

## Chapter 9

### Redfern and the early 1970s

Being unemployed in Sydney with a family and a wife to support were frightening thoughts. This was the second time that I had put myself in this predicament and I did not relish telling Norma what had happened. We had only recently returned to Sydney and our savings were meagre; the future for us looked grim financially. But as it sometimes happens in life we made one of our biggest commitments at a time when we had least money. One of our major concerns was the growing number of primary schools that Aaron had been to mainly due to our instability. We decided that although we had very little money what we had would be well spent on stable schooling for Aaron and we enrolled him at Trinity Grammar at Strathfield in the south-west of Sydney. It was one of our best decisions and Aaron loved the school and did very well both at his school work and as part of the school's sports teams.

For me the next couple of years were jam packed with action and motion. In the months following my sacking from the Foundation I spent much of the time raising funds and promoting the National Tribal Council; mostly in Sydney. One of our biggest fund raising events was selling second-hand clothing to Aboriginal families in and around Redfern and La Perouse. In Canberra, Eileen Perkins had organised a fund raising drive by asking for good quality clothing, games and toys which she then sent up to us in a very large truck. We stored everything in part of our bedroom and a sunroom at the front of our house. This gave me some funds to promote the new Aboriginal national body that was created on the basis of 'self-determination'. And I owe a debt of gratitude to Chicka Dixon, Tommy Williams, Ozzie Cruse, Herb Simms, other Simms families and Trudy Longbottom, all from the south coast and La Perouse for their help in this venture. At the same time I was working on a voluntary basis for the Redfern Aboriginal Legal Service which gave me the opportunity to familiarise myself with the organisation's objectives and people on its inaugural council.

Early 1971 was a time when everything was happening in Sydney, and in particular Redfern. The Aboriginal Legal Service, or just the Legal Service as it came to be known, was created on the back of growing radicalism of the rural Aboriginal population migrating into the city. The thinking behind this radicalism was the need for legal protection for rural Aborigines, who bought with them a lack of understanding of urban European culture. The nature of this growing political radicalism was highly demanding of Australian society

in general: although the gullible Australian press wanted to believe something more sensational, basically it amounted to Aborigines fear of a culture of police brutality and white lawyer self-interest.

I worked closely with the newly appointed secretary of the Aboriginal Legal Service Ross McKenna, and assisted him in bringing the objectives of the organisation to as many Aborigines as possible. At this time legal services for poor people in New South Wales were based on what was called a 'public defender' system and operated by people applying to the courts for the appointment of a lawyer. In theory the system should have worked but as is often the case the reality was different. Many people coming in contact with the courts, such as jailed prisoners or their family members, applied for legal representation but often found it difficult to access. The system propped up both an illusion of justice and an assumption of freedom and liberty. The reality was that over-worked and ignorant police officers out of convenience often handed out 'plead guilty' advice to those charged, telling them they would be treated leniently. The other method was for the accused to front the Magistrate, who would ask the accused if he or she had legal representation and if not a lawyer at the bench would be asked to take the case on a minute's notice. If nobody volunteered the prisoner or plaintiff would be asked to complete an application that was often too complicated for those with poor educational backgrounds to fill out. It was a very archaic system that lacked a guarantee of either human rights or justice.

The new liberal approach by the legal service was to be different. It was constituted to be able to raise its own funds and, where necessary, arrange for free legal services and representation for any Aboriginal person in need. A liaison system was implemented where a person with local racial or ethnic knowledge would seek out the person charged and offer them free legal representation.

I had been a regular visitor to Long Bay gaol on Foundation business, and now that I was no longer employed by the Foundation I decided to poach their activity. Each Monday and Wednesday I would call at the watch-house and ask if the Aborigines there had lawyers to represent them. If the answer was in the negative the guards would let me in to speak to prisoners in small confessional type boxes inside the prison. This was how I established a rapport with the guards. Equally this was how I became known at the Bay and would sometimes talk to five or six Aboriginal people who had no legal representation. Our system worked well and the process started immediately after I talked to the client and it was far more efficient than the public defender system. I would then go to Ross McKenna's office in the Arts faculty at the University of New South Wales at Kensington and we would arrange for lawyers there and then. The following day I would revisit Silverwater, Parramatta and the Long Bay gaols and outline to inmates what they could expect from our service. I gave them notes on what was happening, what the charges meant and the name of the

lawyer who would be representing them. In addition, I contacted their families, took family members to see them, took families to court and gave them money for smokes and reading material.

I quickly built up a working relationship with locals such as Shirley Smith, or Mum Shirl as everyone called her. I first met Mum Shirl in 1965 as a volunteer at the Foundation and through Ross McKenna I reacquainted myself with her. Mum Shirl had had a long association with prisoners at most of the adult and children's remand centres around Sydney and in my early days at the legal service she proved to be an invaluable link between the service and Aborigines in custody. I had already met some of the inmates I represented at Long Bay gaol during my time at the Foundation needing welfare or on Friday nights at the discotheque run by the late Matt Silver and his Black Lace band. The lawyers we drew on I found were really great people and the system appeared to work from the outset.

In February of 1971 the inaugural Legal Service council meeting took place at the student roundhouse at the University of New South Wales. I still had no paid work and we were living off \$200 Professor Hal Wootten had loaned the family. I applied for the position of Liaison Officer and recall attending an interview of about six people at Hal Wootten's office in the weather-board rooms of the law faculty. I had met only two members of the committee previously: Hal Wootten and Paul Coe the resident Aboriginal member. The interviewing committee asked me a few questions about Redfern but mostly focused on two things – did I think the Legal Service was a valuable contribution to Aborigines' wellbeing and did I have a car of my own? The answer to the first question was that since the 1967 referendum Aborigines were migrating in huge numbers to urban areas and in many instances were unable to adapt lawfully to their new situations. In the case of Sydney there were few lawyers in a position to take clients who either could not or would not pay. Migrating Aborigines often did not have employment and after coming into contact with the law had little knowledge of how systems worked and gained little comfort from police and prison guards. Rather, they were regularly picked on by police, often with no reason. The answer to the second question about my own transport was that I owned a Volkswagen that was both easy to maintain and cheap to run. The committee had other people to see and I was told the outcome would be known in a few days. Later that week I learnt to my great relief that I had the job.

I began the new job the following week with two other people, the new secretary, Anne Weldon (nee Coe) and the full-time non-Aboriginal lawyer, David Collins. Anne was a very efficient and placid person who came from the Cowra area. She was of Wiradjuri descent and had good links with the community. David Collins had been working as a commercial lawyer with a North Sydney firm and was a great person to work with. Defending and working with Aborigines was a

very challenging job but Dave knew nevertheless almost instinctively what was needed. It was Dave who managed the office and he got on very well with both Anne and me. What impressed me most was his capacity to get the best lawyers to work on the tasks allocated to them. I also saw him operate in court and he was always impressive. He had a very nice approach to Aboriginal people and taught me a lot about dealing with police and lawyers at the same time. I have always wondered how lawyers can contain themselves with civility while at the same time protecting the interests of their clients. My role as a community advocate came easily to me and the learning component, which I always enjoy in a job, came in the form of learning the ropes of being an articulated clerk to Dave. My Canterbury Council work stood me in good stead for that task and my tertiary education prepared me for research and report writing. I believe my biggest achievement and success was the ability to work directly with families and the people who knew them.

Two case examples will suffice to highlight the work of the legal service: first, a case involving a bank robbery at Dubbo and second, the case of a man accused of escaping from police custody. As they say in all good stories, real names will not be used. In the first example I got a frantic phone call from the mother of an Aboriginal young man who had held up a bank in a town out west and he was now on the run from police. He was in hiding with a friend, terrified to give himself up, fearing that he would be bashed as a recidivist. His mother, on the other hand, was fearful and panic stricken that the police would shoot him in an attempt to capture him. I told the woman that I would contact Mum Shirl (Shirley Smith) and meet her at her home in Newtown. I found Mum Shirl and we contacted a lawyer. The lawyer advised the mother that the best course of action would be to try and persuade the young man to give himself up in the hope of getting a fair go. The mother agreed and Mum Shirl and I picked up the young man and took him to meet the lawyer at the Legal Service office in Botany Road, Redfern at the rear of the South Sydney Community Aid. The young man agreed to have the lawyer represent him. Mum Shirl and I visited him on a regular basis while he was in custody. We also took his mother to see him and attend his trial. He received a custodial sentence but this was the last time he offended and I believe that because of other rehabilitation services in custody he reformed and has since shown great leadership in the community.

The second example concerned an even younger Aboriginal youth who was involved in an escape from custody while being shifted from one country penal establishment to another. I cannot recall the full details of the escape and how it was allowed to happen but the boy not only escaped but he bashed a police officer before running into thick bush. Mum Shirl came to my home in Summer Hill and told me that the boy was the eldest son of an Aboriginal woman from the Young area and whose father had died. The young man had already been

through the Children's Court a number of times. However, he really was the bread winner and the mother was desperate to stop him being mistreated and spending more time in jail, leaving the family destitute. From home I contacted Dave Collins and he quickly came to our aid. He went to the Redfern Police Station and arranged for the boy to give himself up to police and at the same time ensured that senior officers were involved and underlined the fact that we wanted to help and not hinder the police. This approach resulted in a good outcome and I saw him in Long Bay gaol a few times before he went to court again. This is a well known case and I will not discuss it any further, except to say that the family was reunited some time after the event and the youth went on to build a good life for himself in his own community.

I relate these events not just as examples of good news stories but rather to highlight the fact that the law promises minority groups the same treatment as everyone else. However, history and practice reveal that this had not always been the case and the Redfern Aboriginal Legal Service created a new liberal approach to legal aid for Aboriginal people. Coercive institutions exist because societies living without liberty fail to take account of the 'rights of human beings', Peoples' rights can be overrun by war but they can and do get overrun in societies that believe it cannot happen in their patch. We know it does! Aboriginal legal services were curtailed by the Liberal-National Party governments in the late 1970s and again after 1996 mainly because of mistaken belief that they acted against the government's interest.

While there were good news stories there were also incidents that went very wrong, created by circumstances beyond anyone's control. One such incident occurred one Monday morning when Dave Collins and I went to pick up an Aboriginal man at his brother's house in Eveleigh Street, Redfern. He was to be at Redfern Court for the early session. These terraced houses were very small places and as I went into the tiny front room I could see there must have been 25 people sleeping in the room with barely a space between each body. I could see our client in a far corner and told him I was there to take him to court. He said he was too sick to go, so I left. On the footpath outside I lamented to Dave Collins that this was where the legal service had lacked real depth because if people were sick the service itself would come under attack and would be unworkable.

The issue of its client's poor health was a major concern for the legal service and was intensified by the issue of population distribution. Up until the 1960s the majority of New South Wales Aborigines had lived in rural areas, however, by the early 1970s large numbers of youth who were high-school educated were deliberately leaving reserves to look for better jobs in the city. When they came to the city they either stayed with relatives, in empty houses or at refuges. For the most part large populations were pushed out into state housing

at Blacktown, Campbelltown and west of Parramatta and came into town on weekends to access cheap entertainment in concentrated locations like Redfern and Kings Cross. They were expected to use mainline standard health services but in many instances failed to do so until it was too late. This seething problem quickly alienated these young migrants who were looking for a better life rather than the torture of everyday living under control on government reserves.

The problems of 'culture-shock', poverty, missed opportunity and alienation coupled with ignorance of white culture exacerbated Aboriginal peoples' health problems. Somewhere around April of 1971 I called a meeting to talk about general health problems but more particularly about the lack of medical practitioners in areas where they were most needed. At the back of my mind was the fact that the Australian primary health system was fundamentally based upon a patient's relationship with a medical practitioner. But more often than not general practitioners moved out of slum areas such as Rosebery, Erskineville, Newtown, Chippendale, Surrey Hills and Redfern when poorer folk moved in and were unable to pay for consultations.

With the drying up of primary health care Aborigines were dependent on centralised health structures based in large hospitals. Often when health monopolies occur they undermine age-old structures and the weak and poor are the ultimate casualties. Casualty was the word because it was the poor and weak that used emergency hospital services when they needed to see a doctor. The mindset of many rural Aborigines was to keep away from towns and government agents and only call for medical assistance when an illness or disease had reached the chronic stage. And when this happened they often saw a different contract doctor each time resulting in a less than satisfactory lasting relationship with a general practitioner. Redfern was a veritable desert and even if there had been doctors there it was unlikely they would be general practitioners offering their services to non-paying customers. The only option was therefore the outpatient services of hospitals.

It was in this milieu that I called a meeting to thrash out the possibility of establishing a general medical practice service for Aborigines in Redfern. Nothing like this had been done in Australia before and so it was a big first! But sometimes luck and serendipity come together. Late one Friday night as I was leaving Hal Wootten's law faculty office I bumped into Christine Jennett, a sociology student who was a member of the Communist party and the Gurindji committee. On this night she had come to see one of her tutors about the Gurindji land question and I mentioned to her the meeting about setting up a medical service. She was unable to come but knew of some doctors who were concerned about health problems in Aboriginal stock camp communities in the Northern Territory; they might be interested in helping. I advertised the meeting for the following Thursday.

Eight people were at the meeting – Mum Shirl, Dulcie Flower, Len Smith, Reverend Wesley and John Russell from South Sydney Community Aid and two late comers Dr Paul Beaumont and Professor Fred Hollows – the Gurindji committee doctors. Fred and Paul were ophthalmologists who worked at the University of New South Wales Eye Clinic at the Prince of Wales Hospital in Randwick. Fred was head of the clinic and Paul was a graduate student in Fred's teaching department.

Basically I was outlining to the few who came that medical practitioners had vacated the poor areas in the local suburbs. Fred spoke rather impatiently to begin with, saying that Aborigines did have access to general practitioners who would service them on demand. This attitude angered me and I began to spell out the difficulties Aborigines faced. I told Fred about the Aboriginal populations migrating from destitute rural government reserves, that they came for work, which they were little prepared for and how they slept in empty houses. When they got sick general practitioners were nowhere to be found in the local suburbs because they relied on paying clients and there were few able to pay, black or white. Many of the sick would wait for near death conditions, and then would either be taken to hospital by ambulance or to casualty for emergency treatment. I reiterated the notion that Aborigines were entitled to the same relationship with a medical practitioner expected by other Australians. In addition, Aborigines and their children suffered from diseases other Australians had only heard about in third world countries: diseases such as worms, impetigo and anaemia which led on to serious social problems like missing school and work.

Fred was silent; but Paul Beaumont said, 'We could round up a number of doctors to work for nothing'. Fred responded, 'We could get some free drugs from the Prince of Wales Hospital: but where would we operate from?' John Russell and Reverend Wesley piped-up, 'We have a shop on the other side of the road and you could have that rent free.' Mum Shirl said, 'A few people such as the Brigidines from North Sydney could operate a transport group.' Dulcie Flower said, 'I know a few Aboriginal nurses around the traps and we could also be responsible for bringing in and managing the patients.' I then said, 'Look we need to have a controlling body that is both community-based and democratic.' And so the first Aboriginal Medical Service was born. We all decided to call the first General Meeting in two weeks' time. I indicated that we did not really want an exclusive body but one that was open and transparent. I added that we needed to elect a governing committee and get the backing of the community. But Fred wanted to get things going immediately. That was the kind of man he was – impetuous! He began by saying: 'Look, we can begin the process now and have something to show how it works by the time the General Meeting takes place.' John Russell opened the shop the next day and

Fred came in the afternoon with a truck full of boxes of medicines and medical equipment, all brand new. The service was not yet constitutionally established but was nevertheless off and running.<sup>1</sup> The idea soon spread and today there are Aboriginal Medical Services all around Australia. They all have their genesis in that Redfern meeting of 1971.

Many people in Aboriginal affairs during this period linked their struggle to the South African question, which was quite possibly due to the increasing Roman Catholic influence in the World Council of Churches. The Aboriginal Legal Service, and in particular its young Aboriginal radicals, initially criticised the anti-apartheid movement for not being active against Aboriginal dispossession, poverty and oppressive government treatment. However, it was not long before these same activists – Gary Foley, Paul Coe and Gary Williams – were deeply immersed in encouraging Sydney and New South Wales Aborigines to get involved in protesting against the South African Springboks sporting teams touring Australia and New Zealand.

Everywhere the Springboks played Aboriginal leaders were standing up to protest against white South African treatment of blacks. They linked the South African struggle with Australia's treatment of Aborigines and the Legal Service was in the forefront in getting as many lawyers as they could to protect the interests of those arrested at the demonstrations. My cousin Charlie Perkins and I were there, on the eastern or Paddington side of the Sydney Cricket Ground, when a great wave of people went over the fence. We all surged forward in an attempt to stop police arresting demonstrators. I could see lawyers I knew such as Eddie Neumann and Bob Debus along with Ross McKenna as well as Fred Hollows being dragged across the Cricket Ground to a cavalcade of 'Paddy Wagons'.<sup>2</sup> The lawyers had special collar badges on so they were able to go up close to the police vehicles. The violence was at its highest just before half time. As I left the field I could see large numbers of Aborigines and supporters wearing Springbok jumpers and yelling 'Aboriginal Land Rights now' being abused by Australian Springbok supporters, a vision I have never forgotten. The police charged and threw most of them into their wagons. Ten or 15 Aborigines were arrested and the Legal Service defended them all along with many white people.

White Australians in the 1930s were generously contemplating giving vast tracts of land in Western Australia to Jewish Zionists as well as setting aside land for returning soldiers. Australians thought of Aborigines as dying out without either investigation or enquiry. Now as the Land Rights campaign was accelerating in 1972, noticeable was the absence of so-called advocates of Aborigines among the

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1 Corris 1991: 99-107.

2 Corris 1991:109-118.

anthropologists, who were still verbally and intellectually paralysed. Aboriginal heritage was never a philosophy proposed by anthropologists and this thinking dated back well into the 1920s. Until that point many anthropologists were 'acquiring' sacred objects and bark painting for their own private or museum collections. Aborigines were objects to be studied and when they died out the land would be opened up for mining, irrigation or other uses by whites.

Aborigines were still – except in Redfern – out of sight and therefore out of mind. The Aboriginal perspective on traditional land, their places of birth on missions and their communities were given little credence. This included those on non-government unsupervised settlements and fringe camps who thought deeply and significantly about 'their places'. Liberal-Country Party ministers of the Crown and governments everywhere fought bitterly with Aborigines to block not just their rising political radicalism but their struggle for ownership of places of significance.

It was not the earliest indication of Aboriginal nationalism. As far back as the early 1960s, the Yolngu 'bark petition' was presented to the Federal government to indicate that big companies could not take wholesale whatever lands they wanted without some reckoning of the rights of Aborigines.<sup>3</sup> This political standoff was to end up in the High Court when an Aboriginal group, Millirrpum and others, opposed Nabalco Pty Ltd and the Commonwealth of Australia. It was lodged in 1969 and came to judgment in April 1971. Aborigines lost this case. The judge declared that Aborigines do not own the land but they belong to it. Aborigines were seething with disappointment and loathing against Australian society with a truculent government opposing them in every way.<sup>4</sup>

On 25 January 1972, William McMahon the Prime Minister and leader of the Liberal-Country Party coalition made a long-awaited public declaration in Cairns, Queensland. McMahon, it was thought by at least most Aborigines, would make a sensible statement and come to grips with not just the Aboriginal political question but would recognise the wide ambit of rights that Aborigines had historically been denied. Instead, McMahon made a declaration totally against Aboriginal interests. He proclaimed that there would be no 'Land Rights', no recognition of prior ownership and that assimilation would remain the order of the day. Aborigines would receive equal benefits and no lesser treatment than other Australians.

I was in Sydney at the time and I recall the despair and desperation of McMahon's Cairns speech. Aborigines were shocked and disappointed. They thought that because of 'Nugget' Coombs' closeness to McMahon he would see the rightness of Aboriginal claims. Instead McMahon fell in with the Country Party 'red

3 Howie-Willis 1994a: 100-101.

4 Howie-Willis 1994b: 130.

necks', whose idea of self- and national interest totally excluded Aborigines. That day the message went around that a meeting was to be held at Chicka Dixon's house in Darlinghurst. At the meeting John Newfong spoke about his contact with Aborigines in other states and his outrage at decisions like the Gove Land case, as well as the blindness of Liberal-Country Party perspectives towards Aboriginal health, poverty, unemployment, Land Rights and racism. He raged that post-colonialism was an absolute blind-spot in Australia's foreign policy that grew out of its imperialism in this region, and within the British Empire. African and Asian leaders, he pointed out, had continually spoken about Australian racism and in particular the oppressive policies towards Aborigines. Such international opinion was always ignored. A number of others such as Paul Coe and Gary Foley spoke about their disillusionment with McMahon, and Liberal and Country Party Ministers such as Ralph Hunt and Peter Nixon. They suggested that some form of action should take place and it should be in Canberra the following day. Chicka Dixon said the Waterside workers had small amounts of funds from which he could draw to support a Land Rights protest in some way.

There are people in Canberra who would support a protest, in particular, on land rights and anti-racism. And, if we could get a small number of protesters to Canberra to protest about McMahon's political recalcitrant attitude towards Aborigines, the support would flow.<sup>5</sup>

Chicka broke the stunned silence by adding that People like Charlie Perkins, Stewart Harris, Eric Fry, John Merritt and other Australian National University academics would help to sustain it for a few days. Chicka said he had been in touch with Charlie Perkins, who had suggested that it would be a good idea if we erected a couple of tents on the lawn outside Parliament House and called it 'The Aboriginal Embassy'. Most there thought it was a great idea and a number of people volunteered. Billie Craigie said, 'We'd go [pointing to Michael Anderson] immediately if we were given money for petrol.' Chicka agreed to get the petrol money and said that trade unionists and Charlie Perkins with Bertie Williams (the actor Bindi William's brother), would meet them at the site with tents and sleeping bags. The Aboriginal Tent Embassy was born!

A car was dispatched about nine o'clock in the evening from Sydney for Canberra with Michael Anderson and Billie Craigie on board. Little did we know then what a storm we had set in motion until we opened the morning newspapers. We were on the front page of almost every state and national (and even some international) newspaper in spite of it being Australia Day 1972.<sup>6</sup> Like the proverbial snowball that increases in size as it rolls down the hill, the

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5 Howie-Willis 1994d: 774.

6 *The Australian*, 26 January 1972: (editorial). See also Taffe 2005: 273-275.

protest soon gained momentum and grew into a crescendo during the weeks following Australia Day. The protest swelled, not just for Aborigines but for much of the Australian population. The Liberal-Country Party coalition made matters worse by adopting a truculent posture, using legislation to define and protect the Parliamentary precinct. They planned and executed a process to both demolish and dispose of the embassy and I believe this was the spark that lit a great and lasting fire under the Liberal-Country Party itself.

Those were the days of action and confrontation. And I was very much involved in raising money through the Aboriginal Medical Service to fund buses to take protestors to Canberra. Each week I would notify people through community radio and arrange for funds to be dropped at the Medical Service. I would take the hat around to collect donations at locations like the University of Sydney when Aborigines such as Paul Coe were enthusing students about the Aboriginal Embassy. Eddy Neumann and Ross McKenna, executive members of the Medical Service, took charge of the money. When I was returning from one of the Aboriginal embassy demonstrations with my brother Sam my Volkswagen seized-up, leaving us stranded at the halfway point between Canberra and Sydney. I managed to get some old sump oil from a nearby farm and continued on to Marulan where the car died completely. There was a petrol station and wrecker's yard nearby where I sold the car for \$120. Sam and I went straight to the highway and thumbed a lift to Summer Hill.

But things were coming to a head at the embassy and the Liberal-Country Party government was having none of it – especially outside their Parliament House. In late February as the turbulence grew so more and more people descended on the lawns outside Parliament House to defend the Embassy. I believe I was among the first group of protesters to chant the mantra, 'What do we want? Land Rights! When do we want it? Now!' I also sang out this chant at the Australian National University Student Centre – mostly with a big loud hailer! I knew many of the students having studied there in 1969 and was able to coordinate much support from them.

And it did come about! Probably the time that stands out most in my and a lot of other people's minds is the day the police tried to dismantle the Aboriginal Embassy. As the protest took effect I recall myself, Mum Shirl and Stewart Harris and many others being swamped by the onslaught of hundreds of police.<sup>7</sup> As more and more police arrived, Stewart Harris tried to calm things down by telling them that they should respect Aboriginal people's rights both to demonstrate and to put their case to government. Aborigines made speeches and as the police readied themselves to move in and remove the embassy Mum Shirl made her now famous speech telling the police that Paul Coe was her

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<sup>7</sup> Stewart Harris was chief correspondent in Australia for *The Times* London.

nephew and woe betide them if they laid a hand on him. The next thing I saw was the soles of Mum Shirf's shoes as she was overwhelmed in the marauding police barricade, followed by the waving tent as the surge of police dragged it away. As quick as a flash another tent replaced the stolen one and bodies, loud speakers and police were everywhere. Next I could hear shouts behind me as Denis Walker lay flat-out on the ground with Bobby Sykes yelling out for an ambulance while Gary Foley screamed with loud hailer in hand, 'What do we want? Land Rights! When do we want it? Now!' It was generally accepted when the rhetoric and dust settled that the embassy was a very creative Aboriginal protest that had made a significant impact on the Aboriginal psyche, confirming and affirming Aborigines' sense of identity.

Over the years there has been much discussion about if and how Aborigines fitted into the British heritage or the 'ANZAC' conception of Australia. In the 1990s Prime Minister John Howard dismissed the 'frontier violence' model of the Aboriginal past, implying that it was a slight on the traditions of Australian identity. Aborigines on the other hand argue that Aboriginal nationalism has nothing to do with the legends of white society's settler colonies of the nineteenth and twentieth centuries or of the two world wars of imperialism. Aborigines have their own interpretation of the past. Aboriginal nationalism grew initially out of traditional tribal family struggles against colonial expansion and later the emergence of 'black nationalism' in the post Second World War years. In the second half of the twentieth century 'Land Rights' formed the basis of the opposition to assimilation policies.<sup>8</sup>

As Gough Whitlam's star began to gain ascendancy he saw that something was happening in Aboriginal affairs but could not quite see the political implications of 'Land Rights' and could only envision his path to the prime ministership. Even before Whitlam came to power in December 1972 he had lobbied 'Nugget' Coombs to accept the job as his advisor. Coombs told me and other Aborigines at a conference that he would not accept Whitlam's offer unless substantial policy arrangements were announced regarding Aborigines. Coombs was still pressing Whitlam on the night of his major policy speech on Aborigines to instigate a Royal Commission to determine the kind of model that 'Land Rights for Aborigines' would take. Coombs missed the subtlety of Whitlam's capitulation because he, like Whitlam, meant 'Land Rights' only for Northern Territory Aborigines. Coombs later persuaded Whitlam to include the central desert lands for consideration by the Woodward Royal Commission.

Like Prime Minister Bob Hawke, a decade or so later, who yielded to Brian Bourke on the 'National Land Rights Plan', so Whitlam hoodwinked Aborigines into believing that there was uniformity within the policy offer: but there was

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<sup>8</sup> Rowley 1986: 1-22.

not. This reality did not become evident until Justice Woodward was appointed to inquire into how land models for Aborigines in the Northern Territory would be fashioned. All those people who heard Whitlam outside Parliament House and the Aboriginal Embassy in mid 1972 had no hint of what was in Whitlam's mind when he promised 'Land Rights for Aborigines'. We were naive and had no ear for complex political policy so we listened to false promises by which we were easily swayed. This was the first time I had been on the same podium as Gough Whitlam and I still wonder how I got there. Blinded by the heat of the political moment, the disappointments of the Gove case, and ten years of promises over the high levels of infant deaths<sup>9</sup> in the Northern Territory, Aborigines accepted Whitlam's offer.

From as early as the 1960s Labor oppositions had seen some profit in linking Aboriginal issues to its altruism. Infant mortality was in one sense a blunt axe used on Liberal coalitions but they never really looked past the emotive issue of Aboriginal babies dying. Coombs, when Chair of the Council for Aboriginal Affairs, failed to articulate that Australian governments were in fact holding fast to assimilation as an economical and social 'race' strategy. Whitlam, on the other hand, must have felt anxious that 'Land Rights' would afflict white Australians with the loathsome idea that Aborigines would take their titles to land by stealth, and that such a policy would never elevate Labor to government. Coombs was later to tell a gathering of Aborigines at a conference that Whitlam still had doubts in his mind when he articulated his 'It's Time' policy speech in November of 1972. During this speech Whitlam stated that he would implement Land Rights and instigate a ten-year Aboriginal health plan to solve the high mortality of Aboriginal children.

With an election looming, Whitlam held fast and left Coombs sweating until the last minute to avoid a political backlash. Whitlam knew full well that deep-seated Australian racism had no conscience in its obligations to Aboriginal people. The 1967 referendum was proof enough that while urban people supported the passing of the referendum it would be the rural white land owners who would rise up and prevent Aborigines in the states (as they did later with 'native title') from granting laws and compensation to protect Aboriginal rights. Many Aborigines like Charlie Perkins, thought that Labor could never be trusted and this scepticism was behind his attack on Whitlam at a hotel in South Terrace, Adelaide, when Whitlam gave a publicly recorded speech. Charlie let the press know of his disappointment and that Whitlam would not satisfy Aboriginal people's hopes of political and economic prosperity. It was at that press conference that Charlie announced his run as an Australia Party candidate for federal parliament, in spite of his health. The enthusiasm was there but he was suffering from chronic kidney failure and in late July he asked me to

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9 Smith L 1980: 1.

Racial Folly: A twentieth-century Aboriginal family

take his place to run against Sam Calder for a House of Representatives' seat in the Northern Territory. I agreed and he prepared my way with the leader of the Australia Party the maverick businessman, Gordon Barton. My experiences are laid open in the next chapter.