

CHAPTER V

AN UNOFFICIAL VENTURE

The documents and tentative suggestions for procedures, which Dr Coombs circulated between November 1978 and April 1979, went to various people — some of whom for personal or work-related reasons did not later become members of the Aboriginal Treaty Committee. But most were now convinced that the needs so strongly voiced by Aborigines, and their disillusionment with the results of the referendum and of the legal cases, might realistically only be met by a renewed and this time watertight commitment by the Commonwealth. This might never come from a coalition government, but once put in place it would be difficult to get around. Such a document, if ratified by Aborigines whom Aborigines themselves had chosen for the purpose, and concluded with advice from experts whom they had engaged and whom they trusted — and without the exercise of the kinds of pressure which had been exerted in the Northern Territory over the Ranger agreement — could at least be used in defence of the rights it guaranteed. Somehow, responsibility must be firmly fastened where it

belonged, on the shoulders of the Australian Government.

Since legal action, after the Blackburn judgment and the Coe case, offered no immediate way forward, and since legislation had been shown to be failing to protect Aboriginal interests even where it had been especially evolved with that purpose in view — and the Aboriginal Land Rights (NT) Act was already under attack by a Northern Territory government determined to weaken its base — even those who were sceptical of the idea of a treaty negotiated between such unequal parties felt that it could offer a better hope than either law or legislation.¹

Because it may be useful to glance at the composition and the membership of the group which was soon to form the Aboriginal Treaty Committee, and their reasons for taking the step, I will concentrate on the five people who formed the core of the Committee and to whom the original documents were circulated. The membership changed and fluctuated from time to time around this core group, for some who came in as members had to resign for personal or family reasons later. But Nugget Coombs who became chairman at the first formal meeting in May 1979 remained so until the Committee's work closed in 1983. Stewart Harris, who wrote the Committee's 'manifesto' book, *It's Coming Yet*, which was published at the end of 1979, was one of the three early trustees and produced and edited the earlier issues of *Treaty News*, also remained a member throughout, as did Professor Charles Rowley, Vice-Chairman of the Committee. Professor W. E. H. (Bill)

1 For the background on the various amendments and proposals for amendment, see *Aboriginal land rights in the Northern Territory. Report of the Joint Select Committee, 1977*, Canberra, AGPS, 1978, p.351; and the *Aboriginal Land Rights [Northern Territory] Amendment Act [1980] Commonwealth*. A record of part of the Ranger negotiations and Northern Land Council strategies appears in *Hansard*, 8 November 1979 (Senate Parliament Debates, 1979, vol. S.83, pp.2116-19). See also 'The March Backwards', in E. Olbrei (ed.), *Black Australians: The prospects for change*, Townsville, James Cook University Union, 1982, pp. 43-52.

Stanner's illness did not prevent him from coming to Committee meetings; his resignation in December 1979 and his death in October 1981 took from the Committee a presence and experience which were uniquely wide and wise. He was succeeded on the Committee by Dr Diane Barwick, another anthropologist, whose knowledge of Canadian and American Indian indigenous movements and the political situation surrounding the patriation of the Canadian Constitution was invaluable. Her work on the history of culture contact in Victoria, her scholarship, and her friendship and co-operation with many Aborigines in Australia made her a most useful committee member.

Of Nugget Coombs, something has already been written. The job given him by Harold Holt in 1967 took him out of the field of public service, in which he had been a skilled, successful and trusted administrator. From his first major appointment as Director-General of Post-War Reconstruction (1943-49), through his governorship of the Commonwealth Bank of Australia (1949-60), to his retirement from the governorship of the Reserve Bank in 1967 to take up the chairmanship of the Council of Aboriginal Affairs, he had been a valued adviser to successive prime ministers. His time with the Council had given him a deep respect for Aboriginal ways and an equally deep sympathy with the problems forced on them by invasion and by their treatment by the invading society, its governments, administrations and attitudes.

The comparatively recent series of exposures of that treatment, of the real nature of the 'peaceful settlement' of the country, and the increasing understanding through anthropological studies, of Aboriginal society and its bonds to the land it had lost, had deeply motivated him in his work with the Council. Its disbandment, at a time when it seemed at last that the revisions of the policies of the coalition parties offered hope for the future of Aborigines, had not weakened his commitment. Now that the Council's work

had been so seriously undermined by the Fraser Government's shifty treatment of its own legislation (in whose framing he and the Council had had an advisory role), his determination to continue working in some way to restore the situation was certainly strengthened by that sense of shame he had expressed. But it was not only a sense that governments for which he had worked and from which he had hoped for better times for Aborigines, had let down the Council's advice and their own policies and legislation, which made him, in his seventies, take up this new and unfamiliar approach. His friendship with many Aborigines whom he had learned to know and appreciate in his days with the Council, and his understanding of the immense new problems they now faced, as well as a sense that the Blackburn judgment and the Coe case had in effect rubber-stamped an act of takeover whose legality in the first place was debatable, now motivated him. He set out on the new job of chairman of a small, voluntary, wholly unofficial committee without staff, offices or funding, with a vigour and resource which would have done honour to a much younger man.

Also, the tie to the land which Aborigines felt had been in some respects communicated to Nugget Coombs. The attitude of a banker to an exploitable resource had nothing in common with the sense he felt and tried to convey in his book, *Kulinma*, of reverence for the country itself. The Aboriginal sense of sacredness in relation to the land and its ancestral 'dreamtime' tracks and features had impressed him too, partly through Bill Stanner's influence in their companionship during the Council's travels and frustrations, partly because he too had been born and lived his life in commitment to the country in its other aspects.

To quote another committee member, Stewart Harris: 'It would be difficult to dismiss Coombs as a do-gooder'.² And

2 S. Harris, *This Our Land*, Canberra, ANU Press, 1972, p.19.

as Harris also wrote, Coombs was a doughty fighter. If anyone could make the nascent committee a success, its chairman might.

The other past member of the Council for Aboriginal Affairs, Bill Stanner, had a much longer and deeper acquaintance with Aboriginal people, and as an anthropologist a different kind of knowledge. Coombs himself has written:

No Australian anthropologist had a more profound and sympathetic knowledge and understanding of the Aboriginal peoples than Bill. Few had lived so long or so intimately among them or had such an intuitive sympathy with the spiritual elements which suffused their lifestyle. But anthropological knowledge, sympathy and an understanding of Aboriginal society were only the beginnings of Bill's contribution to our work. His training as a scholar, his extensive work in various state and federal administrations, and his own integrity gave him high standards in the search for and the assessment of knowledge, and a ruthless contempt for careless and unsound reasoning and for sloppy expression.³

As Coombs added:

Of course we were concerned with problems which lay less within Aboriginal society itself than in the interface between it and our own, or wholly within our own, in the fears and prejudices which often determined white attitudes towards Aborigines and in the rigidities of bureaucratic and governmental processes. In these, despite our long and varied experience in a wide range of official tasks, we were all learners.

Now the Aboriginal Treaty Committee was privileged to have for the next year Bill Stanner's advice and help, even though his long-deferred work on his own papers and advancing problems of illness made his time precious. His remarkable book, *White Man Got No Dreaming*, was later

³ Coombs, *Kulinma*, p.4.

published as a result of that work.

I have quoted above from Stewart Harris's first book, *This Our Land*. Harris had been involved in recent Aboriginal history, as a reporter, a researcher, and a sympathetic publicist. As a young man he had spent some time working on a Northern Territory cattle station, where almost all the stockmen were Aborigines. As he wrote in *This Our Land* (p.vii), 'I accepted their situation, which seemed happy enough at the time'. It was not until the time of the Freedom Rides led by the young Charles Perkins in 1965, that the question of the treatment of Aborigines came sharply to his mind. (He was certainly not alone in this. Few European-Australians brought up in the tradition of the great forgetfulness of the early decades of this century questioned that treatment.) Now Harris asked Charles Perkins to write his own article for *The Times*, for which Harris was then Australian correspondent. And he noted the difference between Perkins' view of things and the official and academic view — as expressed in a previous article commissioned for *The Times* and written by an anthropologist.

In 1971 he met young Aborigines involved in the protests over the Springbok tour in that year, and began to realize that their protest was sparked by a hope of drawing attention not just to South Africa's treatment of its black peoples, but to their own treatment and its similarity to the South African situation. He began to write more on Aboriginal questions and to learn more of their side of the story; soon the setting up of the Tent Embassy, the hypocrisies of the McMahon era, his contacts with the Council for Aboriginal Affairs and with Aborigines themselves, especially over the Gove case, set him to writing *This Our Land*.

His clear, incisive and indignant account of the plight of Aborigines was one factor in the groundswell of revulsion against government policies which rose to sweep away,

temporarily, the old regime in the election of 1972.

In 1973, following the book's publication, he took up a senior research fellowship at the Australian National University which allowed him to do much travelling through what he termed in the book 'Aboriginal Australia' — a very different Australia from that which he had known since his arrival to settle here in 1951. His experiences in that submerged milieu, in which he encountered poverty and oppression of a kind he had not then known existed, made him even more angry when in the Budget of 1976, the Fraser Government cut spending on Aboriginal affairs with a ruthless knife. In September 1976, he spoke at a symposium on health organized by the ANU.

'Somehow', he said then, 'the Aboriginal and Island people of Australia have to be taken out of the unpredictable area of our domestic politics'. Health among Aborigines, he avowed, was dependent not just on the funding of which Aborigines had been deprived, but on morale, pride and their capacity to direct their own destiny. Their lack of recognition as a people, the attitude of the dominant society which saw the funding they did get as mere charity and not as either a right or a gesture of compensation, and the fact that they knew the land which had been theirs was providing enormous profits through mining and the exploitation of other resources while they had not the barest compensation for its loss, he saw as part of the bitterness of their condition.

Harris took up the line explored by the Gwalwa Daraniki in 1972, in calling for a treaty to be negotiated, which would acknowledge Aborigines' 'prior interest in Australia and their absolute right to both land and compensation'. He suggested that under such a treaty compensation might be achieved through setting aside a fixed proportion of royalties in minerals, forestry, fishing and hunting through Australia, with all exploitation on Aboriginal land to be negotiated between the Aboriginal owners, the government

and the interested companies.

He elaborated these suggestions in an ABC Guest of Honour broadcast on 29 May 1977 and modified his earlier proposal. He now suggested that under the treaty 'all major political parties would agree to devote to Aboriginal recovery the same fixed percentage of every budget' — perhaps 1 per cent of total expenditure — with a fixed proportion of all annual royalties as before, to be spent 'by Aboriginal representatives without government influence or interference, in ways which would reflect Aboriginal priorities and values'. He envisaged the treaty as a temporary formula, to be renegotiated in perhaps twenty years when Aboriginal recovery should be well on the way.

The idea of these funding principles was seen by some people as starry-eyed; as one experienced public servant wrote sceptically: 'There is no way in the world in which anybody is going to be able to gouge the mineral and other royalties out of Treasury coffers for payment to an Aboriginal fund'.⁴ But Harris's articles in the Australian press and in English newspapers did much to keep the issue alive. At the inception of the Aboriginal Treaty Committee, his research fellowship at an end, he was working as a foreign affairs research specialist in the Parliamentary Library in Canberra; before long he was to be employed as a journalist on the *Canberra Times*.

Professor Charles Rowley was not at the meeting of 29 April 1979 at which it was decided to go ahead with the project. But he had seen and commented on the preliminary draft documents. Rowley's experience in the tragic fields of Aboriginal Australia went back farther than did that of Coombs or Harris. After fourteen years as principal of the Australian School of Pacific Administration in Sydney (1950–64), he became the director of a trail-blazing research project on Aborigines initiated and organized by the Social

4 B. G. Dexter to H. C. Coombs, 2 February 1979.

Science Research Council of Australia, which continued from 1964 to 1967. Thereafter he was Professor of Political Studies at the University of Papua New Guinea. His years with the Aborigines Project, 'the first independently financed and controlled survey of Aborigines throughout Australia⁵', began at a time when, as he wrote, 'Aboriginal affairs had been neglected by social scientists other than anthropologists, and the result was a dearth of ideas in such fields as economics and politics'. The three books which issued from his work with the project came to many as a stunning revelation of past and present oppression, administrative failures and discriminatory action, and deprivation in all fields of health, education, housing and self-management.⁶

But the three-volume series was not intended merely to expose the situation of Aborigines but, as he wrote, to offer as comprehensive a survey as possible, and a 'coherent view of past and present policies and practices' which would be of use to policy-makers. The books, with their careful documentation of an Australia-wide history of political, legal and administrative obtuseness at best, and deliberate mistreatment or unacknowledged genocide at worst, influenced many others who read them; their effect on policy-makers, after 1975, was rather less than obvious.

The core members of the group — Coombs, Stanner, Rowley and Harris — obviously had qualities and capabilities essential for the launching of such a committee; but these qualities alone might not necessarily have brought them into as marginal and unexpected a venture as it represented. To influence governments, and to form a spearhead for an unfamiliar and unpopular new enterprise, any organization needs either a fairly reliable source of

5 *The Destruction of Aboriginal Society*, p.v.

6 C. D. Rowley, *The Destruction of Aboriginal Society, Outcasts in White Australia, The Remote Aborigines*, Canberra ANU Press, 1970, republished in Penguin edition, 1972.

funding and support, or a large and devoted membership prepared to work beyond the ordinary call of duty. All these people had their own demanding jobs. We could not then employ even part-time secretarial staff. We had no office and little expectation of being able to rent one. Telephone, postbox, stationery, all would be needed.

I, as temporary secretary, lived 100 kilometres from Canberra and was myself at work on a book which was not finished until early 1980. I had some experience in similar voluntary pressure-group bodies, having been a co-founder and longtime president of a conservation society. On the crest of the growing wave of revolt against Queensland's destructive policies on the environment — the drilling of the Great Barrier Reef for oil, the mining of the great coastal sand-masses, the over-exploitation of kangaroos, and other issues — that small society had become an influential body with branches throughout the state; but I doubted whether the temporary wave of sympathy for Aborigines which had helped to bring the Labor Party into Federal office would reach the same heights of concern. We were beginning at the bottom, both in membership and in public appeal, and would have to find our own way and raise our own funding in both respects.

My own motivation came in part from the book I was then writing and the research I had done into the terrible history of Central Queensland before I wrote it. That material — where it was available to be studied — had shocked me into a deeper realization of the genocidal background of the pastoral invasion, in which my own forebears had played a part; of the unpayable debt owed to the descendants of those who were dispossessed in that invasion; and of Queensland's intransigence in its treatment of those descendants. Having supported the Aboriginal case in the 1967 referendum, I too suffered, as we all did, that sense of shame that it had led to such a miserable dead end under McMahon, and that the advances under the Whitlam

Government had been so unpardonably eroded under Fraser. Maybe indignation is as good a spur as any to set off a new initiative. We all hoped that indignation was widespread enough to bring many supporters to the campaign for a treaty.

Dymphna Clark (Mrs Manning Clark) was present at the first meeting. She came to our grateful hands when, with her family grown and out in the world, she found herself freer than before. Looking for some field with which she could identify, and in which she could work part-time and at her leisure (which was not in fact plentiful), she accepted a suggestion from me that the proposed committee might provide it. Energetic, practical, too modest about her own capacities, she was to prove invaluable, especially in the field of fundraising, an urgent need for us. Dymphna was then a research assistant at the ANU, working on translations of historical material on the German period in New Guinea; she had also worked as a translator for the Australian Institute of Aboriginal Studies. With a wide circle of friends, she was able to suggest many names for the sponsorship list we were beginning to prepare. One of her own friends, Eva Hancock, joined the Committee at her suggestion later on and became with her and Stewart Harris, one of our three trustees for the Committee's funds.

Obviously, none of us expected or hoped that the Committee would ever be funded on an official basis; its finances would have to come from donations and membership and the efforts of Committee members themselves to raise funds for whatever work we accomplished. All the members of the group had their own demanding jobs; we did not go into the Committee with any idea of getting additional salaries. We were not going to be popular with governments, or industry, or landowners, or mining companies. Probably the chief immediate motivation of all the members came from that sense of shame which Nugget Coombs had articulated in his letter to

Ian Viner after the signing of the Ranger agreement. But all had a background of long involvement on one basis or another, with Aboriginal Australia, a knowledge of how much injustice had been done in the past, how much misery and deprivation had followed, and a feeling of betrayal of our own once-high hopes for some amendment.

The April meeting which issued in the formation of the Committee agreed first on its aims, as they had been suggested in the first document sent out in November 1978. These included:

- the establishment of exclusive Commonwealth responsibility for all Aboriginal matters (as against the states);
- pressure for a treaty as providing a kind of constitutional basis for the relationship of Aboriginal Australians to the Commonwealth and Australian society generally;
- providing a focus for *white* political support for the Aboriginal cause.

It was obvious as a first principle that the difficulty lay, not in the Aboriginal field, but with the attitudes and prejudices — and apathy — of the dominant Australian community. These provided a ready-made seedbed for those interests which profited from the Aborigines' deprivation and powerlessness, and which were much more influential with governments than the fickle community conscience. It was this conscience and that alone on which the new committee would have to work.

Early strategy suggested that once some funds were in hand, a campaign might be mounted in newspapers and publications by the Committee itself. This would culminate in a Private Member's Bill, to be presented by some sympathetic member, just before the next election. This could once more tap that sympathy so evident in 1972, and might force all political parties to declare their attitude to an overall negotiation and settlement.

First, we decided, the money to publish an initial advertisement in the press must be raised. This could come from a preliminary approach to some influential possible sponsors, whose names would appear in the advertisement. Churches, unions, political parties and other organizations and institutions might be asked to support the Draft Agreement in principle and announce the fact; and all Aboriginal organizations, Land Councils, legal aid services, NAC members and associations whom we could contact would be asked for comment on the draft. Then, perhaps, a parallel campaign might begin on the Aboriginal side. The money we needed to produce a book or pamphlet, embodying the wording of the Draft Agreement and a survey of the historical and present situation of Aborigines, might come from orders placed by the original sponsors and those who decided to sign a form endorsing the idea of a treaty.

The question of who, or what organization, on the Aboriginal side might be accepted by Aborigines themselves as empowered to sign a treaty was difficult to answer. In any case, it would be for Aborigines themselves to decide; but meanwhile we would need to make some preliminary suggestions. The NAC had just that month announced its own call for a treaty. As a government-funded advisory body with, at that time, few achievements, no statutory existence, and vulnerable to being abolished at any time by a hostile government, we did not see the NAC as yet having enough acceptance or independence for the task of negotiating a vital and long-term agreement with a Commonwealth government which had already proved its untrustworthiness and guile. Moreover, we were afraid that the NAC, subject to pressure through the nature of its relationship with the authorities, might become an early sacrifice in the political manoeuvring of the lead-up to any agreement or treaty.

Moreover, the experience of the Council for Aboriginal

Affairs and of the decision-making processes of traditionally oriented Aboriginal tribes and communities clearly showed that a long process of consultation and advice, with the help where necessary of experts in law and administration commissioned by Aborigines themselves and whom they had good cause to trust, would be needed. Only representatives whom they themselves had chosen on the conclusion of those processes, and who they felt confident would work in the continuing higher-level processes with real referral back to each group and community, would really carry weight for them.

No pan-Aboriginal movement was yet visible. The problem of distance which had bedevilled the 'settlers' from the beginning was far more difficult for Aborigines today. Scattered communities and groups everywhere, from the Pilbara in northwest Australia to the urban-dwellers in the eastern cities, with in between them the little communities of the 'outstations' in the Centre, the reserves of the Northern Territory where in the wet season people could be cut off from communication for months at a time, the fringe-dwelling people of the country towns throughout the eastern states, and the people confined on Queensland reserves or still occupying their traditional land in the Torres Strait, made a heterogeneous mixture. Their traditions, where those still existed, were now in isolation from each other; where they had been destroyed altogether, some reserve people had come under such intensive mind-control that only their innate resilience and their shared and bitter experience of oppression and domination remained a binding force among them. Some, like the Torres Strait Islanders, did not then realize that the land they lived on was not theirs in the eye of the law. Not until very recent times, with the rise of the land rights movement, had there been real and vital common cause among all these groups. And even then, there had been no common formulation of that cause.

During the period which followed the European invasion, Aborigines everywhere had been virtually destroyed, except in the most remote parts of the continent. It has been suggested that disease, especially the introduced smallpox, reduced the population around Sydney by half from 1789 to 1800, and spread very widely indeed⁷; other factors in the reduction were also responsible for the fall which within a very few decades caused the European 'settlers' to consider that Aborigines were a dying race past recovery. The fractured lives and broken groups which remained were virtually disregarded.

After World War II, a rise in the population on reserves and in fringe camps and city areas was seen by some people as a sign of hope, by others perhaps as a renewed danger to their interests and a reminder of a shame more or less forgotten.

Voluntary organizations, mostly funded only by donations and memberships, with supportive objects and participation by churches and charitable bodies, had long operated in a small way in Aboriginal fields. In 1957 a number of these, including some trade unions, came together under the title of the Federal Council for Aboriginal Advancement. Aborigines themselves, with too good cause to distrust European-Australian initiatives, for some years scarcely participated in these. (In an unpublished manuscript Charles Rowley writes, 'In the early 1960s the typical organization was dominated by non-Aboriginal persons'; as he also points out, however, those Aborigines who did participate became accustomed to handling methods of political action and organization.)

In Sydney, the Freedom Rides by a new organization, Student Action for Aborigines, led by the young Charles Perkins who was to become Sydney University's first Aboriginal graduate, directed a harsh light on the treatment

⁷ *Bullin, Our Original Aggression*, pp. 19-24.

of Aborigines in New South Wales country towns and fringe settlements, and the racism and discrimination which operated everywhere. There was high publicity for the Freedom Rides of 1965 and later, which above all began a new phase of Aboriginal activism which was soon independent of, or took over, the older organizations in which few Aborigines had taken an active role. By 1970, Aborigines controlled the Federal Council and some other key organizations. In other states also there were strong moves for independent Aboriginal political organizations. The Aboriginal writer, Kath Walker, following a visit to England as a delegate to a World Council of Churches consultation on racism in 1969, set off a wave of activism in southern Queensland.

All these moves, and the publicity generated in 1972 by the land rights movement and the Tent Embassy, with the new 'outstation' movement which followed the Gurindji walkout, in which Aborigines began to move out of the Northern Territory and other reserves in a return to their homelands, provided a new ferment in Aboriginal Australia. But by the end of the Whitlam regime, the various governmental concessions and funding of new organizations had resulted in many of the former young activists being absorbed in the new Aboriginal Legal Services, the Aboriginal Housing Service, Aboriginal Hostels Ltd, and in the staff of the Department of Aboriginal Affairs as well as in other organizations. Some of these new services were partly or mainly under Aboriginal control; some were from the beginning Aboriginal initiatives. But the only national political body recognized and funded by the Commonwealth Government was the National Aboriginal Conference, which was as dependent as any other on the erratic levels of finance allocated in successive Budgets, and sternly restricted to an advisory role — though its advice appears to have been seldom asked and even more seldom taken. The Aboriginal

Land Fund Commission, established in May 1975 — following a recommendation in Judge Woodward's Report — under the *Aboriginal Land Fund Act 1974* to buy land for Aboriginal corporate groups or to make grants for the purpose of their own purchases, had contained a minimum of three Aboriginal commissioners until its closure in 1980 when its function was transferred to the Aboriginal Development Commission whose membership was entirely Aboriginal.

With so few Aborigines reaching tertiary, or even finishing secondary education levels, the number absorbed in the new organizations of course considerably weakened the former independent and activist bodies. Yet it was clear that the rising demand for land rights and for self-determination had not been subdued by legal judgments, by the setbacks of the Fraser years, or by the obstinate opposition of state governments. Nor had it been satisfied by the local victories achieved under the Aboriginal Land Rights (NT) Act of 1976, which in fact left many Aborigines in the Northern Territory itself without land or opportunity to claim it. For Aborigines, the dismal failure of the 'new federalism' under the Fraser Government to provide for the needs not only for land rights and compensation, but for political representation without strings, for solid economic bases for their own organizations, and for the kind of control of their own affairs which could be represented by the term 'self-determination', remained central to their demands for an Aboriginal future and for the lives of their children and grandchildren.

The dominant Australian community had on the whole deeply distrusted the activism of the 1960s and 1970s, even when it could not help sympathizing with its aims. There were continual efforts to denigrate Aboriginal activists as 'urban', unrepresentative of Aborigines as a 'whole', communist-influenced and inspired by unrealizable notions of political equality. The new Aboriginal leaders were

compared to their detriment with the 'real' Aborigines, the traditional groups and 'the elders', who were represented as a conservative force in the movement — chiefly because the city-based media knew little of their views and they were conveniently distant and invisible. The demands of the Larrakia in 1972, for instance, were scarcely publicized and soon forgotten, partly because they contradicted this comfortable view.

Yet there had certainly been a major change in the thinking of the non-Aboriginal majority, and it had been reflected to a point in the actions of the Labor Government. In terms of actual area of land controlled, the change was highly visible. Nicolas Peterson writes that

in 1966 no Aborigines in Australia owned land by virtue of being Aborigines... Today, fifteen years later, Aborigines hold title to over 469,995 square kilometres and it is possible that title to most of the 219,769 square kilometres of Aboriginal leasehold and reserve in WA and even some of the 20,542 square kilometres in Queensland may also, one day, be held by them.⁸

He accounts for 'this dramatic change in public attitude towards land rights' partly by 'the middle-class liberal values' of governments in Federal and state recent politics, partly by the effect of Aboriginal activism and the change in world opinion, and partly by governmental realization that land rights is 'a powerful and effective instrument of social policy for the betterment of Aborigines' place in the community, and among mining companies that it is not necessarily inimical to their interests'. Nevertheless, he adds, 'land rights remains a politically and socially controversial issue'.

However, land now held by Aborigines is very seldom

⁸ N. Peterson (ed.), *Aboriginal Land Rights: A Handbook*. Canberra, AIAS, 1981, p.1.

fertile, productive, or in favoured areas for European settlement.

Approximately half of the land already owned is desert or semi-desert... and 28 per cent is wet land... Of the 18.35 per cent of the [Northern] Territory which is under claim, 13 per cent is desert or semi-desert... Most of the land which Aboriginal people hold is unsuitable for cattle production.⁹

In a society in which money is a far more important factor in power than the possession of even fertile land, Aborigines scarcely pose a threat to European-Australian hegemony. Nor do Aborigines have the kind of social inheritance and social structure which might allow of 'Aboriginal millionaires' from mining royalties actually wielding economic and political power or reaching positions of authority in Australian society. Indeed, most Aborigines with security even of employment are those in salaried positions either in government-funded organizations or in government departments.

It has been of course very much in the interests of governments to keep Aborigines employed on an advisory level rather than in decision-making capacities. In a study carried out by two American researchers recently, the authors point out, in relation to the emergence of an ethnic elite in Aboriginal Australia, that Aborigines' lack of economic resources and finance is not really remedied by their appointment to government positions and the financing of certain Aboriginal programmes. For once these have been accepted, 'the emerging elite became a part of the governmental structure'. The authors further note that while the Aboriginal movement before 1972 was largely led by people without links with government who worked for a living in other occupations,

⁹ C. Budden, *A Question of Balance*. Darwin, Concerned Citizens for a Proper Perspective on Land Rights, 1982.

in 1976 not a single visible national-level Aboriginal leader was discovered who did not occupy a position in, or connected with, government or who was not connected with an organization funded by the government... That is, they are integrated into the very structure of oppression that they are attempting to combat. The selection of Aboriginal representatives to *advise* the government on policies pertaining to Aborigines was the ultimate step in this process and demonstrated that incorporation into the structure is, in the final analysis, their only option when the government itself controls their status as a political entity.¹⁰

(Nevertheless, the most well-known and forceful among the early leaders in the politicization of Aborigines, Charles Perkins, has been able on occasion to resist governmental pressures and to speak for Aborigines in ways strongly disapproved by the Ministers for Aboriginal Affairs who have been his employer.)

For these and other reasons, the nascent Aboriginal Treaty Committee did not see the National Aboriginal Conference as a logical body for the negotiation of any agreement with a government which, as one Aboriginal leader expressed it, held five aces while the Aborigines had nothing.¹¹

Accordingly, we agreed on a wording for the Preamble to the draft resolution for the House of Parliament, which simply read:

Whereas the National Aboriginal Conference unanimously resolved in April 1979 in Canberra to ask the Commonwealth Government to negotiate a Treaty with Aboriginal Australians:

10 D. J. Jones and J. Hill-Burnett, 'The Political Context of Ethnogenesis: an Australian Example', in M. C. Howard (ed.) *Aboriginal Power in Australian Society*, St Lucia, University of Queensland Press, 1981, p.224.

11 M. Langton, 'The International Lobby and the Makarrata', in E. O'Brien (ed.), *Black Australians: the Prospects for Change*, p.70.

NOW THIS HOUSE RESOLVES THAT:

- 1. The Commonwealth Government should invite the Aboriginal people of Australia to negotiate a Treaty with the Commonwealth of Australia.*
- 2. The Commonwealth Government should give all necessary financial and other assistance to the National Aboriginal Conference to enable it to call together a convention of representatives nominated by Aboriginal communities and associations to choose negotiators who would propose the bases of negotiations and how any settlement should be confirmed.*

This proposed no timetable, but would necessitate that the NAC be provided with a very considerable amount of money, on a continuing basis, for consultation with all significant Aboriginal communities, services and associations and councils around Australia. It also meant that the chosen nominees in the final negotiations would not necessarily be the NAC representatives for the electorates (which of course cut across traditional lines of demarcation and sometimes lumped together various people and communities who did not necessarily feel themselves as having common interests). We made no suggestions as to numbers of representatives or methods of choice, for these reasons. But the draft assumed that all Aborigines and communities, whatever their locality or way of life, should thoroughly understand and have time to consider what a treaty might mean to them and what should be its bases; and that the representatives they chose for the process should be felt in fact to be their own.

There could be no final safeguard against ambiguities, problems and traps in any negotiations. But at least the wording of the draft seemed to preclude any danger that Aborigines would be hustled, for political or economic motives, into an agreement they had not understood or been able to influence.

It seemed highly unlikely that the Fraser Government, or any other coalition government, would provide the kind of

funding necessary for what might turn into a number of years of consultation and negotiation to and fro among the Aborigines. But if Aborigines themselves could call the tune, no agreement need be negotiated until they were satisfied that they had been properly consulted and that the treaty was no trap.

Although we decided to go ahead on the lines of the Draft Agreement and the method chosen, the situation had changed since the NAC's call for a treaty. Until that request had been answered either positively or negatively by the Prime Minister, our own tactics could not be finally decided. Meanwhile, we intended to distribute the circular letter and the Draft Agreement to all members of the Houses of Parliament at the same time as we officially launched our own parallel campaign. We asked our legal advisers, Pamela Coward and Associates, for help with the wording of the documents, and this was generously given.

We had debated the question of including Aborigines on the Committee. But, as Stewart Harris later wrote, 'we believed that our responsibility was to influence and mobilize all *other* Australian opinion, and that to associate any Aborigines with [the Committee's] work might seem to imply that it represented the policy of Aborigines'.¹² In the absence as yet of any consultation and information on the treaty proposal, between and among Aboriginal organizations and communities, it seemed most important to carry out our own programme of information-gathering and publication, on legal and other aspects of the idea, and to do what we could to convince the European-Australian, not the Aboriginal, people of the need for justice, for land, and for human rights.

In broad outline, what we hoped from a formal agreement on treaty lines was recognition of and protection for Aboriginal identity, and for the culture and languages

¹² Harris, *It's Coming Yet*, p.5.

and social organization which had so long been under attack from the dominant culture. Land rights, compensation for the loss of land and of traditional ways of living, and their base in the land itself — now so extensively damaged by alien exploitation — and a guarantee for control of their own affairs were all part of these needs and of the syndrome of oppression forced on Aborigines; all of these might be covered by an agreement negotiated with real goodwill and with the depth of consultation we saw as so necessary on the Aboriginal side. Whether goodwill could ever be achieved on the part of the Commonwealth Government, while its interests remained on the opposing side from those of Aborigines, was another question. But we were not thinking in terms of any immediate agreement — and governments changed. It was our job to try as far as we could, with our still uncertain resources of money, facilities and time (the average age of the core-group was well over sixty), to change also the kind of directives from the electorates which would influence future governments.

What was on our side was the evidently increasing distress of many people over the recent history of government-Aboriginal relationships. The dispossession in favour of the mining industry at Mapoon in northern Queensland had passed with little comment. But the Ranger negotiations and their result had roused much more public anxiety — partly because of the environmental implications of uranium mining and the future of the Kakadu National Park. Gradually, the real situation of Aborigines *vis-à-vis* Commonwealth and state governments, mining interests, and pastoral interests, as represented in the Gurindji walk-off, was becoming clear to many people. Also, more and more articles and books were appearing which threw light on both the suppressed history of the Aboriginal resistance, on their present plight, and on the appalling problems of health, welfare, housing and employment which kept them trapped in powerlessness. A groundswell of opinion was

again rising, as it had in 1972. It would be our job to try to raise it higher.

Meanwhile, we circulated a letter to the suggested list of sponsors outlining what we hoped to do, enclosing the copy of the Draft Agreement, and asking for personal and financial support.

In July the Committee met again to consider the response. It had been good. With forty positive replies, more than \$4000 had come in over less than eight weeks; and though, as we had expected, there was criticism and resistance in some of the letters, it was clear that it would be worth our going on with the project. Also, we had had discussions with representative Aborigines and with the NAC itself, in order to make sure that the action we intended was seen by them as useful. Since we intended to work on a parallel course with the Aboriginal initiative and keep the NAC, the Land Councils (official and unofficial) and as many other Aboriginal organizations as possible informed of what we were doing, Nugget was able to report to the July meeting that the Committee would be welcome on the basis we had suggested, as a helpful parallel operator to what Aborigines proposed, and in providing legal and other advice.

Meanwhile, Nugget had been asked to speak on the ABC Guest of Honour programme on Aboriginal land rights; and the April meeting had agreed that this would be an appropriate launching site, so to speak, for the beginning of the campaign. His talk on 2 June 1979 explained our reasons for believing that security and 'some colour of justice' could only be given to Aboriginal rights and our own continuing occupation by

a treaty which will bring to an end the long period of hostilities between black and white Australians, enable them to compose their differences and to embark together on a future of peace and friendship.

He spoke too of the nature of the occupation:

I have sometimes wondered whether, if the Japanese invasion of Australia which was threatened during the last world war had occurred, the destruction of our rights and property would have been as absolute as that imposed on Aborigines by the white invasion.¹³

We had a volunteer for the job of secretary — Mr Hugh Littlewood of the Centre for Resource and Environmental Studies. The July meeting, now with money in hand for the beginning of the project, agreed to place a full-page advertisement in the *National Times* towards the end of August, calling for sponsors of the treaty idea to sign a form of support and to contribute towards the costs of the next stage of the campaign.¹⁴

Before the appearance of the advertisement, we would hold a press conference to explain further our reasons and the programme we hoped to carry out.

¹³ For the full text see Harris, *It's Coming Yet*, pp. 2-5.

¹⁴ For a reproduction of the advertisement see *ibid.* p. 12, and Appendix this book.