

## Would Australians give the land back to its rightful owners, who are the Aboriginal people?

By: [Kevin Loughrey](#) 5 Sep 2023

This question actually expresses a bias, that is, it makes the presumption that the native Aborigines, by occupying Australia, “owned” the land and are therefore “rightful owners”.

The question of what constitutes “rightful ownership”, brings us to the philosophical conundrum of what actually constitutes “ownership”.

The concept of ownership did not exist in neolithic societies. People of that era were simply intent on keeping interlopers out of land that they used for food. Aborigines did not farm. They were strictly “hunter-gatherers”.

Because Aborigines had no method of counting they had no way of defining what they occupied other than geographic features and even that was tenuous because of the extreme limitations of unwritten language which typically had a vocabulary of around 2,000 words with no concept of there being in that language structure, a definite and indefinite article, plurals, numbers and prepositions. The lack of a written language prevented the codification of law as well as the drawing of maps. So, from the outset, Aborigines lacked the necessary tools to define what they occupied and to convey that to anyone who might trespass upon their territory. Their only means of enforcement of territory was to attack offenders who, if defeated, were typically eaten and some of their women, and children, taken into the tribal structure. Those that failed to make the grade were typically killed and eaten. This also happened to European settlers.

The next criteria, in order that one might own something, is that the rights of ownership are conferred by a superior authority. In this the Aborigines again failed to meet the criteria in that their societal structure never evolved to the point where there were tribal chieftains.

In more advanced civilisations, when ownership is conferred upon a person or group, there are responsibilities which go with that ownership if it is to be retained. In the case of Kings, Barons were given ownership of land and the people therein provided they would raise an Army when needed in defence of the King. Once again the Aborigines were never sufficiently sophisticated to be able to enter into such arrangements.

So, in summary, the Aborigines, just by virtue of occupying Australia never owned any part of Australia and certainly there was no such thing as individual ownership. Tribal boundaries ebbed and flowed and so it is impossible to really be sure as to which particular tribe was where. All that is known is that which was recorded when Europeans first arrived in Australia. The map of Aboriginal tribal boundaries seen today is largely a work of fiction. For example, much is made of a tribe called the Wiradjuri. Here is what the Historian, Keith Windschuttle, had to say about this point in a letter he wrote to the Museum of Australia (An organisation that is, in my opinion, an abject disgrace when it comes to historical accuracy. The management of that organisation should be terminated and there should be a review of everything within its walls by an independent and credible authority headed by, I believe, real historians such as Keith Windschuttle and Geoffrey Blainey):

## **1823-1825 Wiradjuri War**

*In the articles listed above I have complained that the centerpiece of the Contested Frontiers exhibit, a photograph of Bells Falls Gorge which implies that many Aborigines were killed at this site in the 1820s, is grossly misleading since there is no contemporary evidence that anyone was killed there at the time. The “Bells Falls Gorge Massacre” derives from mythology rather than history. All the “evidence” about this incident is based on oral tales told in the twentieth century.*

*I would like to add now that this exhibit is also misleading in asserting that there was such a thing as a “Wiradjuri War” or “Wiradjuri country” in 1823-1825. This is because there was no group of Aborigines known as the Wiradjuri in existence in the 1820s. The term “Wiradjuri” does not derive from Aboriginal culture. It was invented by the white anthropologist John Fraser in the 1890s. I quote Norman Tindale’s *The Aboriginal Tribes of Australia* (1974) p 156:*

*By the time of John Fraser (Threlkeld, 1892: Introd.) there was such a literary need for major groupings that he set out to provide them for New South Wales, coining entirely artificial terms for his “Great Tribes”. These were not based on field research and lacked aboriginal support ... During the 1890s the idea spread and soon there was a rash of such terms, especially in Victoria and New South Wales. Some of these have entered, unfortunately, into popular literature, despite their dubious origins.*

*I list some of them for the guidance of those interested:*

*Bangerang Nation—Victoria*

*Booandik Nation—Victoria and South Australia*

*Barkunjee Nation—New South Wales*

*Kurnai Nation—Victoria*

*Thurrawal Nation—New South Wales*

*Wiradjuri Nation—New South Wales*

*Malegoondeet Nation—Victoria*

*I trust the enquiry will recognise that, in claiming there was a “Wiradjuri War” and “Wiradjuri Country” in the 1820s, the museum has not only made an embarrassing mistake but is again promoting mythology rather than the history which the 1980 Act requires it to pursue.*

Returning briefly to the question (posed above), the term, “Aboriginal People” is used. Who are “Aboriginal People”? At the time of Federation, in 1901, the term used to describe an Aborigine was “**Native**” Aborigine. The word **Native** is important. Alfred Deakin, in 1901, when Attorney General of the Commonwealth of Australia, offered the legal opinion that any person who was of mixed race was **not** a **Native** Aborigine. It was also considered that any “detribalised” Aborigine, ie, a person who had joined modern Australian society, worked in normal employment and paid taxes, was not a native Aborigine but instead a citizen who had all of the rights of any other citizen of Australia (then viewed as being “British Subjects”). Today, Australia has hundreds of thousands of “tick-a-box” Aborigines that claim Aboriginal benefits whilst denying their racial makeup is largely that of races other than Aborigine (if ever there was such a “race”!). So, if one were stupid

enough to fall for this narrative of “ownership”, to whom would this land be returned? The answer is that this land belongs equally to all Australians regardless of race or gender.

That then brings us to the final chapter of this sorry affair. Just about all modern Australian History, as it relates to Aborigines, is a confection to suit a Marxist agenda aiming to drive a wedge between Australians on the basis of their racial background. Others involved in this despicable fraud, just see it as a means of getting money and accruing wealth whilst doing nothing to earn it.

Native Aborigines were treated, as much as possible, with kindness by every administration from the time of the first settlement to the present day where the weary taxpayer is spending over \$100 million a day, ostensibly trying to “close the gap”. Much of this money is misappropriated as are the mining royalties that some tick-a-box Aborigines receive on the basis of “traditional ownership”, which once again is a contrived and unjust concept invented by previous errant Governments and not corrected by a succession of weak-spined politicians.

The emphasis by all administrations has always been one of assimilation by intermarriage. This is the antithesis of racism where supremacists would stridently maintain that such a practice weakened their racial superiority. Intermarriage is something that every Australian can be proud of. Our Governments have steadfastly tried to help Aborigines become an integral and functioning part of Australian society.

**In Summary:** I shall answer the question now and then go on to make what I consider to be an extremely important point as to where we should be heading in the future. Aborigines were never the owners of Australia. They were never custodians, as some patronising persons, wish to call them because they did not have the necessary science to look after the environment. Indeed, during their occupation many flora and fauna became extinct through deliberately lit fires and inefficient over-hunting. Aborigines were indisputably the occupiers of this land before European settlement and it is most unlikely they were the first group of people to come to Australia. Aborigines have brought very little, if anything at all, of value to modern society but they have benefited enormously as a consequence of beneficent British settlement. Had another nationality settled this land, it could have been an entirely different outcome for the Aborigines. Most likely they would have been exterminated.

If there is to be a future Australia, it is necessary that everyone, regardless of race of gender are treated exactly the same.

For that reason, **Section 51 sub-section(xxvi) of the Constitution of the Commonwealth of Australia, which presently confers on the Federal Government the right to make special laws on the basis of a citizen’s race, should be amended to specifically prohibit any Government, or related organisation, at any level within the Commonwealth from making laws or framing regulations that discriminate on the basis of a citizen’s race or gender.**

Do that and many problems would disappear. People who need support should be given that support on the basis of their circumstances not, as is presently the case in Australia, the degree and nature of that support being affected by factors such as a citizen’s racial makeup.

**- End of Paper -**