

Information Sheet, 27 April 2018

Council's position on why the name of Batman should not be retained for the federal electorate

Darebin City Council has commenced drafting an objection to the recommendation contained in the *Report of the Redistribution Committee for Victoria* to retain the name of the Division of Batman (pages 39 and 100 in the Report).

Council acknowledges that the AEC *Guidelines for naming federal electoral divisions* recommend that “[n]ames of divisions should not be changed or transferred to new areas without very strong reasons.”

Our Council does believe such reasons exist and we hope the augmented Electoral Commission will reconsider its initial recommendation.

Key elements of Council's submission will include:

1. Questions around John Batman's "outstanding service" to Australia

John Batman is often thought of as the benign founder of Melbourne, considered to have been sympathetic towards Aboriginal people (notably in light of his attempt to buy land from the local Wurundjeri people).

However, the constant evolution and refining of our historical knowledge have recently (for non-Aboriginal communities at least) put this folkloric view into question and brought to the fore a darker side of John Batman.

This is particularly the case regarding his **involvement in the massacres of Aboriginal people in Tasmania** and participation in the “Black line”. Batman led roving parties in Tasmania which systematically hunted Aboriginal groups with the intent to execute. The documented killing of 15 Aboriginal people at Benlomond - Ben Lomond - in 1829 is one such example; there are many others. Written testimonies of that time highlight he was a man with “much slaughter to account for” (Governor Arthur, 1829). This, in and of itself, should be **enough to cause us to review Batman's suitability** to qualify for “outstanding service” to Australia. In that regard, a parallel might be drawn with the case of Angus MacMillan having an electorate (until the proposed renaming under the current redistribution) named after him despite his well-documented murders of Aboriginal people in Gippsland.

In addition, **shadows have also been cast on** what is commonly referred to as “**Batman's treaty**”:

- **linguistic barriers:** Batman used Aboriginal translators from New South Wales, who would have spoken a completely different language to the Wurundjeri people;
- **obvious cultural inappropriateness:**
 - o Batman was operating under the European idea of land ownership and legal contract, concepts absolutely foreign to the Aboriginal understanding that land is not about possession, but belonging and therefore cannot be bought or sold.
 - o He also misunderstood elders' status and standing, choosing to view them as 'chiefs' with capacity to sell the land, when nothing could be more foreign to Aboriginal culture.
 - o There was also a complete misunderstanding of the exchange of gifts' meaning in the eyes of Wurundjeri “signatories” (who historians now believe may have thought Batman was offering them gifts in exchange for safe passage – a transaction known as *tanderrum*);
- **potential forgery:** the ‘marks’ Batman claims were made by eight Aboriginal chiefs to sign the contract are identical to marks found in his journal, which raises the question of whether they might have been forged.

As early as 1835, some of Batman's contemporaries were casting doubt on his “land dealing [...] as **another hoax of the white man, to possess the inheritance** of the uncivilised natives” (William Buckley).

Similarly, **his image as “the founder of Melbourne” might not be as clear-cut as popular history has reconstructed it.** As early as 1888, commentators (Garryowen) were casting doubt on this, crediting Batman with being the “first [European] prospector” of the area but not the founder of the city.

As for his supposed benevolence or humanitarianism, even his contemporaries were in no doubt that **Batman wasn't a good and fit character**. George Augustus Robinson, (Chief Protector of Aborigines in Port Phillip District from 1839 to 1849) thought Batman “a bad and dangerous character”, while prominent artist John Glover referred to him as “a rouge, cheat, thief, liar, a murderer of blacks and the vilest man I have ever known”.

All of this should lead us to **reconsider John Batman's standing as an “Australian having rendered outstanding service to [his] country”**. We believe these elements point to **John Batman not meeting this criterion** and therefore not meriting the honour of having an electorate bearing his name.

While Batman may have been a man of his times, given his treatment of Aboriginal people, there is a very strong case to argue that his name should in fact not be so honoured publicly in contemporary Australian culture.

2. A legacy of hurt and grief for contemporary Aboriginal people

One cannot under-estimate the hurt and grief still felt today by our Aboriginal community at the **dispossession and loss of land and culture that John Batman represents**.

The (now overturned, following the High Court's *Mabo* decision of 1992) ‘legal fiction’ of Australia as *terra nullius*, European settlement and the concept of land ownership and boundaries led to Aboriginal dispossession of the land. In the areas now known as Darebin (where the signing of Batman's treaty is thought to have occurred) and Yarra, Wurundjeri people were no longer able to move through their traditional lands freely. Access to traditional hunting and gathering grounds were closed off and natural resources were lost due to animal grazing and land clearing for housing and roadways.

While obviously not solely responsible for all this, **Batman evidently played an instrumental role in the taking-over of the land of the local Aboriginal people**. Through his claim to the Kulin nations' ancestral land via his “treaty” in 1835 (which in any case, the *Ngurungaeta* – headmen - of the Kulin Nations wouldn't have construed as selling land, a concept completely foreign to them), **Batman has come to embody, for Aboriginal Victorians (and more broadly), their dispossession and disconnection from the land**.

And it is well-established that **connection to country and to culture is a major component of health and wellbeing for Aboriginal and Torres Strait Islander peoples**. This complex connection takes into account relationships with people, nature, and a deep connection to the past and to the Dreaming. Each of these aspects may then be linked to, and affect, aspects of individuals' social and emotional wellbeing.

It is also recognised that “the experiences of trauma and loss, present since European invasion, are a direct outcome of the disruption to cultural wellbeing. Trauma and loss of this magnitude continues to have inter-generational effects” (*National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017-2023*).

This means that the **colonial practices ushered in by Batman's claim to the land now known as Melbourne had traumatic inter-generational impacts** that still affect the health, wellbeing, mortality, educational performance and imprisonment rates of Aboriginal people today. Social determinants of Indigenous health have been shown to be a contemporary reflection of historical treatment.

Until non-Aboriginal Australia acknowledges and understands the brutal history of Australia since British settlement, the causes and nature of the attitudinal and structural factors that continue to oppress Aboriginal people today won't be fully grasped.

Continuing to honour John Batman through the name of an electoral division perpetuates the trauma of the past; a trauma that still has ripple effects today in the current disadvantages faced by many Aboriginal people. We should not continue imposing the name of Batman on the descendants of his victims, especially as our Aboriginal people (both Traditional Owners and contemporary Aboriginal and Torres Strait Islander peoples living in Darebin and Yarra) tell us how **this name is hurtful and damaging to them**. This impact continues and is felt on a daily basis.

3. Community appetite and support for change

The **broader community** in Darebin and Yarra (which constitute the great majority of this electoral division, even more so after the proposed redistribution of electoral boundaries) is **increasingly aware of this history**, of the duality (to say the least) of John Batman and of the damage still being done today to our Aboriginal community by honouring the man's name.

Many residents in our municipalities understand how this is fundamentally unfair and prevents us all moving towards reconciliation. In putting forward this request for a change of name, **Darebin and Yarra Councils are merely representing the views of a majority of our constituents**, who are gradually gaining an increased awareness and understanding of the Aboriginal perspective on our shared history. There is an increased sense that taking steps towards mending past wrongs and their present consequences is the shared responsibility of all residents in the Batman electoral division and a significant step towards recognition and reconciliation.

This has been shown in many ways, notably **extensive public consultation** (in the form of community conversations) undertaken by Darebin Council on the change of name for the electoral division (as well as the park known as Batman Park in Northcote). This community engagement indicated **a widespread and consistent appetite for change among our residents**.

It is noted that former and current MPs for Batman support the change including David Feeney, newly elected member Ged Kearney and opponent Alex Bhathal. The latter two obtained over 82% of first preference votes at the last election which is a further indication that there is broad community support for this change to happen

People in Darebin and Yarra feel that we can make a real contribution to reconciliation if we take collective action to change a name that causes offense and grief. While changing a name may appear 'merely' symbolic, it is an indication that the community at large is paying attention to the hurt that was caused and is trying to move forward alongside their Aboriginal & Torres Strait Islander counterparts. 'Historical acceptance' is one of five dimensions of reconciliation endorsed by Reconciliation Australia, Australia's national expert body on reconciliation.

There is **now broad community understanding in our municipalities that changing the name would be one way of recognising past dispossession and symbolically righting past wrongs**.

That the original joint submission asking for a name change was provided by the Traditional Owner body, along with the two local government jurisdictions included in the electoral division (City of Darebin and City of Yarra) is in itself an indicator of the very significant weight that this should be given. A submission from any one of these parties would be cause for consideration. However, the united views of these parties and their constituents highlight the gravity this issue holds at the local level.

4. A rationale for change

Traditional Owners have put forth the name 'Simon Wonga' in the spirit of reconciliation and out of respect for his leadership and legacy.

A strong advocate for his community's land rights, Simon Wonga was also recognised for his **capacity to unite the different Aboriginal clans and new settlers** in a spirit of goodwill, cooperation, common purpose and shared humanity.

Simon Wonga **provided outstanding service to his community at a critical time in our history**. While documentation of his deeds may be limited, (due to Aboriginal people existing within an oral culture), this by no means diminishes his significance and standing for the Victorian community, Aboriginal and non-Aboriginal alike. Despite limited historical records, **Simon Wonga had and still has standing in both cultures**. His name should be recognised in this way to ensure his legacy is remembered and made visible to all.

In **seeking a change of name for the Federal Electoral Division of Batman to Simon Wonga**, we are seeking to **incrementally and respectfully restore Aboriginal culture and heritage, in line with the Victorian Charter**

of Human Rights and Responsibilities Act 2006, particularly in regard to its commitment to respect and promote the rights of Aboriginal people.

It is noted that the AEC is making recommendations to renaming the electorate Division of Murray to 'Nicholls' 'in honour of Sir Douglas Ralph Nicholls and Lady Gladys Nicholls for their significant contribution in advocating for Aboriginal rights and welfare. The renaming of the Division of Batman to (Simon) Wonga provides a significant opportunity to similarly recognise the major contribution to the Victorian community by this respected Aboriginal leader.

Changing the name of the Division of Batman to Simon Wonga is but one small way to recognise the past and allow us all to move forward on a journey towards reconciliation. Such a change **would recognise the distinct place of Aboriginal and Torres Strait Islander peoples in Australia's history and in its future** as a cohesive, inclusive and respectful society. It would promote healing by paying rightful respect to a significant community leader, clarifying history to truly reflect the past and enable all people, both Indigenous and non-Indigenous, to stand together with shared understanding and hope.

It is in this spirit that Darebin Council will be **asking the augmented Electoral Commission to review the Redistribution Committee's recommendation to retain the name of Batman for this Federal Electorate and to agree to change it to Simon Wonga.**

==== Quick references ===

- about John Batman's involvement in massacres of Aboriginal people in Tasmania and participation in the "Black line":
 - section 11 in our initial submission (S8)
 - <https://theconversation.com/the-truth-about-john-batman-melbournes-founder-and-murderer-of-the-blacks-1025>
 - <https://eprints.utas.edu.au/17070/2/Whole-Clements-thesis.pdf> notably pages 97, 133, 135, 136, 180, 183 and 190
- about the doubts cast on, and questionable validity of, Batman's treaty (beyond the invalidity declared by the Governor of New South Wales):
 - <http://ergo.slv.vic.gov.au/explore-history/colonial-melbourne/pioneers/batmans-treaty>
- about the issue of the founding of Melbourne:
 - <http://ergo.slv.vic.gov.au/explore-history/colonial-melbourne/pioneers/melbournes-founders>
- about Aboriginal health and wellbeing and the impact of the past/colonisation:
 - <https://www.humanrights.gov.au/news/speeches/social-determinants-and-health-indigenous-peoples-australia-human-rights-based>
 - https://www.pmc.gov.au/sites/default/files/publications/mhsewb-framework_0.pdf
- about Simon Wonga's achievements and contribution to Indigenous land rights and harmony between :
 - section 5 in our initial submission (S8)
 - <http://ergo.slv.vic.gov.au/explore-history/fight-rights/indigenous-rights/simon-wonga>

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