’ve got to smooth their dying pillow. These mixed descent people, they ought to be bred out and the policy was called absorption, and that’s one aspect of the crime of genocide. And I think the reaction from some elements in Australian society misunderstood what genocide is and was. They had a holocaust view of what genocide was. Genocide’s not just about the physical destruction of a people and their culture and who they are, but it’s also about removing the kids. In a sense, putting them through a process of de-aculturation. And imbuing them with another culture. And that’s essentially what assimilation was, which came after absorption, when there was a realisation, a factual realisation, what we thought back then wasn’t happening, in fact these populations are growing, both the mixed descent people and the full descent people. And assimilation is, you know, can be, if the intention is to deliberately destroy a people as a people, it amounts to genocide.

**Robert Manne**

Were your doubts then that you could gauge the likely reaction to the use of that word in the general population?

**Mick Dodson**

Well, I had the view that that finding would be a difficult one to deal with, publicly.

**Robert Manne**

As it turned out.

**Mick Dodson**

Yeah, but I really don’t think the critics laid a glove on it really. It’s still true today. It was true then, it’s true now.

**Robert Manne**

One of the things too that does amaze me about the whole reaction to the report was the way in which it was almost regarded as out of consideration that compensation would be given to the victims. I find it hard to believe that in any other area you could show a very large group of people had been mistreated by the states, or by the state, and yet your recommendation for compensation has never as far as I can see, been seriously discussed, even by the Rudd government.

**Mick Dodson**

Not at a federal level, and you know, you’ve written about the Kruger case 13:21.9 and the federal government spent, I forget what it was, eighteen million dollars fifteen years ago, that’s a lot of money, fighting that case, because the only ... the federal government implicated in the laws and policies and practices, because it was administering the Northern Territory and under their watch, kids were being removed in the Northern Territory. But the rest of it was largely at the states behest. But some of the states picked up the ... Tasmania for example I think was the first, they put in place a compensation mechanism whereby people were compensated, financially compensated. You know, we based our findings on what were known as the Van Boven principles of reparations and compensation for gross violation for human rights. That’s an international standard we followed. And it has a number of components to it including, you know, measures to make sure it doesn’t happen again. But also, it contemplates compensation to victims of gross violations of human rights and these policies, these practices, these laws that support that, in our view were a gross violation of human rights, not just the actual individuals removed, but the impact on their families and communities as well.

**Robert Manne**

And one of the things, and I'd like to know whether you go along with this, one of the things that interested me was a campaign that developed on the right of politics, very shortly after *Bringing Them Home* was published and in association with the kind of mean-spiritedness of the Howard government, and that was the campaign which denied the conclusions you’d come to. It centred on *Quadrant* magazine, of which I was a former editor, and it seemed to me that that campaign to deny the truthfulness of the fundamental conclusions you came to in *Bringing Them Home* was a kind of lightning rod for a more general reaction against the process of Reconciliation, and against even the idea of self-determination for indigenous people. I'd be really interested to see whether you share that sort of cultural reading of the way in which the *Bringing Them Home* and the response to it played out.

**Mick Dodson**

Perhaps it was a setback to other aspirations, political aspirations for indigenous Australia, and our supporters of which there are many. We sometimes forget how many friends we have who are willing to stand with us. Not the entire country is against us. I think we’ve got a long history, since the British assertion of sovereignty over these Aboriginal lands, of denying the facts. You know, terra nullius is up until Mabo, is an absolute denial of the factual situation, because it falsely asserts that, well, there’s nobody here, or if they are here, they don’t ... they have no rights to the land and its resources, when in fact we know, particularly with the Gove land rights case, that actually there was a complex system and still is, a complex system of rights and roles and responsibilities, to country and to occupation of that country, to looking after that country, to handing that country on to ... a whole range of very complex ritual and rites surrounding that, which was a total anathema to terra nullius. This didn’t fit with the terra nullius model. And Blackburn actually said, I'm just a Supreme Court judge, in that case. I can’t overrule 180 years of accepted law in the country, accepted law that was based on a falsity, that essentially people weren’t here, in occupation. And I think we do that with a number of things that are to do with Aboriginality, Aboriginal people, Torres Strait Islanders, indigenous Australians generally, because it helps us to keep indigenous people invisible. And I think that’s part of the denial and part of the resistance to the report of the Stolen Generations, because of the ... perhaps even a romantic view that, oh, we can’t do that. We’re Australians, that’s not what we do. We’re the goodies, why don’t you go over and annoy those people over there, who ... look what they do to their people. The communists.

**Robert Manne**

You’re talking about this morning’s session. In that, do you think Rudd’s apology did, was a transformative moment? What’s your reading of its sort of role in the national narrative?

**Mick Dodson**

Coincidentally, I wasn’t in the country when that happened. I remember it well. I was actually in Madrid, in Spain, and it was midnight over there, when the apology was on. I think it certainly was the right thing to do and I was impressed with the words that he delivered, and an apology’s a very important thing to do for solidifying and repairing relationships, or even establishing relationships. But the words can’t stand alone. There has to be some action, and you know, that’s been very good, but where’s the action? And if you look at the situation, at least in the socio-economic sense, perhaps even the political sense, and you listen to what Julia Gillard said in her annual report about the state of indigenous Australia, where we’re actually going backwards.

**Robert Manne**

Can I move to the Northern Territory Intervention, to take up that more general theme?

**Mick Dodson**

Talking about backwards ...

**Robert Manne**

Yeah. I've actually seen you once and seen a video once, a different video, of two reactions you’ve had of a kind of visceral kind of hostility to the Northern Territory Intervention. I'd like to ask you about both of them. I know you are an opponent, a very strong opponent of it. Many people here I would imagine would be uncertain as to their own views concerning it. Once was in a lecture that you gave and someone asked a question and you showed, like, a kind of really strong anger at the idea that the *Racial Discrimination Act* could so easily be put aside. Can you say a little bit about why that matters to you so much? In at least the first part of the Intervention. Parts of the *Racial Discrimination Act* had to be set aside if things were to be done. Why it mattered to you so much that that happened.

**Mick Dodson**

You know, I strongly believe that Australia post-European arrival, even before that I guess, is fundamentally based on a model of racial discrimination. Terra nullius is racially discriminatory. It is blind to the facts of Aboriginal ownership of the country, as a starting point for British assertion of sovereignty. And that carries right through until Mabo. And even though if you look back in the history of ... the legal history of terra nullius in Australia, there are voices that are saying, hang on, we may have this wrong. But they’re shouted down. We had a Constitution in 1901 that deliberately entrenches in it the power for the parliament to pass laws that are based on racial discrimination. That’s how they’re able to suspend, or dis-apply the *Racial Discrimination Act* in the Northern Territory Intervention. So we’ve got, you know, in two thousand, and, what was it? 2007, you’ve got a federal parliament passing racially discriminatory laws, because the Constitution allows it. This probably needs an apology the next thing, but you’ve also got a section in the Constitution that says, you know, the federal parliament can, or a state can, under the federal Constitution, without penalty, ban people, prohibit people from voting in general elections on the basis of race. So there are two sections in our Constitution that allows, in one instance, the federal parliament to pass racially discriminatory laws and in another instance, allows the states to do the same thing. In respect of the franchise, the federal parliament has no confinement to the franchise, it’s across the board. And that’s a problem we have to confront as a nation. I think we’ve got a level of institutional racism that is pervasive. And we’ve got to deal with that. We can’t hold our heads up until we do. And also, I don’t think any form of public policy ought to have as its foundation, an approach that requires, not just that people act in a racially discriminatory way, but the parliament and the Constitution actually sanction that sort of behaviour and approach. I don’t think that ... some people may think that’s okay. I don’t happen to think it’s okay. You know, and it will be to our everlasting shame. There’s a lot of things we ought to be ... there’s a lot of things we can be very proud of, you know, I accept that, but there’s also some things that we ought to be deeply ashamed of.

**Robert Manne**

So the second thing I mentioned earlier. Someone asked a question, you probably don’t even remember, July last year at an ANZOG, after an ANZOG lecture you gave, about the Intervention, and you said something which really struck me and made me think, which is that somehow in one area of public policy in Australia, we’re destined to not learn from mistakes. And that area is in indigenous affairs and the idea that we can, we, that is the governments and their servants, can tell indigenous people who to live their daily lives, and generation after generation, we kind of make that mistake again. Can you say a bit more about that? It struck me as ... it made me think very hard about the ways I've responded to the ... what’s happened in the last few years.

**Mick Dodson**

Well, firstly, I'm absolutely stoked that I said something that’s made you think. It’s usually, the traffic’s usually the other way around. I'm thinking about what you say. You know, it seems, when you’ve been around a bit and it’s four plus decades for me, you can see patterns, and if you know the history of public policy so far as indigenous affairs are concerned, going back further, and even into colonial days, we have a affliction of repetition of past failures. And there’s nothing much short of today, what the federal government’s doing in the Northern Territory isn’t that far divorced from assimilation we were trying in the 1950s and the 1960s. Because it’s the same attitude and it’s a public thinking approach that says, the problem with you Aborigines is that you’re Aboriginal. If you only ceased to be Aborigines, everything’s going to be okay. So this is what we’re going to do for you, to make you less Aboriginal. I think that’s at the foundation. People won’t admit that to you of course, because they genuinely believe that if they do more of this, or do a bit more of that, that some day it’s going to succeed and they don’t tend to examine why it keeps failing, and I think Einstein said something about that and insanity.

**Robert Manne**

To the repetition of ...

**Mick Dodson**

In the hope that it’s going to work the next time.

**Robert Manne**

Can I ask ... there’s something that ... and you may completely disagree with this, and you may not want to talk much about it, but it seems to me in looking at ... there were a group of indigenous leaders that came on to the public stage, I think mainly in the Hawke, but mainly the Keating years, you and your brother, Lowitja O’Donoghue, Pat Turner, but also I'll mention two names, Noel Pearson, Marcia Langton. It seems to me, and if you disagree with me, you will tell me, that there’s an interesting political and almost philosophical divide now in that group of people. And you know, you and Pat would stand for, in my view, one position, and Noel Pearson, Marcia Langton for another. And so I want to ask you two things about that. One is whether you agree with me in that idea of the division, and in a way, how you explain it. Or, you know, what you make of it.

**Mick Dodson**

Well, the first thing we need to be absolutely clear about, you know, we’ve been surviving in this country for 60,000 plus years and it hasn’t been possible to do that because we didn’t have leadership. We’ve had a long line of good leaders, that have you know, caused our longevity. We’ve been able to survive. And you know, when ... we, the people you name, we’re building on what people before us did. Old Pat and Joe McGinness and others, Faith Bandler and all these people who’ve gone. They were leading the charge then. There’s a new emerging group of young people coming through. It makes it a bit easier on us old fellas. I just hope that they make the same mistakes we made, but you know, societies throw up leaders, and leadership sustains them. I don’t think that we have a ... there’s a division in Aboriginal leadership in the sense that we are at odds about our development and about developing being in our hands, but I think there is a disagreement about how we do it.

**Robert Manne**

How would you characterise the centre of that disagreement?

**Mick Dodson**

I'm not sure if I understand your question.

**Robert Manne**

Well, let’s say you ... and you know, Noel Pearson strongly supported the Intervention, I think, even though he’s a great believer in self-determination for his Cape York communities and in general. You strongly opposed, and I sense that there’s something, it’s more than a practical difference. It’s, you know, there’s a whole different view of how things should develop for the indigenous people of Australia, but if you think I've got it wrong, I'm happy to ...

**Mick Dodson**

Well, there’s a fundamental disagreement about ... not that things ought to be improved in the Northern Territory. We don’t disagree about that. We don’t disagree you know, that kids should get protection. That’s fundamental. We don’t disagree that people’s living conditions ought to be improved, but I don’t think the Intervention’s the way to do that, and Noel thinks it is. That’s where I'm coming from in that. I don’t think there’s any great ideological or philosophical divide there, perhaps there is, but I heard Marcia yesterday talking about getting kids to boarding school. But that of itself isn’t going to solve our education problems. And if you look at the evidence, it isn’t necessarily true that kids who go to boarding school go back home and make things better. They tend not to go back home. Because they know what it’s like. Or they’re pushed out. Or they’re considered to be too young or not wise enough. But to say, well, boarding school’s the answer – it’s part of the answer and we ought not to be forcing kids into boarding schools. If we do that we’re repeating what we did with the forcible removal of kids. I went to boarding school for six years but I wasn’t forced to go.

**Robert Manne**

One thing, the final thing I want to talk about, is the Constitutional Referendum which is, last week came to parliament. Just a couple of things. It seems to me that that’s the one thing that all of the leading Aboriginal thinkers agree is highly significant. Perhaps I could ask you to explain to a non-indigenous audience why your people think the constitutional changes that have been recommended are so important in the kind of history of the nation.

**Mick Dodson**

I can think of a lot of ... not the majority, a minority I should say, of Aboriginal people who are anti the constitutional recognition. Some for the good reasons, some that I think doesn’t have much substance at all. But as I said earlier, we’ve got a racially discriminatory Constitution. I mean, are we happy to live with that? Not just Aboriginal people, but we, as Australians, all of us Australians, are we proud of the fact that our Constitution allows our parliaments to pass racially discriminatory laws? And there’s no comeback. The Constitution doesn’t allow people affected by the racially discriminatory laws to enable the Intervention in the Northern Territory to have any redress. It doesn’t just discriminate against them. It denies them a remedy as well. Every other Australian has got a remedy, except Aboriginal people in certain communities, in scheduled communities in the Northern Territory. They don’t have a remedy. The law does not treat them equally. And our Constitution allows that to happen. Why aren’t we outraged about that? Why don’t we tear this thing down and say we’ve got to get rid of that. That’s not us. It ought not be us. That’s why I think it’s very important to Aboriginal people.

**Robert Manne**

Does that mean you support a new article in the Constitution prohibiting racial discrimination?

**Mick Dodson**

Yes, I do. And the repeal of the sub-section 26 of section 51. And the repeal of section 25, which allows the states to disenfranchise people on the basis of race. And you know, the idea of race is pretty out of date these days. It’s not a very useful concept at all. We talk about difference in perhaps the cultural and religious sense, or societal sense, makes more sense than trying to divide people on the terms of race. I mean, we’re all part of the human race, I thought. But that’s why I support Constitutional reform.

**Robert Manne**

This will be my last question and then I want to open the forum to the audience to ask questions.

**Mick Dodson**

You didn’t tell me that bit.

**Robert Manne**

Oh, sorry.

**Mick Dodson**

He did in fact.

**Robert Manne**

But I must admit, I've thought of Tony Abbott as to some degree a clone of John Howard, a clone, not clown. And I was really surprised when I read the speech he gave when the bill for the Constitutional recognition was introduced in the parliament last week. I don’t know whether you’ve had a chance to look at it.

**Mick Dodson**

No, I was very encouraged.

**Robert Manne**

But he said, for those who haven’t seen it, he basically said that this country will not be what it can be until what was done to the indigenous people is fully recognised. And I was astonished at this. He offered very high praise to Paul Keating’s Redfern speech which in some ways is the most radical speech any Australian Prime Minister has ever made about the nature of the dispossession and the injustice done to your people. So I mean, I'd like to end on an optimistic note, if you agree with me. It seems to me that a certain kind of moment which happened during the Howard years might have passed. That even the most conservative leader of the Liberal Party essentially sees things in the way that, let’s say Paul Keating, but also Bill Stanner, saw things and that are sort of changes that have taken place within mainstream Australian thinking, even conservative thinking. Is that too optimistic do you think?

**Mick Dodson**

We should never live without hope. [laughs]

**Robert Manne**

I can’t learn from my mistakes then.

**Mick Dodson**

You know, Keating was the first Prime Minister to directly engage with representatives of the Aboriginal and Torres Strait Islander people, and to sit down in the Cabinet room and negotiate an outcome. He was stubborn on some things and flexible on others. But he was the first Prime Minister to do it. He was the first Prime Minister to give a Redfern-type speech. No one else has done that. I don’t know whether Tony Abbott will be Prime Minister, but if he is, and given his speech on the bill last week, as I said earlier, I'm very encouraged by that. And as I say, if he does become Prime Minister, we now have a speech we can belt him over the head with. Maybe, you know, maybe it will take a conservative Prime Minister, like the 1967 referendum, to get such a momentous change to the Constitution across the line. But certainly it needs cross-party support, all political parties need to support it if we’re going to get the people across the line.

**Robert Manne**

Can I just, a final question, then I'll throw it open. One thing that I think Paul Keating did one thing, which was to give a sense to the nation of how important these kinds of issues are, and I feel the combination of, I must say, both the Howard government and now the Gillard government, have allowed that moment to some extent to dissipate. I read a very interesting piece from Frank Brennan from Eureka Street a couple of days ago, where after the parliamentary debate, a couple of indigenous leaders went to the National Press Club and only one member of the Press Gallery turned up to ask questions. And someone said, but no one’s really ... it’s not a hot issue any more. I'm wondering whether or not that special moment perhaps in Australian history, which I think is associated with the Keating period as Prime Minister, can return, so that a kind of a sense of the importance of say the Constitutional referendum, will be able to be instilled.

**Mick Dodson**

Yes, you know, opportunities come and go. I'm optimistic about that. There will come a Prime Minister who will have the vision and strength of leadership to do what I think shouldn’t take fair-minded people too much convincing to do something that’s right, and it’s right to do. We lose opportunities all the time. I think there was a lost opportunity ... and Paul Keating a few days ago said, well, Julia Gillard missed an opportunity to reverse the onus on native title, in the recent amendments to the *Native Title Act*. Now that’s an opportunity lost. It probably would have got through. I think the Attorney was supportive of it, from memory and the Greens would have backed it, because that’s their policy. That’s an opportunity lost. And the sorts of things that Patrick was talking about in his address just raises the bar for us and gets us feeling well, the unfinished business is still very much unfinished. And what we thought we won, we haven’t won, because they’ve got other tricks and ways in which to slip the land from under us again.

**Robert Manne**

We’ve got time, about ten minutes, for questions. If I can ask people who’d like to ask a question to wait until the microphone arrives before they ask it, and I think Mick was asking if people could identify themselves when they ask the question.

**Mick Dodson**

I want people to be named, thanks.

**Robert Manne**

So you did know there were questions?

**Mick Dodson**

After that, no one wants to ask questions. You can give a false name.

**Questioner**

Patrick ...

**Mick Dodson**

Patrick’s the one with the beard, over there.

**Questioner**

Thank you both for being here. Your comment earlier about the repetition of policy. I did some research for my PhD on the New South Wales government of Aboriginal people and I've been dismayed and appalled by the Intervention and the income controls and the direct replication of controlling Aboriginal incomes in a way to assimilate by teaching them how to handle money and to acquire the idea of property. So I'm wondering ... we know that that’s going on in the Northern Territory. I'm wondering if there’s anywhere in Australia where you see that governments have actually started to change the concept, their idea of Aboriginality and their perception of Aboriginal people and that they *have* learned from the past?

**Mick Dodson**

No. I was having this discussion with someone earlier today, I forget who it was. They don’t need to identify themselves. But I said, can you think of any public policy initiated by the government that has worked or is working? And neither of us could think of anything. The only things that I see are working are community-based initiatives that proceed in spite of support or lack of support from government. Some get drip fed from government, but they’re the ones that tend to work and have desired results, because they’re the ones that put control and decision, and particularly decision-making, in the hands of local people, you know. I don’t know how quarantining teaches you how to make decisions about a whole range of things, including how you spend your money. You know, back in the 1970s, Richard Nixon introduced in the United States, the native Americans, the policy of self-determination. You know, they’ve still got problems in native America, but they’re their problems now. They’re not problems created by government. And many, many native nations are succeeding spectacularly under that policy, which government puts hands-off sort of thing, rather than, you know, not just have we got a policy for you? There’s more. You know, until we accept that people need to make their own decisions, and in making decisions, they’ll make mistakes. Public policy approaches that are presently utilised aren’t going to move, get us anywhere. Everybody’s meant to be exemplary you know.

**Robert Manne**

There’s a number of questions now. Mark ...

**Mark Aarons**

I'll name myself. Mark Aarons. I've been named before. In her recent Boyer lecture, Marcia Langton flayed the greenies for their attitude towards Aboriginal use of their own lands. I wonder what your perspective on that is in terms of your people being able to make mistakes, like everyone else has been able to make mistakes in the management of their lands.

**Mick Dodson**

Thank you for that question comrade. There’s very few people who can get access to resource development on their land in the way you might see in the Pilbara or in the Cape or in the Northern Territory. You know, there just are not these opportunities around. And also, I think what’s assumed in Professor Langton’s attack on the Greens is that all Aboriginal people are in favour of mining, and all greenies ain’t. I don’t think that’s true. In fact if you did a head count you’d probably find there are more Aboriginal people opposed to mining than being in favour of it, and you could find at least rational greenies who understand the reality and the place of mining. I listened to three of the Boyer lectures, and read them all. I think Professor Langton makes some good points about the indigenous economic development, but it didn’t assist me much in finding out how someone in suburban ... a group of people living in suburban Melbourne, how do they build an economic base? You know, what’s their economy going to be?

**Robert Manne**

Mick, we have one final question and then we have to wrap up.

**Questioner**

Mick, you mentioned that Keating was the first to directly engage Aboriginal people in decision-making. Is that right? And I just wondered, Whitlam presided over land rights legislation. What is it that you see more positive about the Keating government’s stance and interactions with Aboriginal people?

**Mick Dodson**

I think you misquote me, but I said Keating was the first Prime Minister to actually sit down in the Cabinet room with representatives of Aboriginal and Torres Strait Islander people and talk to us directly about our aspirations for native title. And he was firm on some things and bent on other things, was flexible and we got a bit and lost a bit. We lost some significant things like free, prior and informed consent. And what we got out of Keating was a half-decent national native title law. It’s not land rights. Land rights, to me, is full beneficial ownership. That’s not land rights. That’s still saying, it still speaks of terra nullius, what native title is. But Howard tried to emulate, not emulate, but copy Keating’s approach and sat down in the Cabinet room and told us what he was going to do with his ten point plan and how he was going to carve up ... he didn’t listen to us at all. He was going to do something for the mining industry, the pastoral industry, the farmers, and the favour, particularly in Western Australia and Queensland, political machinery, and weaken our position. So what we’ve got today isn’t the Keating legislation. We’ve got Howard legislation that considerably weakened the position of native title aspirants. And it doesn’t ... what happened in this country is some people from another country came, on boats, they arrived here and said, you guys have got no right to this, they took that country, without our consent, they slaughtered tens of thousands of people, they took kids away, they destroyed culture and language, that was wrong. I think we all accept, there’s something wrong with that, somehow. Oh I see. They say, now, we don’t have to do bugger all that. I mean, that’s the unfinished business. We still at the heart of it, are unprepared as a mature, supposedly mature modern nation, young mature modern nation, we can’t accept that that’s some business we’ve got to fix up. And we try to think that native title fixes up, for example, the land question. That an apology fixes up the Stolen Generations question. That racially discriminatory laws fix up the race problem. These things are still all outstanding. And one way we can deal with it, if we’re not willing to deal with it, is to change the Constitution to stop the buggers doing it all the time.

**Robert Manne**

We have to end there Mick. Just a very tight timetable for a conference. Some of you are part of, all of you are invited to stay for, but can I say what a really great honour and privilege it has been to have you here and I do hope you return and I want to thank you very much for today’s conversation.

**Mick Dodson**

Before this tumultuous applause ...

[applause]

That proves nobody was listening to me. But Robert I really want to thank you for inviting me to come here. It’s been a great honour to be your mate, but also be party to the towering heights of your public intellectual ... [tape ends]