

## 11. Hard decisions: 1983 to 1985

We didn't get everything that we wanted, and we knew when the legislation was going through that we wouldn't. But it broke a lot of people's hearts, to read the Keane Report, and then to see the legislation! What a far different Act it could have been. It could have set the stage for all States to follow... but it didn't.

Kevin Cook, looking back on the 1983 Land Rights Act

This chapter follows the experiences of the Aboriginal activists from the release of the 'Green Paper' in December 1982 to the tumultuous passage of the Land Rights Act through parliament early in 1983 and on to the formal establishment of its structures in 1984 and 1985.<sup>1</sup> This is not a history of the Act itself – there is already valuable work on it and new work emerging.<sup>2</sup> Instead in this chapter the people involved speak about their experiences of this period. They struggled first with the difficult decisions about whether to take part in the Land Rights Act implementation, and then over the practical questions as very different regions tried to set up structures that would reflect local interests as well as allowing what strengths the Act had to be best utilised.

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After so much intensive campaigning for land rights, the Green Paper was a frustrating disappointment. The Australian Labor Party's own Policy Committee, on which Kevin sat with Bob Bellear, said that the Green Paper 'betrays the Party's commitment to meaningful Land Rights'.<sup>3</sup> It had fulfilled a few of the recommendations of the Select Committee Report, meeting at least some of the demands being made by communities and organisations across the state. It ensured, for example, that the outcome of claims on land would be in inalienable, communal freehold – that is, the land would be collectively owned and it could never be sold. As well it included a structure which would strengthen local and regional organising – where most decisions could be made collectively in culturally appropriate groups. And, after representations by the land council, it had limited the power of the state body so that it would only meet to ratify the decisions at regional and local level. Finally it included a feasible mechanism for building up funds to purchase land which was not able to be claimed, by drawing on a percentage of the state government's regular Land Tax.

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1 *Aboriginal Land Rights Act 1983* (NSW).

2 Including Meredith Wilkie 1985, *Aboriginal Land Rights in NSW*, and the NSW ALC website history, drawing partially on the research for this book and on the research of Heidi Norman, 2013.

3 Wilkie 1985: 45.

But there were serious limitations to the Green Paper. In line with the Premier Neville Wran's reluctance to act on the Select Committee's advice, this Green Paper instead severely limited the amount of land which could be claimed, by allowing only those areas of Crown land to be claimed which could be defined as 'unoccupied', rather than the far larger area of Crown land which had been designated as leasehold or as national park. Furthermore it did not include a parallel Heritage Act, as the Select Committee had recommended. Another major problem was that it proposed the inclusion of the management of all housing on old reserves and new Aboriginal lands – which would burden the land councils with a complex administrative load.

Even more worrying was the failure of the Green Paper to include a plan to regain ownership of those previously existing Aboriginal Reserve lands to which Aboriginal communities had continuing links, despite the reserve's revocation. In itself, the return of the few remaining reserves to full Aboriginal ownership was welcomed because it would no longer be in the power of the government to revoke or sell them. However, the demands from many Aboriginal people – as the land claims already lodged showed – had been for the return of many reserves like Terry Hie Hie to which Aboriginal people had a deep attachment but which had been revoked as Aboriginal Reserves or sold completely since Aboriginal people had occupied them in the 1920s or 1930s. So the return of only those places which still existed as reserves was only a partial step to complete fulfillment.

The Land Council met at Morpeth in February 1983, and set out its demands for self-determination, self-government, a secure land base and full compensation for all land lost. The land council stated to the NSW government that the Green Paper had not fulfilled these demands and 'is not a land rights settlement'.<sup>4</sup>

Yet while the Green Paper was a disappointment, the actual legislation put before parliament on 24 March was shocking. The government had brought two Bills – not only the Land Rights Act, based on a modified and further compromised version of the Green Paper, but a 'cognate' Bill, saying that it would refuse to proceed with the Land Rights Act unless this was passed. This cognate Bill would validate retrospectively the revocation of over 15,000 hectares of land which had been Aboriginal Reserve land – an amount which dwarfed the remaining 4300 hectares which was all that was left for return to Aboriginal land councils.<sup>5</sup>

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4 Quoted in Wilkie 1985: 45.

5 Figures cited by Wilkie 1985: 47 and derived from studies by Tobin et al 1969, who identified 22,377 acres revoked between 1909 and 1969, and Peter Read, in research commissioned by the NSW Ministry of Aboriginal Affairs.

This cognate Bill represented a direct rejection of the many demands for land which had motivated Aboriginal communities in the 1970s and 1980s in which lands lost to revocation had been a substantial part of the claim. The Aboriginal Legal Service had begun legal proceedings to test the validity of these revocations and these proceedings would be prematurely ended if the Bill were to be passed. This retrospective validation of a massive amount of revocation was a bitter blow.

To understand the full impact of this ‘cognate’ Bill – both legally and politically – it is important to recognise the history of Aboriginal Reserves in NSW. In the decades since World War Two, the few remaining NSW Reserves had been managed by the government like gaols, and there were very mixed memories for Aboriginal people who had had to live on them. But before this, reserves had had a very different history!

Aboriginal Reserves had been set aside from the 1850s, long before the Aborigines Protection Board was established in 1883. Most of the 31 Reserves created before 1883 had been set aside because local Aboriginal communities had been calling for the recognition of their rights to their land – they were actually a recognition of the first major Aboriginal campaign for land rights.<sup>6</sup> After that, of 115 Reserves gazetted by the new Aborigines Protection Board between 1885 and 1909, at least 75 – that is 65 per cent – were again notified because Aboriginal people had demanded them and planned to make them small scale but self-sufficient farms.<sup>7</sup> Many of these reserves were fertile lands and the records show that Aboriginal people farmed them successfully and independently for many decades, without any Protection Board or other white people controlling the management of crops and homes.

This flourishing of Aboriginal control over productive lands had been challenged from 1913, when the government’s policy shifted decisively. Fearing the rising numbers of people identifying confidently and assertively as Aboriginal, the Protection Board launched a policy of dispersing Aboriginal communities and undermining their cohesion and cultural identity. Most productive Aboriginal Reserve lands were revoked and handed over to local white farmers – and particularly to white returned servicemen, as part of the repatriation policy after World War One. Aboriginal people protested and some came to Sydney, like Percy Mosely from Ballangarra near Kempsey in 1915, camping outside the Protection Board offices to make their case.<sup>8</sup> But the government was under pressure to find land for returning soldiers as well as neighbouring white

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6 Twenty-seven of the 31 Reserves: Goodall 1990, ‘Land in our own country’, *Aboriginal History* 14(1): 9; Goodall 1996, *Invasion to Embassy*; Barry Morris 1989, *Domesticating Resistance: The Dhan-Gadi Aborigines and the Australian State*, Berg Publishers, Oxford.

7 Goodall 1990: 14.

8 Goodall 1996, see actions of protests in 1914 and 1915 from the Macleay and Manning River regions.

farmers. So this was the time that the major revocations began – as productive land was stripped from Aboriginal control. At the same time, the policy to systematically remove children was escalated. This twin-pronged assault on the independence of Aboriginal communities – through land and children – only abated in 1929, when the Depression hit. The challenges to children as well as to land continued to be met with fierce Aboriginal resistance in the 1920s in a widely publicised campaign carried out in the press and in public meetings by the Australian Aboriginal Progressive Association led by Fred Maynard, Lionel Ridgeway, Jane Duren and other coastal people, whose lands were suffering the worst of the revocations.<sup>9</sup>

As the Depression set in, however, the Protection Board moved to cut costs still further by ‘centralising’ Aboriginal populations, revoking more reserves and forcibly displacing many populations – like those of Angledool – and forcing them into the few remaining – and tightly controlled – managed reserves. Called Stations – although always popularly referred to as ‘Missions’ – these became the most commonly remembered experience of what reserves were like for Aboriginal people who grew up after World War Two.

The massive swathe of revocation which had taken place between 1913 and 1929 had removed 50 per cent of all the land which had ever been set aside as Aboriginal Reserve land in NSW. The remaining land held in reserves dwindled over the years. Although few Aboriginal people remembered all the independent reserves, there were some people who did, like Tiger Buchanan from near Nambucca Heads or the Davis family from Rollands Plains, who had keen memories of the productive reserves they had been farming. Jacko Campbell – who had relations in the Macleay Valley as well as at Roseby Park – was one of those who remembered the broad picture, and he had often led the outcry against the NSW Lands Trust during the early 1970s as it moved to sell off even the remaining scraps of land like Landillo and Cootamundra. (See Chapter 9.)

In a dispute in 1976 between a South Coast local government council and, ironically, the Aboriginal Lands Trust over rates owing on Aboriginal Reserve lands from 1967, the technical legalities of the revocations had been tested. The Solicitor General advised the government in 1979 that, because the Aborigines Protection Board had been set up within the government on faulty terms, then *all* of the revocations it had ordered since 1913 had been invalid. Many of these areas of Crown land had been revoked as Reserve so they could be sold as freehold, so the illegality of all these revocations threatened to unsettle many land owners’ sense of security.

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9 Goodall 1996; Maynard 2007.

In one stroke, the Crown Solicitor's advice seemed to offer full restitution to all the many grieving Aboriginal people who had fought in the beginning to stop the first revocations and then had continued the fight, as Jacko Campbell, Tiger Buchanan and Walter Duncan had done into the 1980s. Even though it was clear from all later legal advice<sup>10</sup> that the land which had entered the freehold system could never be restored, it seemed that the recognition that this should never have been taken out of Aboriginal hands was important as was any possibility of compensation for its loss.

Then, just as decisively, the Retrospective Validation of Revocations legislation announced along with the Land Rights Bill in March 1983 threatened to end any possibility that these lands could ever be restored.

This generated terrible anguish among the land rights campaigners, who had to weigh up the possible advantages which even a flawed Land Rights Act might bring with the losses – both real and symbolic – which the Validation of Revocations Act would definitely bring.

To this difficult dilemma was added the pressure which began to intensify as the industry lobbies escalated their opposition to any recognition of Aboriginal rights in land. The fear-mongering about the threat to suburban 'backyards' from any Aboriginal claims was repeated again and again. It drove not only conservative political groups but the right wing of the Labor Party itself to attack the draft bill. With the right-wing faction dominant in the Labor Party as well as in its union base, discussed in Chapter 7, the opposition from within the Labor government was even more threatening to the Bill than that from the conservatives.

The Aboriginal Legal Service, led by its director, Paul Coe, assessed the legislative options and early in 1983 it withdrew support from the Bill completely. The ALS argued that the Bill was so flawed and the cognate legislation so damaging that it was better to abandon the Bill altogether and start over again at a later date.

The reason the ALS could hope that there might be another chance was the 13 March federal election, in which the conservative government was defeated. The federal Labor Party came to power, under Prime Minister Bob Hawke, previously the President of the Australian Council of Trade Unions, and with a policy of returning to the goals of the Whitlam Government by finally implementing national Aboriginal land rights. In March 1983, this policy was only a promise – and everyone had seen how long it had taken the NSW Labor government to implement even a part of its own policy. And of course the Whitlam Government

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10 Including Mary Gaudron's advice in 1982, Wilkie 1985: 48.

had been dismissed before it could implement any at all. Nevertheless, if one placed one's faith in the federal Labor Party, this new government seemed to offer a chance for real gains.

The Aboriginal Land Council was just as anguished as others. Senior activists like Jacko Campbell, Ted Thomas, Will Webster and Isabel Flick had been struggling for many years, and they were deeply saddened at being forced to consider the Validation of Revocations Bill. Yet they had seen too many promises come and go to decide to abandon the Land Rights Bill altogether. Younger people like Kevin and Barbara were painfully aware of this distress:

*Kevin:* But it broke a lot of people's hearts, to read the Keane Report, and then to see the legislation! What a far different Act it could have been. It could have set the stage for all states to follow ... but it didn't.

Tombo Winters and Kevin talked this issue over in the recordings for this book:

*Tombo:* The Legal Service was worried about the Act because they reckoned it didn't meet what they wanted. They wanted to wait for further negotiations on it.

*Kevin:* But we talked to people at the meetings and they said, 'This is the best we can get at this particular stage. If we let it go now, it's going to be another ten to 15 years before we get anything'. They wanted something now! You know, people were dying and not able to go back to their land. Jacko died before they got their land back!

Brian Doolan talked with Kevin about his memories of watching those agonised meetings during the early months of 1983:

*Brian:* I remember a lot of discussions at the time of the Act coming into being about whether it was the right thing, the right way to go. Kevin, I remember you guys had meetings at Dubbo and Menindee and different places where you'd go through the whole process. A constant theme I remember through those discussions was along the lines of: 'This is a *movement* and the Act is not the end of the *movement*.'

It wasn't as though you said, 'Okay, this is the Act and that's it. There's nothing else to do'.

Even at the time when the Act was passed, there were all sorts of criticisms that it was based so much on the finances and state land tax and all that sort of thing rather than on recognising people's inalienable right to their land. There had been that important acknowledgement aspect to it. I remember that was something you guys agonised over a lot.

And you and Jacko and a whole lot of people said very clearly – ‘But this is a step. It’s an important step but it’s not the last step. And this will change, somewhere down the track as well.’

So when, say in three or four generations, Aboriginal kids are going to be saying to people, at that stage, we want our rights to our land, that won’t have been negated because of something that happened in 1983. They will still have that right and they will still have those arguments.

I remember you guys saying that.

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The parliamentary debates over the Bill in mid 1983 were tumultuous, with bitter divisions arising as right-wing Labor members fought to water down the Bill’s provisions. One of the most damaging amendments was moved by the Labor Minister for Lands – who would himself be responsible for the administration of the Act, Mr Lin Gordon – who saw himself representing white voters in rural electorates and succeeded in amending the already narrow provision that the only land open to be claimed was ‘unoccupied Crown land’. The amended version restricted this still further to ‘unoccupied Crown land’ which were not ‘needed or likely to be needed for an essential public purpose’. Even more importantly it removed the minister’s decision in this matter from any judicial review. So while other dimensions of the question of whether Crown land was ‘claimable’ could be appealed in the Land and Environment Court, the minister alone had the final say on whether any land might ever be wanted for anything the minister might define as an ‘essential public purpose’.<sup>11</sup> The absurdity of this amendment was to be demonstrated later in the legal battle over whether the Engonnia Common was open to claim. The Crown argued the point – and won – that the land was wanted for the ‘future urban expansion of Engonnia’ which is a tiny north-western town on the border between NSW and Queensland, which like most small rural towns has been declining in population for many decades.<sup>12</sup> The amended Land Rights Bill was passed, coming into force on 10 June 1983 – and with it, the hated retrospective Validation of Revocations Act came into force too.<sup>13</sup>

The key issue for claiming land was simply that land had to be ‘claimable’. That is, it had to be unoccupied Crown land which had survived the test of not being needed for an ‘essential future public purpose’. Land could be claimed only by a land council, which meant that membership of a land council was necessary to become a land holder under the Act. But there were no criteria for claim –

11 Wilkie 1985: 49–50.

12 Tony Parker and John Terry, personal communication.

13 *Aboriginal Land Rights Act 1983* (NSW) and *Crown Lands (Validation of Revocations) Act 1983* (NSW).



once the very narrow definition of 'claimable' Crown land had been met, the land should have been passed as inalienable freehold title into the hands of the claimant land councils.

There was however a preamble to the Act which responded to many of the Aboriginal demands. This preamble led to the mistaken assumption that there were criteria for claiming land, and that those criteria, if they had in fact been based on the preamble, would have been far wider than the poorly defined 'traditional ownership' of legislation in other states or indeed that in other legislation within NSW. This preamble stated firstly that 'land was traditionally owned and occupied by Aborigines' and that the Act recognised that 'land is of spiritual, social, cultural and economic importance to Aborigines'.<sup>14</sup> There was, however, as Meredith Wilkie has pointed out, nothing in the actual legislation which offered a tangible means of achieving any of those principles.<sup>15</sup>

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The Land Rights Act had become law, but there was still no Aboriginal-controlled structures through which it could be enacted. The first step was to establish a temporary body, called the 'Interim Land Council' which would set up the structures which the Act required. Its membership was appointed by the Minister, Frank Walker, on the basis of his consultations over the previous year. He had invited organisations like the existing Land Council to suggest people who might be appointed. Barbara Flick, in a conversation with Kevin and with Tombo Winters, has recalled that difficult time.

*Barbara:* ... We tried to nominate people that weren't all in our camp. We tried to look around the regions and to nominate people who we thought would do a good job. Paul Coe was one of the ones on it that we had suggested, and Hewitt Whyman from Wagga. There was one person from each of the regions across the state.

*Kevin:* Each of the local reps went and done their own area, so you had William out the West, Tombo round Bre, Warren Mundine and Ray Kelly up on the North Coast, Barb in the Central West, Delia Lowe (Jacko's daughter) on the mid South Coast, and Mervyn Penrith on the far South Coast. I was in Sydney and Newcastle. Ann Weldon, Paul Coe's sister, was coordinator and Pat Stewart was from out there in western Sydney. But then we'd all come together as a state body and go up to the North Coast, and to the other regions. So we'd have all these meetings on a state basis too, so that everybody knew what everybody else was doing.

Kevin, as the chairperson, had a responsibility to work in each of the regions and so he often travelled with each of the other members.

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244 14 Wilkie 1985: 50–51.

15 Wilkie 1985: 51.



## From the grass roots: Setting up rural regions and local land councils

The role of the Interim Land Council was to set up the local and regional structures – this involved gathering names and signatures of local people who nominated to be in those bodies. Every member of the Aboriginal community could belong to a land council and could be a member of one over an area to which they retained an involvement, even if they did not live there, as was the case with important sites like Mutawintji from which people had been removed in the past.<sup>16</sup> The boundaries for the locals and the regions were ultimately to be set by the Registrar of Aboriginal Land, a position established under the Land Rights Act to be held independently of the land councils. The first Registrar was Chris Kirkbright, a Wiradjuri lawyer and later a language researcher. However, the interim land council members could pass on to the Registrar the results of consultations they had been having with the members of any local land council about the boundaries they hoped to have.

Each member of this interim council had a different experience as they worked closely with people in their region. Barbara was appointed to work in the Central Western area.

*Barbara:* So part of my job in the central west at that time was to go and talk to communities – Wellington, Peak Hill, Dubbo... about the legislation and about boundary issues. The people basically agreed fairly readily out in the bush about boundaries. There wasn't a big issue about that – where those lines should be drawn. A lot of people, I think, found it more difficult to organise regionally, especially closer to the east coast. But out in the bush, in the west, there hadn't been many resources over long periods of time.

And people had been moved around by government, so they had established long-term relationships with people in the areas they had been moved into. So between the River people, the Paakantji and the 'drylanders' to the east, the Ngiyampaa, who had been shifted over to Menindee on the Darling in the 1930s and then later moved back east into the central areas of the state.

I continued to work very closely with people in the far west in particular. I served on local land councils, like Mutawintji and Winbar. And we continued to organise out there. One of the examples was the Western Aboriginal Women's Council which organised bush camps which linked up women from the north-west, like from Collarenebri and Walgett – with women from the far west.

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16 Wilkie 1985: 112–113.

That was one way in which we ensured that women and children were part of this talk about country, and getting back to country and working out what we wanted from country now.

Tombo Winters was the Interim member for the north-west. He found different problems, partly because a local land council did not just exist automatically – it could only be set up by a signed document or petition from a named group of Aboriginal people who declared themselves to have a connection with a place. This worried people because they were being asked to sign unfamiliar forms and then they found themselves asked to draw boundaries onto maps to define their areas of interest.

*Tombo:* '82 right through '83 we were setting up local land councils. I know all the people from Brewarrina down to Bourke and up to Goodooga. When I got over to Collarenebri – if I didn't know people, I picked old Josie Thorne up. She never said no – she'd be there every time I'd pick her up.

The hardest thing in that 12 months was trying to find the people who were willing to sign the petition to kick off the land council. They thought they were signing their lives away.

I'd take the maps to a place and I'd say to them, 'Righto, where do you reckon your boundary should start and where it should end?' And they'd look at the map but it would be hard – so they cut the thing off in Boorooma, half way to Bourke, then Bourke had the rest down from there. That was the way we worked it out. You never got it exactly.

In the far western areas, William Bates remembered they used a different approach:

*William:* When the Act was introduced we went all over it again you know, from [people's] memory. And we got onto the Registrar, and told him to draw a circle round each town, 20 km radius, and register them [as local land councils] until we went around and talked to all the people and worked out the boundaries, as in Paakantji and Malyangapa and Wanyuparlku and Ngiyampaa. (These were the names of the language groups to which the land and people belonged.) That's the Local boundaries. I don't know if we ever got the region right because you couldn't get together with people from across there at Cobar and Bourke and places like that.

But we did it to the best of our knowledge where the people said their Local was, you know, Balranald, Menindee, Ivanhoe, Wilcannia for an example, done their boundaries and if there was any dispute, we'd sit down with the people and work it out.

We were all over the region, Mutawintji, Menindee and Mungo was the main places we'd have meetings at, to set them up, but Tibooburra was set up a lot later on, and Wanaaring, we could never get a quorum there, although it was gazetted as an area...

*Kevin:* The Registrar changed the boundaries that the people put in, didn't he?

*William:* I don't know about other areas, but I think in ours, in the Western Region, they got through pretty well... I think because we'd sat down and talked about where they all should go...

*Heather:* So you actually had to keep an eye on what the Registrar was doing to make sure that what you'd worked out on the ground was translated into what went into the documents?

*William:* Oh yeah, you'd be arguing with them all the time. Although with Wiimpatja, they still think in that attitude that 'We know what's best for you'.

However, although unfamiliar paperwork was a problem for some people, the process of setting up the land councils did have some advantages. One was that it was flexible enough to allow people who had been displaced from an area to form a land council to care for the place they had lost. This allowed, for example, the people who felt responsible for Mutawintji or the Louth-Tilpa area, in the west and for Nambucca Island, on the coast, to come together as land councils to state their right protect that land.

*Kevin* explained this: Without that possibility of setting up a land council in that way, you probably couldn't have claimed some of the land that we claimed. Like Mutawintji, they set up that local land council. Nobody lives in the area now, but they set up a local land council just to look after that place. So it was very flexible, and, because people had been moved onto different lands and they'd been living there for years and years, then you have to give them the, the responsibility of looking after that land, so they could claim it.

## From the grass roots: Setting up an urban land council: Gandangara

It was local people everywhere who really determined how local land councils were set up. The city Local Aboriginal Land Councils are often forgotten because it has been assumed that only rural or remote Aboriginal communities reflected 'real' Aboriginality, yet the majority of Aboriginal people in NSW actually lived in cities. So it is important here to look at how a city local land council was formed. The example is the Gandangara Local Aboriginal Land Council, which is usually called just the 'land council' in this conversation. It was formed in the Liverpool area of south-western Sydney by the women who had been involved in the NOW education course, discussed in Chapter 6, 'Tranby Reaching Out'. The women whose voices are heard here talking with Kevin about the local land council are Robyn Williams, Judy Chester and her sister, Janny Ely.

As these women became more confident from participating in their NOW program – and in the organising they had had to do to get it! – they had also become more actively involved in Aboriginal politics. They were very interested in the land rights movement and had given talks about the issue in 1981 and 1982. The hostility in these suburban areas of Sydney was intense.

*Janny Ely:* At that time land rights was a real big issue and TAFE<sup>17</sup> wanted to hold a big forum together of all TAFE students. They asked us would we be prepared to be there and answer questions. We talked to Cookie and he said, 'Yeah, go on, go for it', you know. And we gets there and they had to escort us out! The students got that wild because it didn't matter what we said, they were convinced that land rights was going to take their house away. And they got quite abusive and everything.

*Judy Chester:* Madeline McGrady showed them her video about Cheeky Macintosh being murdered in Moree, that was very confronting for them, you know. And those white TAFE students reckoned that she'd made the film up! You know, they just wouldn't accept anything that was put in front of them. It was really very confronting for them.

*Janny:* ... And the bottom line was that land rights was going to take their house away from them!

*Kevin:* But that just goes to show you how information is stifled in this country where Moree is not that far away from Sydney and yet people don't know what's going on in that area. And so you have to say, when you go to talk to people ... you have to go very slowly.

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17 Technical and Further Education.

*Judy:* Yes, it was very confronting. But, it's a bit like the *children overboard* thing today. It's the way the government and the media portrayed land rights back in those days. I mean you walk up the street now and say, 'They didn't throw their kids overboard' and these old white people say, 'Yes they did. Oh, yes they *did*'.

*Janny:* We went into the march for International Women's Day in 1983 in Liverpool. There we were, just a bunch of women, kids in the pram and kids marching along with their streamers and the Koorie flag. And all these police cars pulled up to arrest us because they got a call that we were protesting!

As the women's group became more interested in forming a local land council for their area, they asked Kevin's advice, and so he agreed to come to their meeting:

*Janny:* Well, Cookie was on the Interim Land Council then. Robyn and I went in to town to talk to him about setting up a land council and then he came out and met with us.

*Kevin:* There was a fair few women there.

*Judy:* What he means is – there was *no* men!

*Kevin:* Five minutes after we get to the first meeting, and you know we'd just talked about, not even setting up a land council, it was really just the functions in setting it up – and everybody's really gung ho. I had to say to'em, 'You have to slow down. You know, you can't rush into it and do things! And there's no men here. And so you'll have to go back and talk to the Aboriginal men'.

*Robyn:* It was very female dominated because it was really hard getting the men involved at that time. Because there was no money... It was all voluntary. Everything we done was voluntary.

*Judy:* And you see a few women were married to white men too. So that's why you had a lot of the women.

*Kevin:* Like this was their first land rights meeting, I think! I had to say, 'You have to be very, very careful. You can't run ahead of the rest of the people, you have to bring them along slowly'.

*Robyn:* A hundred mile an hour, we were off! We weren't a snowball, we were an avalanche!

The women's group did widen their network with people from other suburbs becoming involved and many men, some of whom became founding members of the new Gandangara Local Land Council. Some took up active roles in building the land council's knowledge of the area, like Wayne Dargan, who took his small

boat out weekend after weekend, identifying and charting the many unrecorded middens (mounds of oyster and other marine shells) piled up by the old people over many thousands of years of fishing and feasting along the Georges River.

Both before and after it was formed, this Local Aboriginal Land Council – like many others – had virtually no funds. They formed extensive networks, held meetings and made submissions on the small amounts they could glean from short term project funding or from their own pockets. The occasional funds that Kevin was able to suggest they apply for from places like the Australian Council of Churches barely kept them going. This was a further problem in urban areas because decades of government ‘resettlement’ projects had been carefully separating Aboriginal people in public housing, so that there could be no chance of them forming identifiable community groups. So forming a local land council – and then asking people to sign unfamiliar official-looking forms – was a huge task.

*Janny:* We used to do our notices all by hand, and do letterbox drops, it was so funny...

*Robyn:* This was BCs – before computers. We used to type up the land council notice, all the way down a page. Twelve or 13 times on a page and then we’d go down to Canley Heights to the chemist. He was the only one where you could get a photocopier. And we used to pay 20 cents a page.

*Janny:* We’d cut em all up...

*Robyn:* ...Then we’d get in my old car, you both sitting in the back cutting them up! Judy jumping out and putting them in the letterbox! And me driving!

*Judy:* My hands were so sore from cutting up. And we’d be in that old Datsun... It had a bit of everything didn’t it? A blue door, a green door. Nobody ever came near us on the road, I can tell you that now.

*Robyn:* Yeah – I’d just say, ‘They won’t hit us, they can see I’ve got no insurance!’ We could fit 15 people in it too.

*Judy:* We used to even take the kids. We’d say: ‘Go on, jump out and put that notice in that letterbox there’.

We knew there were a lot of blackfellas out there because we had the listing for the *Homes for Aborigines* (HFA) houses and housing commission and all those. In those days every second street had a HFA house! But we didn’t have a map. They never had them next door to each other.

*Robyn:* It was, you know, ‘assimilation’. So there wasn’t a whole street of them or they all weren’t clumped together.

*Janny:* Or they wouldn't give us any personal details, but they'd just give us the number of the house in the street, address and stuff. So, we knew which was a HFA house but not who was in it, so we'd do a letterbox drop. We slowly built up the membership didn't we?

*Judy:* That was amazing wasn't it? Trying to do the membership list. Now, you've got to go and see one and these government departments'd go, 'Oh why don't you just go there and get the forms filled out'. And you'd go, 'Well it's not that easy!' You've got to have a cup of tea, they want to know who your mob is, where you come from, so by the time you get through your old nan, or old mum and that, you're sitting having a cup of tea. Then they'll say, 'I want you to come back at such and such a time because I've got a son come home, I've got this one coming home'. So, you're backwards and forwards. You could spend a whole day just with one family just to get three people to join the land council. But you do, especially with the old ones. They want to know who your mob is. Where you come from. Once they feel comfortable with you, they're fine. And they'd still be very wary about filling out government forms. Yeah, those government departments, because you're living on a housing commission, they want to know who's living there, who's working.

*Robyn:* Once they knew what it was, they'd join the land council roll. Because it wasn't going anywhere else!

But it made it so difficult because we weren't a *community* where we were all there. You know, we had to get this information out and find everyone because we were just spread out so wide. And even when we set the land council up, you know, we were sort of Liverpool based, but we used to every month, we'd move the meeting around our boundaries. We'd have a meeting at Bankstown, at Revesby. We'd just keep moving the meeting around... Guildford... There was people out there that didn't have access to transport or anything like that. We were trying to have it in other local areas within the boundaries.

Once the local land council was funded, the questions about how to control expenditure were all new. These small land councils had to make principled decisions about directing funds only towards land – a difficult ask in communities which were all facing many social welfare and infrastructure problems which all seemed to demand money. But such difficult social decisions had also to be made in situations where local land council staff had no financial experience or training. Judy, Janny and Robyn again talk about their experiences at Gandangara:

*Janny:* But we had trouble, with people misinterpreting the Land Rights Act in our land council area. We ended up going to the local newspaper, the *Leader* and done a little article that said, 'Land rights is not going to take your back yard



away'. But then when the land council tried to buy that house at Canley Vale, apparently all these petitions came because the Aboriginal Land Council was buying this house! We finished up going to Janice Crozio, the State Minister for Lands. And she said, 'Well I can't see a problem with it. There's a multi-cultural centre just around the corner'. So, we got the house – after a bit of a struggle!

*Judy:* And we hadn't spent a cent of land council money on that. We saved up for three years for that house.

*Robyn:* See, when we finally got the allocated funding, we just kept putting it in to a rollover investment type fund. All the renovations were done through CDEP<sup>18</sup> and we were building up skills and employing Aboriginal people in the community.

*Janny:* I'll never forget when the first cheque come out from the land rights fund. There was all these regulations about money for land councils. So, we rings up Mr Cook again! Because none of us knew how to run a cheque book or nothing. So, he's came out with his Tranby mob and sat us down...

*Robyn:* 'Cause those cheques came very quick didn't they? First cheque was just there. We didn't even have a bloody bank account.

*Janny:* That's right, because I raced up and opened an account. And we opened up that bank account with our own dollar!

*Robyn:* But we always had the philosophy in those days that, unless we got other funding to employ people, that that money was not there to employ one person in the community. It was there to benefit all. It was about land rights so it should go into purchasing land or an asset for the organisation and we would all continue to work voluntary. Now that happened. The money's about everybody in the community benefiting from it, rather than one individual getting a salary and a vehicle and that's the end of your money.

*Judy:* Actually back in those days, they just gave all of us that money. They said, 'Right, you've got land rights', but they never *trained* anyone. It was Tranby that came in and did all that. It was Tranby that actually trained every land council in New South Wales and Tranby used their own resources. And they actually went out to the communities, you know. Tranby took something out and gave people confidence about how to run their land councils, you know? How to do their books. How to be accountable and the importance of being accountable. If it wasn't for Tranby I don't know what a lot of local land councils would have done.

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18 Community Development Employment Projects.

*Kevin:* It was a good program, a really good program. It's what Tranby was set up to do.

As well as learning how to do the bookwork and management documentation, the State Land Council – and Tranby – embarked on an even more important education program. This was working to produce a 'plain English' version of the Act and to demystify the whole body of legal and legislative language which clothed all the policy which affected Aboriginal people. Unlocking the key to understanding of these documents had an enormous impact on the confidence with which community members like those from Gandangara could meet with governments and bureaucrats and demand their rights.

*Judy:* And Tranby set up some little courses and they also set up a course on the actual Land Rights Act itself, our bible. John Terry wrote the plain English version. See you need an organisation like Tranby was back then. I mean they used to *teach* us. We could parrot that Act off. We knew every part of the legislation, the sections and that. John Terry used to take us through it, you know. We'd be sitting in there with bureaucrats and go, 'Oh well what about section such and such'. And they'd look at you, you know. We used to think we were pretty suave. You know, we could quote that Act off inside out and back to front.

*Robyn:* But what it did, it also educated people about how to understand other Acts and how to read Acts. Not be intimidated about going to the National Park Act or the Police Act, any other Act. Environment, Planning. You just grab it now and look through it! That's what those whitefella lawyers and politicians all do, they don't know it all in their heads, they just look through it and so we'll just look through it and read it!

*Judy:* That was a form of oppression. Because we didn't understand. Nobody wanted to teach people how to read legislation, it took people like John Terry to say, 'It's not really scary you know. It's bloody lawyers just write it up like that'. And he used to take us through stuff and that, you know. Send stuff over to us. We'd read it and the next day he's say, 'What part do you want me to work on?' We'll talk about it, and he'll take us through it, you know? And he taught people not to be frightened of it.

*Janny:* Remember when the Land Rights Act first came out? You took one look at it and thought, 'Well, shit!' Because you had the Act there but as well you had to read the Act with the regulations. It was just all jargon to us. So learning how to understand it – that was *real* learning...