



Belonging: A Novel – Interview with author Dr Anthony Hopkins

Interviewed by Naomi Wootton

Belonging: *A Novel* was published in December 2020 by barrister and associate professor, Dr Anthony Hopkins. It is a fictional yet semibiographical story, interweaving Anthony's personal and professional experiences at the start of his career, when he worked as a solicitor for the Central Australian Aboriginal Legal Aid Service. In May 2021, Anthony was appointed a special magistrate of the ACT Magistrates Court. *Bar News* sat down with Anthony to discuss his new book, new role, and his experiences sitting on the Galambany (circle sentencing) Court.

Naomi Wootton (NW): *This is your first novel – how did you learn to write so well?*

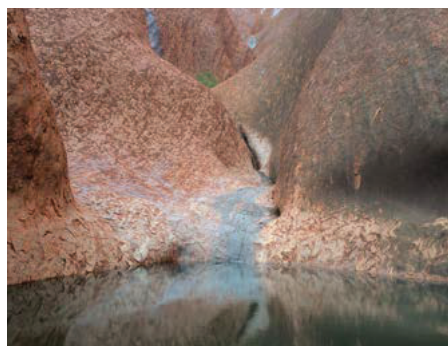
Dr Anthony Hopkins (AH): I don't have any formal training as a creative writer.

The book emerged from a short story that I submitted in a competition at the end of 2005. I didn't win, but the process of writing the short story led me on. The first draft of the book was written during the period immediately after I left Central Australia, from 2005 to 2007 when I was living on the north coast of New South Wales with my Warumungu and Luritja wife, raising our young family. I found myself with time and space for writing, and a whole lot of unprocessed experiences running around in my head which just worked themselves onto the page. At times it definitely felt like the book was writing itself. Editing was another story!

NW: *The book is written from the perspective of a young white lawyer from 'down south'*

working in Central Australia. How much of the book is based directly on your own experiences?

AH: There is a significant element of the autobiographical in the book. There is no hiding that. It aims to be as true as possible, and to acknowledge my standpoint – and that of the principal character – as a non-Indigenous lawyer who cannot know or fully appreciate the experiences of First Nations people. And yet, it involves a genuine attempt to engage with those experiences in all their dimensions. Much of the book is about a character who has been removed from Country. It is an exploration of what belonging might mean in that context. There is really a question in that for all of us who are non-Indigenous. The story is situated within the criminal justice system. That system rips people away — from belonging,



from culture and connection. The book is inspired by the strength of the people I worked with, the Aboriginal lawyers, field staff and interpreters, and Elders in the community. I was and continue to be a witness to this strength, which motivates me to stay accountable as an actor in the criminal justice system, and as a person who teaches the next generation of lawyers.

NW: *The book is not just doom and gloom about the justice system, though?*

AH: I was certainly trying not to slip into a deficit narrative, but to engage with Aboriginal people that are the characters in the novel in their full humanity and dignity, respecting their strength and self-determination. I hope that I have captured some of the beauty, joy, aliveness and connection that was there in so many of the experiences and interactions I have had with those who do belong to central-desert Country. That said, there is no avoiding the suffering that is ever present in the criminal justice system, or the colonial lines of force that have caused this suffering. And there is no avoiding the challenges for non-Indigenous people who are trying to do their best to partner with Aboriginal people on Country to achieve just outcomes, and so often failing.

NW: *Working in the Territory holds immense interest for many people. But there is sometimes a sense of virtue signalling about it. First Nations people don't need 'white saviours' to fly in and out of communities and 'fix' them. Is that narrative avoidable?*

AH: Anyone who is considering working with and for First Nations people, I think, needs to ask themselves: what is my motivation here? And be honest about it. We all need to move from a 'saviour complex' to realising that we don't have the answers if we are not Indigenous. That doesn't mean we don't have a capacity to ally ourselves with First Nations people in pursuit of justice and seek to work in genuine partnership. If we refuse to engage because we are worried about the way we might be perceived, we are missing an opportunity. That opportunity reaches far beyond being able to contribute to more just outcomes in the criminal justice system. Opening to the experience of working with, listening to and being shaped by First Nations people and their perspectives has a capacity to shift the way we think about our place on this continent and our future together. I would say that if your motivations are genuine, spending time working with and for First Nations organisations — whether in a remote community in the Northern Territory or in the centre of Sydney — is a really important

thing to do. Of course it will be a learning experience, and that is fine. The test is, when you leave and move to your next position, has that learning gone with you, are you still an ally, or was it just career progression or some badge of honour? Ultimately it is not for us to judge. It is for First Nations people to determine whether our efforts are real acts of allyship or just self-motivated personal advancement.

NW: *How has your time in Central Australia impacted on your life and work since?*

AH: It has been central to what I do — as an academic, as a barrister and now sitting as a magistrate in the Galambany Court, working with Elders and those who come before the Court to be sentenced. It's also central to who I am as a husband and father of my First Nations wife and children. For all that, I am still learning how to listen, face my privilege, and recognise the ways in which I have benefited from living and working on stolen land.

NW: *There is a big gap between the first draft of *Belonging* in 2007 and it being published in 2020. What happened in the meantime?*

AH: The book went into a bottom drawer for a long time. We left the north coast and moved to Canberra where I took a job at the University of Canberra in 2008



teaching criminal law and evidence. There I introduced a very practical mode of teaching evidence where students were engaged in a semester long mock trial, taking on roles as prosecution, defence counsel and witnesses, as we worked through the *Evidence Act*. But after two years of mock trials, I had itchy feet to get back into court. I took the bar exam and joined the bar in 2010, doing some teaching on the side. I read with Shane Gill (now Gill J of the Federal Circuit and Family Court of Australia) and Ken Archer. I spent five years full-time at the bar, primarily doing criminal law.

NW: *But you left? What could be more interesting than the criminal bar?*

AH: I enjoyed my time at the bar, and did as much work for the ALS as I could. But I found it hard to find the time to write, and have a systemic impact. I also missed teaching. In 2015 I was offered a role working at ANU that also enabled me to

work part time as a barrister. I had been completing a PhD, focussed in part on the ways Indigenous experience can be taken into account in sentencing, looking at the Canadian approach of 'Gladue Reports', written by Indigenous Canadians, drawing on the broader experience of Indigenous Canadians with colonialism. Taking an appointment at ANU enabled me to pursue this research further, advocating for a similar approach to be adopted in Australia. It also enabled me to finish my book! Then in May 2020, I was appointed as a part-time special magistrate.

NW: *What is a 'special' magistrate?*

AH: A special magistrate exercises all of the powers of a magistrate but we are appointed for a fixed term. In my case, it enables me to sit one to two days a week, and continue with my academic work on the remaining days. What drew me to the role was the opportunity to work with Elders on the

Galambany Circle Sentencing Court, which is available to First Nations people who have pleaded guilty and wish to be sentenced in a culturally appropriate way.

NW: *What does that look like, practically speaking?*

AH: The centrepiece of the Court is a conversation between the Elders and the person facing sentence. The magistrate's role at that point is to listen. It is set up as a circle so that no-one can turn away from anyone else, and there is a focus on ensuring the defendant's voice is heard. It can get very intense and emotional. Most people coming before the court have experienced significant trauma — intergenerational, and also within their own life — and that trauma inevitably plays a role in why they are before the Court. Understanding their experience is central to their pathway to rehabilitation and desistance. After the conversation, lawyers make informal submissions, all within the circle, and then the proceedings are adjourned so that the magistrate can consult with the Elders to consider sentencing options. The Elders will provide recommendations in relation to both the nature of the sentence, but also the various pathways for healing and the ways in which a person might be connected with First Nations organisations to support their rehabilitation in culturally appropriate ways. The Court then reconvenes in the circle and the defendant receives their sentence and an explanation of the reasons for that sentence. Part of the role is to reflect back what has been heard in the conversation and take that understanding into account in the sentence.

NW: *Coming back to the book — which Bar News recommends as excellent summer reading material — you've decided to donate the profits to Country Needs People. What is that organisation, and why?*

AH: Country Needs People is a not-for-profit organisation that supports Aboriginal and Torres Strait Islander sustainable management of land and sea. I am telling stories that I would not know or understand but for the generosity of the First Nations people I have worked with. It goes to who is profiting from this story (not that I expect a lot of profits!). The book invites the reader to consider their relationship to Country and its peoples and our responsibility as non-Indigenous people — newcomers to the land — to pay the rent. So, it seems to me that any money from this story should be paid back to Country and to its people.

Belonging: A Novel is available for purchase from Harry Hartog Bookseller at ANU (T: 02 6230 0197) and online from Red Kangaroo Books. **BN**