

**The Federal Council for the Advancement
of Aborigines and Torres Strait Islanders**

**The politics of inter-racial coalition in
Australia, 1958-1973**

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ERRATA

- p. iii, line 11 '1970s' for '1960s'
- p. 12, line 2 'Alan' for 'Allan'
- p. 29, line 12 'distrusted' for 'mistrusted'
- p. 30, line 9 'two' for 'tow'
- p. 126, line 18 'conservative' for 'competent'
- p. 127, line 11 'for' for 'or'
- p. 139, line 6 'Charles' for 'Alan'
- p. 205, line 4 'McEwen' for 'McEwan'
- p. 219, line 3 'Wootten' for 'Wootton'
- p. 239, line 15 insert '[sic]' following 'Gise'
- p. 250, line 1 'Thomson', for 'Thompson'
- p. 291, lines 5,6 'suggested misleadingly' for 'suggested. Misleadingly'
- p. 303, line 16 'than' for 'that'
- p. 307, line 3 '1971' for '1972'
- p. 334, line 13 'Perkins'' for 'Perkin's'
- p. 390, line 22 'frequent' for 'regular'
- p. 394, line 7 'Alan' for 'Allan'
- p. 399, line 3 'gained' for 'benefited'
- p. 401, line 8 'Office' for 'Council'
- p. 431, line 17 'principle' for 'princple'
- p. 445, line 21 delete 'was that between FCAATSI and other Indigenous organisations.'

Copyright Notices

Notice 1

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Abstract

This thesis is a history of the Federal Council for Aboriginal Advancement, later the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) during its years of coalition from 1958 to 1973. It is both a narrative of the organisation as no published history yet exists, and an analysis which seeks to understand the genesis of the organisation, the nature of the coalition which existed in the 1960s and the demise of inter-racial co-operation in the 1970s. In 1973 FCAATSI came under Indigenous control, essentially becoming an organisation for Aboriginal and Islander members, thus ending the black/white coalition which existed, tenuously, until then.

The Federal Council was a coalition in a number of senses. It comprised people from the left of politics including members of the Communist Party of Australia as well as active members of Christian churches. Although during the Cold War years of the 1960s Christians and communists often viewed each other with deep suspicion within the Federal Council they were, on the whole, able to work together. The 1960s were also years of racial coalition as FCAATSI members sang of 'black and white together' and gained inspiration from the civil rights campaigning in the United States. This coalition was, however, never one which could be taken for granted. Tensions, always present, erupted at a FCAATSI conference in 1970 and led to a split in the movement when those Indigenous members who no longer believed that a black/white coalition was the best vehicle for the changes they sought left the Federal Council.

In the period from 1963 to 1970, however, the Federal Council provided opportunities for Indigenous people from all over the country to meet at annual conferences, to exchange views and to organise politically to advance their causes. FCAATSI conferences and meetings provided opportunities for Indigenous political activists to gain experience in pressure group politics necessary for later organising on a national scale.

In analysing the Federal Council movement I have sought to understand the genesis of the national pressure group, the factors which help to explain its success during the 1960s when campaigns for equal wages, a referendum and land rights were waged, and its demise as a coalition in the early 1960s.

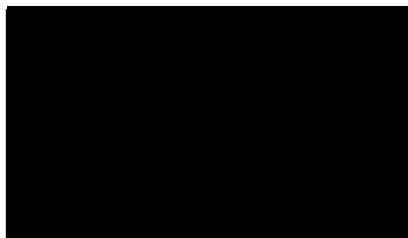
I have considered FCAATSI's relationship with government, its response to government approaches as expressed, for example, in the assimilation policy which characterised the Liberal Country Party governments of the 1950s and 1960s. I have analysed the failure of the ruling clique in the early 1970s to respond to changing Indigenous desires for political autonomy within the organisation. The ascendancy of Labor to government in 1972 proved to be a catalyst for a change of leadership required by active Indigenous members at this time.

My research into FCAATSI has been undertaken in the hope that this resulting thesis will provide information about a period when black and white activists did succeed in coalition in forwarding their joint goals. It is also written to further understanding about the processes of social change with

regard to relationships between Indigenous and other Australians and to chart a small part of the longer journey taken by some non-Indigenous Australians towards addressing long-standing and serious injustices experienced by Aboriginal and Islander Australians.

Declaration

This is to certify that this text does not contain material which has been accepted for the award of any other degree or diploma in any university or other institution. To the best of my knowledge, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.



Sue Taffe

Acknowledgements

The work which follows came to be as a result of an earlier project. In 1995 I began work on an oral history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI). In partnership with Koori Arts Collective, a Melbourne-based Indigenous arts body I interviewed 30 people who were former members of the executive of FCAATSI or who were otherwise closely associated with the organisation. Further interviews followed this project. The people interviewed for this project were:

Shirley Andrews, John Baker, Faith Bandler, Gordon Briscoe, Marjorie Broadbent, Barry Christophers, Joyce Clague, Stan Davey, Alan Duncan, Don Dunstan, Frank Engel, Dulcie Flower, Len Fox & Mona Brand, Rodney Hall, Jack Horner, Jean Horner, Alick Jackomos, Lorna Lippmann, Joe McGinness & Evelyn Scott, Daphne Millward, John Moriarty, Ted Penny, Pauline Pickford, Barrie Pittock, Tom Roper William Wentworth and Emil Witton.

Further interviews with Josie Briggs and Stan Pelczynski were conducted after this project was completed.

I am grateful to all of these people for agreeing to be a part of this project. The audiotapes and transcripts of interviews are held at the Australian Institute of Aboriginal and Islander Studies. Having completed work on the resulting collection I was so impressed by the work of these people that I decided to complete the task and research a history of FCAATSI. Barry Christophers and Barrie Pittock provided access to their private papers relating to FCAATSI. I am most grateful for these acts of trust as both collections added significantly to my understanding of FCAATSI.

Conversations with many people helped to clarify my thinking on different aspects of this work. I am grateful to those who assisted in this way: Bain Attwood, Gwenda Baker, Bob Boughton, Linda Briskman, Barry Christophers, Marilyn Lake, Kathy Lothian, Mark Peel, Barrie Pittock, Peter Read, Liz Reed, Tim Rowse, Ian Spalding and John Taffe.

Thanks are also due to the many librarians and archivists who assisted with materials in the following libraries and archives: the Australian Institute of Aboriginal and Torres Strait Islander Studies; Australian National University; Battye Library, WA; Fryer Library, University of Queensland; John Oxley Library, Queensland; Mitchell Library, New South Wales; Monash University Library and Archives, Mortlock Library, South Australia; National Australian Archives, Canberra, Melbourne and Darwin; National Library of Australia; Society of Friends Library, Melbourne; State Library of Victoria; Uniting Church Archives, Melbourne; University of Melbourne Archives.

Finally thanks are due to my two supervisors: Professors Andrew Markus and Marian Quartly for their support, their criticism and their belief in the value of this project and of my ability to carry it to completion.

Abbreviations

| | |
|----------|--|
| AAF | Aboriginal-Australian Fellowship |
| AAL | Australian Aborigines League |
| Abschol | Aboriginal Scholarships (NUAUS) |
| ACC | Australian Council of Churches |
| ACSPA | Australian Council of Salaries and Professional Associations |
| ACTU | Australian Council of Trade Unions |
| ALP | Australian Labor Party |
| ANZAAS | Australia and New Zealand Association for the Advancement of Science |
| APA | Aborigines Progressive Association |
| APB | Aborigines Protection Board |
| ASIO | Australian Security Intelligence Association |
| AWU | Australian Workers' Union |
| CAA | Council of Aboriginal Affairs |
| CAR | Council for Aboriginal Rights |
| CDE | Community Development Employment Program |
| CPA | Communist Party of Australia |
| DAIA | Department of Aboriginal and Islander Affairs |
| EWAC | Equal Wages for Aborigines Committee |
| FCAA | Federal Council for Aboriginal Advancement |
| FCAATSI | Federal Council for the Advancement of Aborigines and Torres Strait Islanders |
| FSCA | Friends Service Council of Australia |
| ILO | International Labour Organisation |
| MCAA | Methodist Commission on Aboriginal Affairs |
| NACC | National Aboriginal Consultative Committee |
| NAWU | North Australian Workers' Union |
| NMC | National Missionary Council |
| NUAUS | National Union of Australian University Students |
| OAA | Office of Aboriginal Affairs |
| OAA | <i>On Aboriginal Affairs</i> |
| OPAL | One People of Australia Party |
| QCAATSI | Queensland Council for the Advancement of Aborigines and Torres Strait Islanders |
| QSCAATSI | Queensland State Council for the Advancement of Aborigines and Torres Strait Islanders |
| SAFA | Student Action for Aborigines |
| SA AAL | South Australian Aborigines' Advancement League |
| UAW | United Associations of Women |
| VAAL | Victorian Aborigines Advancement League |
| VCC | Victorian Council of Churches |
| WEO | Wards' Employment Ordinance |
| WCTU | Women's Christian Temperance Union |

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Introduction

The period from 1958 to 1973 marks an unusual period in Australian race relations. Unlike the years preceding or following this was a time when concerned non-Indigenous activists joined forces with Indigenous activists in a coalition working for civil rights, for social justice and for a recognition of Australian Indigenous peoples. Not until the reconciliation movement of recent years has the co-operative spirit of the 1960s been rekindled.

The Federal Council for Aboriginal Advancement was a federation of state advancement leagues which formed in 1958. Indigenous participation was initially low but three years later Aboriginal and Islander people began to attend annual meetings of the Federal Council in greater numbers, and by the mid 1960s when it became the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, FCAATSI was a coalition of black and white Australians. They campaigned to amend the Constitution in order to pressure the Commonwealth to play a greater part in Aboriginal affairs, they campaigned to extend award wages for Aboriginal and Islander workers, and they campaigned to recognise the rights of Indigenous people to the lands which they had traditionally occupied.

In 1970, at a meeting at which motions to increase Aboriginal and Islander control of FCAATSI were debated, this coalition was shaken, and changed by the outcome. When the motions were not successful a number of the more politically assertive Indigenous activists left the coalition, signalling the start of a period of separatist political action. FCAATSI remained as a multi-racial coalition until 1973 when, under pressure from Indigenous

members of the executive, most non-Indigenous members left the Federal Council. FCAATSI continued in name until 1978 but during the last five years it was one of a growing number of Aboriginal and Islander organisations, rather than a multi-racial coalition of localised bodies from all over the country meeting as a federation. This study is of the Federal Council during its years of coalition from 1958 to 1973.

What have historians had to say about FCAATSI? General histories of Australia published since FCAATSI's demise are almost completely silent on this organisation. Russel Ward's *A Nation for A Continent*, published in 1977 makes no reference to it, despite Ward's radical nationalist background. Though Ward writes about the 1967 referendum which empowered the Commonwealth in Aboriginal affairs he does not investigate its genesis.¹ Aboriginal people become politically active, in his account, in 1972 on the lawns outside Parliament House. No background is provided to make this understandable. Geoffrey Bolton's *The Oxford History of Australia* volume 5, first published in 1990 is no more informative. There is one reference to the Federal Council but you would not find it by consulting the index as the wrong name is ascribed to it. Bolton refers to 'equal pay for equal work' as having been 'the main plank of the Council for Aboriginal Advancement formed in 1958', becoming the first of many who get the name wrong.² A third survey

¹ R. Ward, *A Nation For A Continent: the History of Australia 1901 – 1975*, Heinemann, Richmond, 1977, see especially p. 372-373 and 397.

² G. Bolton, *The Oxford History of Australia*, vol. 5, OUP, Oxford, 1990, p 194. In surveying those scholars who have referred to the Federal Council I have come across eight who have wrongly named the Federal Council either in its original name or its post 1964 name which included Torres Strait Islanders. Five different erroneous variations exist. The most common incorrect form is the Federal Council for the Advancement of Aborigines. Others omit 'advancement' or use the adjectival form 'Aboriginal' as a noun. Apart from the Bolton version already referred to the following inaccurate names have been used: Henry Reynolds and Dawn May refer to

history which paid particular attention to the contribution of women to the Australian story, as well as showing a greater than usual awareness of Indigenous viewpoints is *Creating A Nation*, published in 1994. This work by Patricia Grimshaw, Marilyn Lake, Ann McGrath and Marian Quartly is inclusive when it comes to Indigenous experience, but makes only one passing reference to the existence of FCAATSI.³ The first specific study of race relations in Australia, by A. J. Yarwood and M. J. Knowling, published in 1982, makes no reference to FCAATSI.

Prior to the 1970s very few Australian historians researched Australian Indigenous experience. The most outstanding exception to this generalisation was political scientist, Charles Rowley, who was responsible for a major research project conducted by the Social Science Research Council of Australia. The resulting trilogy, *The Destruction of Aboriginal Society*, *Outcasts in White Australia* and *The Remote Aborigines*, published in 1970 became the first attempts at general history of Aboriginal experience, making it difficult as Lorna Lippmann, a member of the FCAATSI executive in the mid 1960s, observed 'for us ever again believe the twin legends of heroic

the organisation as 'the Federal Council for the Advancement of Aboriginals and Torres Strait Islanders' in A. McGrath (ed) *Contested Ground*, Allen & Unwin, St Leonards NSW, 1995, p 198. In the same work Read refers to 'Federal Council for the Advancement of Aborigines' p. 291. This version is also used by Verity Burgmann, *Power and Protest: Movements for Change in Australian Society*, Allen & Unwin, St Leonards NSW, 1993, p. 32; Goodall, *Invasion to Embassy*, p. 277; T. Rowse, 'Assimilation and After', in A. W. Martin et al. *Australians from 1939*, Sydney, 1988, p. 136; Scott Bennett, *White Politics and Black Australians*, Allen & Unwin, St Leonards NSW, 1999, p. 39. In the title of a later article Read refers to the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders, see ' "Cheeky, Insolent and Anti-White": The Split in the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders- Easter 1970', *Journal of Politics and History*, vol 36, no 1, p 73-83. Andrew Markus in *Australian Race Relations*, Allen & Unwin, St Leonards, NSW, 1994 refers to the 'Federal Council for Aborigines and Torres Strait Islanders', p 189.

³ McPhee Gribble, Ringwood, Victoria, 1994, p. 299.

pioneers and an egalitarian society'.⁴ Rowley recognised FCAATSI as 'the only national pressure group for Aboriginal interests'. He regarded the 'careful collation of facts by the Equal Wages Committee of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders' as 'of considerable importance' in the movement for wage justice. He also recognised that the annual meetings of the FCAATSI provided 'an important forum for the airing of particular grievances' on the part of Aboriginal leaders and others.⁵ This trilogy marked the beginning of interest by historians in 'contact history', which considered Indigenous responses to colonisation.

Indigenous experience, no more than 'a melancholy anthropological footnote' to Australian history would in the following years be taken more seriously.⁶ Historians such as Attwood, Broome, Goodall, Haebich, Markus, McGrath, Read, Reynolds, Rowse and Ryan have, in both localised studies and survey histories, done much to provide information and understanding of Indigenous experience and have contributed to a historiography which no longer excludes.⁷

⁴ L. Lippmann, *Words or Blows: Racial Attitudes in Australia*, Penguin, Ringwood Victoria, 1973, p. 37.

⁵ C. D. Rowley, *The Remote Aborigines*, vol 3 of *Aboriginal Policy and Practice* ANU Press, Canberra, 1970. This edition Penguin, Harmondsworth, 1972, pp 12, 240-241, also 237-238, 264, *passim*.

⁶ The expression was used by J. A. La Nauze in 'The Study of Australian History 1929-59', *Historical Studies*, vol IX, no 33, November 1959, p. 11. It has been used since by commentators seeking to highlight the absence of Indigenous experience in Australian history. See W. E. H. Stanner, *After the Dreaming*, the 1968 Boyer lectures, H. Reynolds, The Trevor Reece Lecture, 1984.

⁷ Some examples are: B. Attwood, *The Making of the Aborigines*, Allen & Unwin, Sydney, 1989; B. Attwood and A. Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, NSW, 1999; R. Broome, *Aboriginal Australian: Black Response to White Dominance 1788-1980*, Allen & Unwin, North Sydney, 1982; H. Goodall, *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770-1972*, Allen & Unwin, St Leonards NSW, 1996; A. Haebich, *For Their Own Good: Aborigines and Government in the South-West of Western Australia 1900-1940*, Nedlands, UWAP, 1988; *Broken Circles: Fragmenting Indigenous Families 1800-2000*, Fremantle Arts Centre Press, Fremantle WA,

Published contributions to our knowledge about the Federal Council over the last two decades can be grouped in three categories: firstly, histories and biographies which focus on relations between colonising and colonised in which passing reference is made to FCAATSI, secondly, the work of insiders, those people who were activists within the Federal Council movement; and thirdly, works which focus more directly on the Federal Council.

One early survey history *Aboriginal Australians: Black Response to White Dominance 1788-1980* by Richard Broome, published in 1982, refers to the work of the Federal Council lobbying on the issue of equal wages. Another earlier survey history, Margaret Ann Franklin's *Black and White Australians: an inter-racial history 1788-1975*, refers briefly but inaccurately to the Federal Council in relation to the 1967 referendum.⁸ Two other works in this early period make brief reference to the Federal Council. The first is an essay by Andrew Markus, 'Talk Longa Mouth' which analysed the response of the union movement to the issue of Aboriginal inclusion in wage awards. Markus refers to the role of the Federal Council in these campaigns.⁹ The second is *Generations of Resistance: the Aboriginal Struggle for Justice* by Lorna

2002; A. Markus, *Governing Savages*, Allen & Unwin, Sydney, 1990; *Australian Race Relations 1788-1991*, Allen & Unwin, Sydney, 1994; A. McGrath, *Born in the Cattle*, Allen & Unwin, 1994; P. Read, *A Hundred Years War: The Wiradjuri People and the State*, Canberra, ANUP, 1988; *Charles Perkins: A Biography*, Melbourne, Viking, 1990; H. Reynolds, *Frontier: Aborigines, Settlers and Land*, Allen & Unwin, Sydney, 1987; *The Other Side of the Frontier*, Penguin, Ringwood, 1981; *Dispossession: Black Australians and White Invaders*, Allen & Unwin, Sydney, 1989; *Aboriginal Sovereignty*, Allen & Unwin, Sydney, 1996; *This Whispering in Our Hearts*, Allen & Unwin, Sydney, 1998; *Why Weren't We Told?* Viking, Melbourne, 1999; T. Rowse, *White Flour, White Power: From Rations to Citizenship in Central Australia*, CUP, Cambridge UK, 1998; *Obliged to be Difficult: Nugget Coombs' Legacy in Indigenous Affairs*, CUP, Cambridge UK, 2000; L. Ryan, *The Aboriginal Tasmanians*, Allen & Unwin, Sydney, 1996. This is a selection only of the work of these historians.

⁸ Heinemann, South Yarra, 1976.

⁹ In A. Curthoys and A. Markus (eds), *Who Are Our Enemies? Racism and the*

Lippmann. Apart from a couple of introductory chapters Lippmann's account focuses on resistance and political activity in the second half of the century and refers to Federal Council activists in the areas of wage reform, the 1967 referendum and land rights.¹⁰

Over the last decade more historians have turned their attention to this struggle for justice. Heather Goodall's *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770-1972* refers to the Federal Council but as this book is about New South Wales these are understandably limited to the Federal Council's relevance to New South Wales political activity.¹¹ Contributors to *Contested Ground: Australian Aborigines Under the British Crown*, a collection of essays edited by Ann McGrath published in the mid-1990s, acknowledge the part played by the Federal Council in work for civil rights and for what has come to be called 'land rights'. Biographies of *Charles Perkins* by Peter Read and *Oodgeroo* by Kathie Cochrane also make reference to the Federal Council in relation to their subjects' involvement with FCAATSI.¹² Tim Rowse, in a more recent biography of Dr H. C. Coombs, *Obligated to be Difficult: Nugget Coombs' Legacy in Indigenous Affairs*, has considered the part played by FCAATSI in Coombs' reforming efforts as Chairman of the Federal Government's Council for Aboriginal Affairs.¹³ Other scholars, such as Anna Haebich, Scott Bennett, Verity Burgmann, John Chesterman and Brian Galligan in analyses of the effects of policy decisions

¹⁰ *Working Class in Australia*, Hale and Iremonger, Neutral Bay NSW, 1978.
¹¹ Longman Cheshire, Sydney, 1981.
¹² Allen & Unwin, St Leonards, NSW, 1996.
¹³ P. Read, *Charles Perkins*, Viking, Ringwood Victoria, 1990; K. Cochrane, *Oodgeroo*, UQP, St Lucia, 1994.
¹³ Rowse, *Obligated to be Difficult: Nugget Coombs' Legacy in Indigenous Affairs*.

on Indigenous Australians and their reactions against them refer to Federal Council activism.¹⁴ What do we learn about FCAATSI from these sources?

The Federal Council is often characterised as 'leftist'. One scholar has stated that unions established the council, another has stated that unions could affiliate from its inception and a third has stated that three unions were affiliated with the Federal Council in 1961.¹⁵ None of these statements is true. In fact unions and unionists had no power at all in the organisation until 1962 when as a result of changes to the constitution it became possible for them to affiliate. Most of these writers refer to whites as dominating while one historian has suggested that these whites were interested only in 'civic equality' and that they 'were obstructing the emergence of authentically "Aboriginal" issues such as land rights and cultural resurgence'.¹⁶

What seems to be meant by the description of the Federal Council as 'leftist'? 'Leftist' may be being used here as a euphemism for 'Communist'. Some members of the executive were members of the Communist Party of Australia and one such member was on the first executive. The Communist Party of Australia (CPA) was the only political party in Australia which had policy concerning Indigenous Australians at the time of the establishment of

¹⁴ Haebich, *Broken Circles: Fragmenting Indigenous Families*; Bennett, *White Politics and Black Australians*, Allen & Unwin, St Leonards NSW, 1999; Verity Burgmann, *Power and Protest: Movements for Change in Australian Society*, Allen & Unwin, St Leonards NSW, 1993; John Chesterman and Brian Galligan: *Aborigines and Australian Citizenship*, CUP, Cambridge, 1997, see also J. Chesterman, 'Defending Australia's Reputation: How Indigenous Australians Won Civil Rights, part one' *Australian Historical Studies*, no 116, April 2001.

¹⁵ T. Rowse, 'Assimilation and After', A. W. Martin, A. Curthoys and T. Rowse (eds) *Australians from 1939*, Sydney, 1988, p. 136; H. Goodall, *Invasion to Embassy*, p. 277; A. Markus, 'Talk Longa Mouth', A. Curthoys and A. Markus, *Who Are Our Enemies? Racism and the Working Class in Australia*, Hale and Iremonger, Neutral Bay NSW, 1978, p. 154.

¹⁶ Goodall, *Invasion to Embassy*, p. 261.

the Federal Council.¹⁷ Some of the ideas of this party did influence Federal Council executive members thinking, but these members were by no means uncritical of CPA policy. Another possible meaning of 'leftist' in this context is that those associated with the Federal Council supported the extension of state provided welfare services and believed that the rights to such services should be extended to Aboriginal and Islander Australians, as Australian citizens. This was a commonly held view within the Federal Council.

On the question of the racial dominance of whites, there is again an element of truth but the reality is more complex as this history will show. The suggestion that non-Indigenous members of the Federal Council may have been 'obstructing the emergence of authentically "Aboriginal" issues' is not supported by my research. Rather, I would suggest that there were a number of reasons which explain why Indigenous voices were little heard in the first decade of the Federal Council's life. These relate to the development of confidence among Indigenous spokespeople. The 1960s was a time when at the exclusively Indigenous meetings held prior to FCAATSI annual conferences forms of political action for those present as Indigenous Australians were explored for the first time. These meetings provided the first opportunities for Indigenous Australians from diverse backgrounds to discuss issues of common concern and present them to the Federal Council as their priorities. By the end of the 1960s Indigenous political action, independent of whites, was developing.

¹⁷ See T. Wright, *New Deal for Aborigines*, 1939, also Draft Resolution 19th Congress Communist Party of Australia, *Tribune*, 12 April 1961, pp 5-8.

The second category is of memoirs by people who were executive members of FCAATSI. Faith Bandler, a member of the executive for a decade, published her *Turning the Tide: a personal history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders* in 1989.¹⁸ It is a celebratory work which describes the campaigns for equal wages and land rights, and which places the 1967 referendum at the zenith of FCAATSI achievement with the last three substantial chapters concerned with the lead up, the referendum and its effect. Although Bandler was a key member of the executive in the post referendum period she has little to say about the Federal Council in the period from 1968 to 1973 the year in which she retired. In 1991, Joe McGinness, president of the Federal Council for all but one year from 1961 to 1978, produced his memoir, *Son of Alyandabu: My fight for Aboriginal rights*. This work deals with McGinness' early life and his activism in the Cairns Aboriginal and Torres Strait Islander Advancement League. The second half of the book concerns his work in the Federal Council. As with Bandler's account the tone is understandably celebratory, and the focus is on the Federal Council's achievements.¹⁹

Neither of these writers describe the internal operation of the Federal Council nor the political and racial tensions which were a part of the

¹⁸ F. Bandler, *Turning the Tide: A personal history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders*, Aboriginal Studies Press, Canberra, 1989.

¹⁹ J. McGinness, *Son of Alyandabu: My fight for Aboriginal rights*, UQP, St Lucia, Queensland, 1991. Two other works in a similar vein are F. Bandler and L. Fox, *The Time Was Ripe: the story of the Aboriginal-Australian Fellowship, 1956-1969*, Alternative Publishing Co-operative Limited, Chippendale NSW, 1983, and Victorian Aborigines Advancement League, *Victims or Victors? The Story of the Victorian Aborigines Advancement League*, Hyland House, South Yarra, 1985. The two organisations which are the subjects of these works were affiliated with FCAATSI.

organisation as it strove to meet the needs of its various affiliated bodies. For both writers the post-referendum period is referred to in terms of the campaign against the Queensland Trust Fund, but no reference is made to the divisive 1970 conference which split the movement, nor to growing tensions in FCAATSI in the early 1970s.

The third category concerns the work of three historians who have focused more directly on the Federal Council. An article by Peter Read "“Cheeky, insolent and anti-white”: the split in the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders—Easter 1970” published in 1990, focused specifically on the crucial 1970 conference which divided the movement.²⁰ It is based on a study of annual conference documents, published material and interviews with former executive members. Read rightly points out that two polarities of power existed in the Federal Council: the executive and the annual conference. Some of his generalisations with regard to the executive such as that the ‘prospective candidate had to have the backing of one or more of the factions— the unions, the churches or the students or “you didn’t have a hope in hell”’ create an inaccurate impression, according to my research.²¹ While lobbying and vote splitting did take place, the ‘factions’ were much more dynamic than is suggested by this evidence which was supplied by John Newfong, a member of the executive for only two months. The second part of this article – an analysis of the 1970 conference – describes the dispute over power in the organisation, contextualises the racial politics in evidence at this meeting and

²⁰ *Australian Journal of Politics and History*, vol 36, no. 1, 1990, pp 73-83.

²¹ Read, “Cheeky, Insolent and Anti-White”: The Split in the Federal Council for the

seeks to explain the split in the organisation which takes place in terms of ideology, power struggles and narrow thinking on the part of those arguing for the continuation of the black/white coalition.

The other work specific to FCAATSI has been undertaken by Bain Attwood and Andrew Markus. In *The 1967 Referendum, or When Aborigines Didn't Get the Vote* and two articles these two historians have analysed the 1967 referendum and considered the role of FCAATSI in campaigning for Constitutional change. This important work has traced the argument, which stretches over most of the twentieth century, for Constitutional change to empower the Commonwealth in Aboriginal affairs. It also explored the mythologising of the 1967 referendum and the accompanying process of distortion. The authors argue that FCAATSI has played a part in this mythologising and while I agree with this conclusion I have a different understanding of FCAATSI activists as political strategists. Attwood and Markus have also written more broadly about FCAATSI in an essay 'The Fight for Aboriginal Rights' in *The Australia Century*, edited by Robert Manne and in *The Struggle for Aboriginal Rights: A Documentary History* charting Indigenous political activity over two centuries.

In the study which follows I have attempted to explain how FCAATSI functioned, to analyse its key campaigns and to understand its internal workings and relationships with government during its years as a multi-racial coalition. This history is by no means exhaustive. FCAATSI was a diverse umbrella organisation and I am aware of many activities conducted in its name

which I have not been able to include. Two examples will suffice. The work of Allan Duncan, convenor of the Education Committee included work with Aboriginal communities which may have been empowering for the participants. Duncan assisted Aboriginal communities which had lost confidence in themselves to lobby politicians in order to gain services which non-Indigenous communities took for granted. This was important work for those who benefited but in political terms was less significant than campaigns for wages or land. Similarly the work, for example, of the Council for Aboriginal and Islander Women affiliated with FCAATSI was important for the members but not central to the FCAATSI story.

My concerns have been to explore relations between the two broad groups whose understandings about Australia's past were often in conflict. I have attempted to describe and explain the common cause which linked them, making a coalition possible, and to consider the ideals jointly pursued. This study also traces the waning of coalition politics as Aboriginal and Islander people developed a separatist path. Assimilation, its meaning, civil rights and its pursuit and the newer rights described by Peter Read as Indigenous rights – to land, to culture, and to identity – all of these form a part of the FCAATSI story explored in this work.

My methodology has included both traditional archival research and oral history. Collections deposited in national and state libraries by former FCAATSI executive members have provided rich resources for this study. As well my understandings have been deepened by conversations with thirty

former members of the executive and others closely associated with the Federal Council's work. This has taken place in taped interviews, phone conversations, meetings, letters and emails in which people have answered my questions and shared their memories and understandings. Despite this wealth of material I am very conscious of the source of the materials informing this work. For example, of the forty collections of papers which I have read only three have been deposited by people of Aboriginal or Islander background. These are collections of Joe McGinness, Marcia Langton and Kath Walker.²² Similarly, and for a number of reasons, my conversations with former executive members have included only nine Aboriginal or Islander former executive members.²³ The conclusions arrived at are necessarily limited by these realities and by my own cultural background, although I have attempted to provide multiple viewpoints wherever possible.

The first chapter of this thesis begins with the 1958 Adelaide meeting at which the Federal Council was formed then traces events, people and ideas from the 1930s until 1957 when Jessie Street encouraged the organisation of the meeting which led to the Federal Council's birth. Three underlying concerns are identified, concerns which would continue to occupy the minds of executive members over the following 16 years. These were response to the Federal Government's policy of assimilation which assumed and appeared to encourage weakening cultural and social ties within Aboriginal communities,

²² I sought and was given permission to look at the records of the Victorian Aborigines Advancement League in 1998 but at that time they were stored in a large steel container in the grounds of the VAAL. The records of 50 years were not ordered in any way and so were not accessible.

²³ These include the fact that Indigenous life expectancy is much lower than is non-

the pursuit of civil rights for Indigenous Australians and the acknowledgement of a right to Aboriginal reserve lands.

The second chapter concerns the development of the Federal Council as a national pressure group. By 1962 the executive had been enlarged and the structure of the organisation had been developed so that FCAA could draw on union support at a time when unions were a strong force in Australian politics. Tensions within the young Federal Council mirrored the Cold war tensions in the broader society at this time, with accusations of Communist influences within the executive being levelled by those more conservative members wishing to work with, rather than against, governments. Some executive members who were also members of the Communist Party of Australia were influential in developing the Federal Council as a pressure group prepared to use the necessary strategies, including embarrassment of the Government overseas, to make gains.

Chapters three, four and five cover the years of the Federal Council's greatest influence – 1962 to 1969 – and describe and analyse the campaigns respectively for a referendum, for equal wages and for rights to land. The first of these began with a petition which Jessie Street spearheaded and which the Aboriginal- Australian Fellowship launched in 1957. Ten years later the required constitutional changes were passed at a referendum which has since become mythologised, standing for much more than the Constitutional details which were achieved. The second – campaigns for equal wages and access to social service benefits – represented, especially for left-wing thinkers within

Indigenous and my perception that those people who left FCAATSI after 1970 were

the movement, a marker of social acceptance, at least in theory. These thinkers argued that civil rights were meaningless unless accompanied by award wages, the 'fair and reasonable wage' which had come to be a basic marker of Australian social democracy. The third campaign— for what has come to be known as land rights — was the beginning of a new way, for most Australians, of viewing Australian land laws, the rights of Indigenous people and even of Australian history. This phase in the story of relations between Indigenous and other Australians is a continuing one.

Chapter six charts the transformation of the larger movement for what has become known as Indigenous rights. In the late 1960s this movement shook the civil rights platform on which Federal Council work had been based. Demands for greater Indigenous representation opened up a gap in understanding within the ranks of the Federal Council. One group continued to maintain that FCAATSI's strength was as a multi-racial coalition; the other argued for the right of Indigenous people to take control of the organisation, to decide their own priorities and strategies without the benevolent assistance of the non-Indigenous coalition members.

The final chapter describes an organisation in decline. While FCAATSI remained a multi-racial body in the years 1970 to 1973 the cost was the alienation of young Indigenous activists. Those in power continued to maintain that the fight against racial discrimination could most effectively be fought with 'Black and White together' but increasingly Indigenous people rejected this view.

Chapter 1 The Birth of a Federal Pressure Group?

Adelaide, February 1958

On Friday 15 February, fifteen people who had travelled from the east, from the west and from the north of the continent arrived in Adelaide for a planned weekend meeting. They were welcomed by Dr Charles Duguid, an energetic 74 year-old medical doctor and moderator of the Presbyterian Church who was known to all present for his crusades on behalf of Aboriginal Australians. Members of the South Australian Aborigines' Advancement League (SA AAL), of which Duguid was the president, comprised the rest of the welcoming party. This group was self-consciously aware of the significance of their meeting, the minutes stating:

This was a very historic occasion, as it is the first time that these Organisations have come together to formulate a united policy and to seek to actively co-operate in the work they have been doing independently for the advancement of the Aboriginal people'¹

The weekend meeting was productive. A Federal Council for Aboriginal Advancement (FCAA) was formed, representing a new venture with state-based organisations deciding to co-operate to fight for the rights of Aboriginal people to be recognised in law and in the social life of the nation as a whole. Office bearers were elected: Dr Charles Duguid as the first president and Mr Bert Groves from NSW, Mr Bill Grayden, from WA, and Miss Ada Bromham from Queensland as vice-presidents. Mr Stan Davey became the inaugural Honorary Secretary and Miss Shirley Andrews and Mrs Doris

¹ This is from a two page typed document, entitled 'Adelaide Conference' which is a report of proceedings. It includes a list of associations and delegates in attendance, a list of the elected office bearers and a summary of the discussion which took place. Barry Christophers supplied a copy of this.

Blackburn, ordinary members, completed the executive. The federal nature of the new body was recognized in the election of office-bearers from all states. Melbourne, the home of the General Secretary and of Shirley Andrews and Doris Blackburn, became the headquarters of this new co-operative experiment

They announced their aim as 'to help the Aboriginal people of Australia to become self-reliant, self supporting members of the community'. The conference defined the word 'Aborigine' as any person of Australian Aboriginal descent'. At a time when both activists and governments argued that people of partial descent were not Aboriginal and should be treated differently this was significant and showed the influence of the four Aboriginal men present, all of partial descent. The *Adelaide Advertiser* reported that 'equal rights for aborigines [sic] and the repeal of all discriminatory Federal and State legislation will be sought by the Federal Council of Aboriginal Advancement' [sic].² It also reported that the new council 'will move for an amendment to the Federal Constitution to give the Commonwealth power to legislate for aborigines as for other citizens'.³

Who were the people who met in Adelaide to form this new organisation? Twelve of the 25 in attendance were delegates representing nine different organisations from five states.⁴ Pastor Doug Nicholls, field officer,

² 'Bid for Natives' Rights Planned', *The Advertiser*, 17 February, 1958, p. 3.

³ Ibid.

⁴ The number of people in attendance varies in the published sources. According to *Victims or Victors*, p. 57, 25 people attended. Mavis Thorpe Clark also writes that there were 'about 25 people' present at the first conference, *Pastor Doug*, Lansdowne press, Melbourne, 1966, p. 188. Stan Davey, in an interview with Francis Good mentions 28 people. Faith Bandler, *Turning the Tide: a personal history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders*, Aboriginal Studies press, Canberra, 1989, p13 says 'thirty people attended the

and Stan Davey, secretary, represented the Victorian Aborigines' Advancement League (VAAL), formed the year before. Also from Victoria were Shirley Andrews, secretary, and Doris Blackburn, committee member, of the older Council for Aboriginal Rights (CAR) in Victoria. The Sydney-based Aboriginal-Australian Fellowship (AAF) was represented by Bert Groves, the president, and Marian Alderdice, honorary secretary. A second NSW organisation, the Armidale-based Association for the Assimilation of Aborigines, was represented by Miss E. Moore. From Western Australia came Bill Grayden, MP, representing both the Aborigines' Advancement League (WA) and the Western Australian Native Welfare Council. This latter organisation consisted of representatives from the fourteen or so 'White voluntary organisations in Perth' and existed to assist the Department in its assimilationist goals.⁵ Mrs M Eadie represented another WA organisation, the WA Native Welfare Association. Ada Bromham was the Queensland representative of a hastily composed United Council for Aboriginal Welfare. Later called the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders (QCAATSI), this organisation comprised members of the Northern Suburbs United Nations Group, the Trades and Labour Council, the Presbyterian and Anglican churches, the Women's Christian Temperance Union and the Union of Australian Women.⁶ The host organisation, the South Australian Aborigines' Advancement League (SA AAL), was represented by

conference'. Certainly there were at least 25. It is likely that interested members of the SA AAL would have been present for some of this weekend meeting.

⁵ M. Howard, *Aboriginal Politics in South Western Australia*, University of Western Australia Press, Nedlands WA, 1981, p. 76; Shirley Andrews explained to Jessie Street that 'the Native Welfare Council has done practically nothing for years, and has so many wishy-washy organisations represented on it that I think we would just be indulging in day-dreaming if we expect much action from this body'. 31 August 1957, Street papers, MS 2683, box 27, NLA.

⁶ Ada Bromham to Jessie Street, 2 March 1958, Street papers, MS 2683, box 5, NLA

Jeff Barnes, who had earlier travelled the state collecting Aboriginal views on his proposed Aboriginal hostel for Adelaide, and Don Dunstan MP. The secretary of the South Australian League, Dr Charles Duguid was responsible for chairing the meeting.⁷ Three of the twelve delegates were Aboriginal men: Pastor Doug Nicholls from Victoria, Herbert Groves from New South Wales and Jeff Barnes from South Australia. Mr Bill Onus, present as an observer representing the Australian Aborigines League (AAL), was the only other Aboriginal person present. Other Melbourne observers were Gordon Bryant from the Victorian Aborigines' Advancement League, and Yvonne Nicholls, Barry Christophers and Mrs L. Miller from the Victorian Council for Aboriginal Rights. Mrs Duguid, Mr Paris, Mrs Wilding, Mrs Birt, Mrs Buinard and Miss March (the recorder), all members of the SA Aborigines' Advancement League, were also present as observers.⁸

The conference adopted seven general principles. These were reorganised by Eric Wicks, the printer/publisher who produced *Smoke Signals*, the VAAL's monthly publication. Wicks reduced the original seven to five principles which became the basis of the Federal Council's work for the next decade.⁹ He dropped the seventh principle, 'Feeding of Aborigines throughout Australia on Government stations, missions, sheep and cattle stations, to be

⁷ 'Town Hall Audience Gets Shock it Won't Forget', *News*, Adelaide, 1 September, 1953.

⁸ A letter from Ada Bromham to Jessie Street, 2 March 1958 seems to suggest Bennett's presence at this meeting (Street papers, MS 2683/10/440, NLA); however, Barry Christophers, Shirley Andrews and Stan Davey, all present, maintain that Mary Bennett was not at the first meeting. See Council for Aboriginal Rights MS 12913, box 4/13, State Library of Victoria; minute book of the AAL, minutes of the executive meeting 10 February 1958, SRG 250/3/2, Mortlock Library of South Australia. Those people mentioned above who are only referred to by their surname or surname and initial are only known to me in this formal way through the minutes of their respective organisations.

not less than the new ration scale recommended by the Federal Department of Health, June 1957', presumably seeing it as a specific issue rather than a guiding principle. The first of the original seven principles called for 'the repeal of all legislation, Federal and State, which discriminated against the Aborigines'; the second concerned amendment to the Commonwealth Constitution to give the Commonwealth power to legislate for Aborigines 'because of their special disabilities'. These were brought together in a more general first principle. These principles were set out as:

1. Equal citizenship rights with other Australian citizens for Aborigines.
2. All Aborigines to have a standard of living adequate for health and well-being; including food, clothing, medical care not less than for other Australians.
3. All Aborigines to receive equal pay for equal work and the same industrial protection as for other Australians.
4. Education for detribalised Aborigines to be free and compulsory.
5. The absolute retention of all remaining native reserves, with native communal or individual ownership.¹⁰

The attitude of this group to Commonwealth policy at this time can be best indicated by their response to the Commonwealth's assimilation policy which they held to be 'a European policy, and not in the best interests of Aboriginal people'. The conference concluded that:

it would mean in the long run the disappearance of the aboriginals [sic] as a separate cultural group and ultimately their physical absorption by the rest of the community. As the Aboriginal people had something to contribute to our way of living it was felt by the Council that the word 'integration' implied a much truer definition of their aims and objects.¹¹

⁹ Information received from Barry Christophers, in attendance at the first meeting and a member of the executive from 1962 to 1974.

¹⁰ 'Constitution of the Federal Council for Aboriginal Advancement', MS 12913, box 9/6, Council for Aboriginal Rights, SLV. See also *Smoke Signals*, May 1958. The unedited list of seven principles are published in F. Bandler and L. Fox (eds) *The Time Was Ripe*, Alternative Publishing Company Ltd., Chippendale NSW, 1983. Tim Rowse, *Obliged to Be Difficult*, Cambridge, CUP, 2000, p. 18, using this published source cites these seven principles, rather than the edited five usually taken as the basis of FCAA policy over the first ten years.

¹¹ Ibid.

They were right in their judgment of the meeting as historic. A number of those present would give ten or more years in activities designed to realise the principles agreed to at this meeting and in the process would contribute to a social and political climate more open to Aboriginal and Islander views. The numbers of Aboriginal and Islander participants at annual conferences would increase markedly over the years from the four present in 1958 to 120 at the 1970 conference.¹² And while some principles were not realised within the life of the council, most notably 2, 4 and 5, significant progress was made with principles 1 and 3 over the next 10 years.

The arranging of the meeting was an achievement in itself. Although there were other individuals and organisations engaged in Aboriginal welfare or similarly working with Aboriginal communities around the country, this meeting marked the beginning of political organisation on an Australia-wide scale. This was the first such nation-wide meeting called by activists to pursue political solutions and to stimulate a community conscience regarding the status of Aboriginal Australians, neglected by legislators, and often subject to repressive, restrictive legislation which removed their rights as citizens.¹³ The motivation for their work was not charitable; they were concerned that rights be recognised.

How did this particular group of people come to be together in Adelaide that February? Among them were many remarkable people: strong-

¹² Reports and Proceedings of the 13th annual conference of FCAATSI, 27-29 March, 1970, Canberra, McGinness Papers, AIATSIS Library, Canberra.

¹³ For example the Victorian Aboriginal Group, established in 1930 recorded its 'objects' as 'to study the conditions of the Aborigines throughout Australia, to promote their welfare, and to help form a public conscience in favour of just and enlightened treatment of the people under our charge'.

minded, hard-working and politically sophisticated. They included Aboriginal men who had been politically active in the Aborigines' Progressive Association and the Australian Aborigines League— Aboriginal organisations which had petitioned governments on behalf of their people. They included women reformers, members of organisations such as the Women's Christian Temperance Union which had a broader social reforming agenda than this name suggested. They included doctors, scientists, churchmen and politicians. Much divided them, but they were moved by a common drive to pressure apathetic governments and electorates to take greater responsibility for Aboriginal Australians. In particular three approaches to this problem were under consideration by various members of the affliating groups.

Discussions at the Adelaide meeting and thereafter concerned responses to the Federal Government's avowed policy of assimilation, ideas about the extension of citizenship to Aboriginal Australians and a consideration of the position of those people referred to as 'tribal' or 'traditional' who were still attached to their land and customs. This chapter charts the influences on those at the Adelaide meeting who were considering political and social solutions to the injustices they saw being borne by Aboriginal Australians. Bill Onus, Bert Groves and Doug Nicholls were all inheritors of the ideas and strategies of an earlier generation of Indigenous activists attempting to influence governments. Mary Bennett and Don McLeod, while not delegates at this conference, were influential non-Indigenous thinkers and activists with years of experience working with Aboriginal communities. Shirley Andrews was responsible for organising the first meeting, Charles Duguid for hosting and chairing it, and Jessie Street for

providing the ideas and impetus needed to bring this group together. All of these people contributed to the birth of this new movement by providing ideas, models for action, strategies, by using their personalities to encourage and persuade group action and their wills to make it happen.

Aboriginal Politics 1930s

Three of the four Aboriginal men (there were no Aboriginal women present) at the February 1958 weekend meeting had personal and political relationships with each other and with an older generation of Aboriginal activists which stretched back more than two decades. Doug Nicholls and Bill Onus were both born at Cummeragunja Reserve on the New South Wales side of the Murray River in 1906. Bert Groves, born two years later, grew up in the countryside around Gulargambone, not far from Dubbo in northern New South Wales.

When Nicholls and Onus were young boys, Cummeragunja was a neat village with 300 residents which fielded cricket and football teams in the local competitions. Local farmers on the committee of management persuaded the Aborigines Protection Board to financially support farm production on the Reserve. In 1915 these farmers were replaced by senior public servants with 'little appreciation of the requirement for successful farming'.¹⁴ In the same year the Aborigines Protection Amending Act removed the requirement that an Aboriginal child had to be found to be neglected before the Board could remove him or her, the aim being to enable the Board 'to effectively deal with the Aboriginal children by placing them in training homes and apprenticing them to suitable employers'.¹⁵ Jack Horner in a biography of William

¹⁴ 'Cummeragunja', D. Horton, ed., *The Encyclopaedia of Aboriginal Australia*, vol 1, Aboriginal Studies Press, Canberra, 1994, p. 243.

¹⁵ Quoted in Mavis Thorpe Clark, *Pastor Doug*, Lansdowne, Melbourne, 1966, p. 39.

Ferguson, founder of the Aborigines' Progressive Association, described one instance when the law was enforced in 1918. According to Horner the manager of Cummeragunja Reserve arranged for the men to be away for the whole day shooting and trapping rabbits. As jobs were hard to come by the men were grateful. Meanwhile two police cars arrived taking away a number of girls, including Doug Nicholls' sister, Hilda, to Cootamundra Girls Training School. Nichols was reported as saying that the residents 'disliked the sneaky way that the police had gone about it'.¹⁶ The Cummeragunja battles with the authorities would continue and intensify over the following 24 years culminating in a mass walk off the reserve in 1939. But in the earlier decades this community provided security for young Nicholls and Onus, surrounded as they were by their own kin. In 1927 Nicholls moved to Melbourne, initially staying with his old teacher, Thomas James, a Tamil from Mauritius who had worked at Cummeragunja and had been appreciated by the people, but who was expelled from the Reserve by the authorities. In Melbourne, Nicholls made his name as an Australian Rules' footballer with Northcote and then with Fitzroy, a Victorian Football League team. Known as the 'Flying Abo' or 'the Black Streak', being only 5' 2" tall, he was also a successful sprinter, winning both the Warracknabeal and Niah Gifts in 1929 with prizes of £100 each. These achievements and his sportsmanship (during twelve years of

¹⁶ J. Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, 2nd ed., published by the author, 1994, p. 13. Originally published as *Vote Ferguson for Aboriginal Freedom*, Australia and New Zealand Book Company Limited, Brookvale NSW, 1974. See also Attwood and Markus, *Struggle for Aboriginal Rights*, p. 160 for a contribution by Margaret Tucker to *Workers' Voice*, in which she describes this strategy: 'Wholesale kidnapping (it was nothing less) occurred on the Mission only a few years ago. The manager sent the aboriginal men away on a rabbiting exhibition.'

senior football he was never reported by an umpire for unfair play) endeared him to a Melbourne sports-loving public.¹⁷

Nicholls' political education began in 1932, the year he became a convert to the Churches of Christ, and the year that William Cooper arrived in Melbourne. Cooper had been the motivating force in applications to the NSW government for farming land at Cummeragunja for his people since the 1880s. He was in his early seventies when he left his much loved home because residence on the Reserve made him ineligible for the old-age pension.¹⁸

Heather Goodall records that from 1908 to 1933 Cooper had witnessed 'the sustained refusal of both APB [Aborigines Protection Board] rations and food relief to many Cummeragunja families'. By 1932 there were a number of Cummera exiles living in Melbourne, including Margaret Tucker, Caleb and Anne Morgan and Shadrach James, son of Thomas James. Cooper gathered them together in his Footscray home to discuss the position of their people and possible action to assist them. Early in 1936 this group would be formalised as the Australian Aborigines League (AAL), which with one exception, had an all-Aboriginal membership¹⁹. One of the aims of Cooper and the AAL, was to draw up a petition to be presented to King George V asking him to:

intervene in our behalf [sic] and through the instrument of your Majesty's Government in the Commonwealth grant to our people representation in the Federal

¹⁷ See Clark, *Pastor Doug* for details of Nicholls sporting achievements, chapters 5-7.

¹⁸ H. Goodall, *From Invasion to Embassy*, Allen & Unwin, St Leonards NSW, 1996, pp 185-186.

¹⁹ The one exception was Arthur Burdeu, a Victorian Railways employee and member of the Churches of Christ who held 'a passionate belief in the equality of all men'. He is described by Nicholls' biographer as having been 'almost a lone voice on behalf of the Aborigines', carrying on 'a ceaseless campaign against State and Federal Governments for better conditions and for equality' Clark, *Pastor Doug*, Lansdowne Press, Melbourne, 1966, p. 88; Attwood and Markus, *Struggle for Aboriginal Rights*, p. 62.

Parliament, either in the person of one of our own blood or by a white man known to have studied our needs and to be in sympathy with our race.²⁰

The collection of signatures for this petition from Aboriginal people across the continent was a difficult task.²¹

In 1935 Cooper spoke for a small deputation of New South Wales and Victorian Aboriginal representatives to the Federal Minister for the Interior, Paterson. Cooper asked for Parliamentary representation by Aborigines in the Commonwealth Parliament and that a Department of Native Affairs be established to unify the work of the states.²² As well the deputation requested that Federal and state governments protect native interests and asked that an advisory council be formed in each state.²³ The petition with 1814 signatures, some only 'marks' was presented late in 1937.²⁴ While Cooper waited impatiently to hear the result he called a meeting on 12 November 'urging Aborigines to adopt his idea of the Day of Mourning for 26 January 1938'.²⁵

January 26, when white Australians would celebrate the centenary of European settlement, would be a day when Aboriginal Australians would mourn for all that they had lost, Cooper told the meeting. Present at the AAL November meeting was William Ferguson who, with Jack Patten, had in June launched the newly formed Aborigines' Progressive Association (APA) in Dubbo, in response to their concern over the powers

²⁰ William Cooper, 'Petition to the King', *Melbourne Herald*, 15 September 1933, in Attwood and Markus, *Struggle for Aboriginal Rights*, p. 144.

²¹ Cooper sought assistance from the Lyons Government but the request was refused, the Commonwealth arguing that as Northern Territory Aborigines were illiterate they wouldn't understand the petition. A. Markus, *Blood from a Stone: William Cooper and the Australian Aborigines' League*, Allen & Unwin, Sydney, 1988, p. 9.

²² J. Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, p. 47.

²³ Notes of a deputation representing Aborigines to the Minister for the Interior, 23 January 1935, Attwood and Markus, *Struggle for Aboriginal Rights*, pp 146-147.

²⁴ Markus, *Blood from a Stone*, p. 9.

exercised by the NSW Aborigines' Protection Board. Bert Groves recalls Ferguson saying 'we need to collect more factual information about this Board' and enlisting Groves' help in gathering such facts.²⁶ Groves, a qualified plumber, successfully sought work at Angledool and other NSW Aboriginal reserves in order to collect evidence which Ferguson used to press for a Select Committee which was set up at the end of 1937 to enquire into the NSW Aborigines' Protection Board.²⁷

On Wednesday afternoon, 26 January 1938, while white Australians celebrated the 'British characteristics of courage, resourcefulness, initiative and determination...responsible for the prosperity and development of Australia as a nation' about one hundred Aboriginal men and women met in the Australian Hall in Elizabeth Streets for a Day of Mourning and Protest.²⁸ The following resolution was moved:

We, representing THE ABORIGINES OF AUSTRALIA, assembled in Conference at the Australian Hall, Sydney, on the 26th day of January 1938, this being the 150th Anniversary of the whiteman's seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people by the whitemen during the past 150 years, AND WE APPEAL to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY.²⁹

²⁵ Ibid., p. 48.

²⁶ Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, p. 21

²⁷ See H. Goodall, *Invasion to Embassy*, chapter 17 for an account of the agitation for this enquiry and its result. She reports that 'the Select Committee lapsed without reporting as white politicians withdrew their interest', adding that a public service board inquiry the following year had more effect on changing administrative structures, but that it did not include Aboriginal representatives.

²⁸ 'Tradition of the Sea: Symbolic Regatta- Speeches as Luncheon', *Sydney Morning Herald*, 26 January 1938. Jack Horner and Marcia Langton describe this action as 'the culmination of ten years of agitation among New South Wales Aborigines against the policies of the Aborigines' Protection Board. J. Horner and M. Langton, *The Day of Mourning in Australians 1938*, Sydney, 1988.

²⁹ Australian Aborigines Conference, sesqui-centenary Day of Mourning and Protest flier in. Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, appendix two.

A pamphlet 'Aborigines Claim Citizens' Rights' written by Patten and Ferguson had been printed two weeks before presenting the arguments for citizens' rights. Expressing anger and resentment at injustice they addressed the 'Old Australians' directly:

You came here only recently, and you took our land away from us by force. You have almost exterminated our people, but there are enough of us remaining to expose the humbug of your claim, as white Australians, to be a civilised, progressive, kindly and humane nation. By your cruelty and callousness towards the Aborigines you stand condemned in the eyes of the civilised world.³⁰

Many of the Cummeragunja people, including Nicholls, Cooper and Marg Tucker, who had been taken from her family under the Aborigines Protection Act, joined with Bill Ferguson, Jack Patten, Pearl Gibbs and others to make this dignified and powerful symbolic protest. Nicholls acknowledged his debt to Cooper, considering him as 'the contact that brought me back to our people. Everything comes back to William Cooper— the hostels, the League— he fired me to follow through.'³¹ Although the Australian Parliament did not forward Cooper's petition to King George V, such tactics as the petition and the Day of Mourning were a part of the tradition inherited by younger activists such as Nicholls, Onus and Groves.³²

In 1936 amendments to the Aborigines Protection Act were passed. This Act, referred to by the people as the 'Dog Act', added to state powers already in place over Aboriginal lives. The Board could remove Aboriginal children from their families without having to declare them neglected, and

³⁰ J. T. Patten and W. Ferguson, 'Aborigines Claim Citizen Rights! A Statement of the Case for the Aborigines Progressive Association', 1938 in Attwood and Markus, *Struggle For Aboriginal Rights*, p. 82.

³¹ Mavis Thorpe Clark, *Pastor Doug*, p. 90.

³² On 2 March 1938 an official letter was sent explaining that 'no good purpose would be served in transmitting the petition to His Majesty...and action in this regard is

could expel people of less than 'half-caste' from reserves. While the population at Cummeragunja was reduced by these measures the repressive controls encouraged a culture of resistance. The 'Dog Act' gave the Board powers over any Aboriginal person on a reserve (*the Aborigines Protection (amendment) 1918 Act* referred only to 'NSW Aborigines') Under this amendment the Court could order the removal of an 'aborigine' who is 'living in insanitary [sic] or undesirable conditions' to a reserve or a place controlled by the Board or to the State from whence s/he came.³³ At Cummeragunja conditions were further exacerbated with the appointment of A. J. McQuiggan as manager in 1937. McQuiggan, who had been compulsorily moved from Kinchela Boys Home after an enquiry in which he was accused of drunkenness and brutality, was disliked and mistrusted by residents.³⁴ Early in 1939 after years of complaints which the Board had ignored, 200 of the 300 residents began to walk off the reserve, packing their belongings into flat-bottomed boats and crossing the Murray into Victoria, beginning a 'strike' which would last for nine months.³⁵ Friends and relatives of Nicholls and Onus would have been a part of this walk-off.

By the time of the 1958 meeting in Adelaide, Groves, Nicholls and Onus had, between them, a total of more than sixty years of experience in approaching governments on behalf of Aboriginal Australians. A select committee inquiry into the operation of the NSW Aborigines' Protection Board, meetings with Federal ministers, a petition to King George V, a Day of

therefore being held in abeyance.' Cited by J. Horner and M. Langton, 'The Day of Mourning' in *Australians 1938*, p. 35.

³³ *Aborigines Protection (Amendment) Act 1936*

³⁴ See H. Goodall, *Invasion to Embassy*, pp 250-255 for information on McQuiggan when manager at Cummeragunga at the time of the strike.

Mourning, a strike at Cummeragunja, deputations and petitions, letters to newspaper editors and politicians, speeches in Hyde Park in Sydney and on the Yarra Bank in Melbourne – all of these were well-used political strategies which had, despite effort and flair, been ineffective. Two legacies remained from this period. The first was the recognition of the importance of pressure on the Federal Government to take responsibility for Aboriginal affairs. After the war Groves became the Secretary of the Aborigines' Progressive Association and Bill Onus returned to Melbourne and with his brother Eric and Doug Nicholls revived the Australian Aboriginal League.³⁶ These two groups forged closer links in 1949 when a meeting of the Australian Aborigines' League was held in Sydney to plan strategy. The AAL now had members in NSW and Victoria. The second legacy was the recognition that such a small and ignored population needed to enlist the support of non-Aboriginal people sympathetic to their cause. It would seem that these men had all come to recognise that the relatively small Aboriginal population and the even smaller percentage of that group educated in English and able to communicate effectively with other Australians made an intra-ethnic political movement a necessary addition to Aborigines-only groups such as the AAL.

During the 1950s Aboriginal activists became involved in multi-racial organisations. Bert Groves became the first president of the NSW Aboriginal-Australian Fellowship which formed in 1956. Nicholls was a founding member and for a time vice-president of the older Council for Aboriginal Rights as well as being a field officer in the Victorian Aborigines'

³⁵ Goodall, *Invasion to Embassy*, p. 252.

³⁶ Bill Onus, Policy of the Australian Aborigines League, B 408, item 6, National Archives of Australia, Melbourne office.

Advancement League, a more recently formed multiracial organisation.³⁷

They brought with them to the first federal gathering in Adelaide concerns over health and housing, the lack of educational and employment opportunities, an awareness of losses – of land, of family, of rights – and ideas about what was necessary if these concerns were to be genuinely addressed by governments. Government disregard of Aboriginal political activism suggested the need to work with white Australians but Aboriginal activists did not forget the 1938 accusation by Patten and Ferguson of extermination. They were prepared to expose white Australia's assessment of itself as civilised progressive, kindly and humane.³⁸

The Council for Aboriginal Rights and its connections

At the time of the Adelaide meeting the Victorian Council for Aboriginal Rights was the hub of an informal network connecting individuals and organisations working for Aboriginal rights in various parts of the country. Many of those represented at the Adelaide meeting were affiliated with the Council for Aboriginal Rights and had been corresponding with Shirley Andrews for many years.³⁹

The Victorian Council had come into existence following a strike of Aboriginal workers in Darwin in 1951 over wages and living conditions at

³⁷ See Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, p. 171, also Faith Bandler and Len Fox, *The Time was Ripe: the Story of the Aboriginal-Australian Fellowship*.

³⁸ In the 1930s William Cooper corresponded with Mary Bennett at the Mount Margaret United Aborigines Mission in Western Australia and Dr Charles Duguid of Adelaide. See Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, p. 37; J. T. Patten and W. Ferguson, 'Aborigines Claim Citizen Rights! A Statement of the Case for the Aborigines Progressive Association', 1938 in Attwood and Markus, *Struggle For Aboriginal Rights*, p. 82.

³⁹ The Aborigines' Advancement League of South Australia, the Native Welfare Association of Western Australia, the Aboriginal-Australian Fellowship and the

Berrimah Compound, south of Darwin.⁴⁰ Under the Aboriginals Ordinance the Department of Native Affairs exiled the leader, Fred Waters, who was regarded as a trouble maker, to Haast's Bluff, 1 200 miles from Darwin. This action led to the involvement of the North Australian Workers Union (NAWU) who sent representatives to Melbourne to publicise this undemocratic, but legal use of power against striking Aboriginal workers.⁴¹ Murray Norris, President of NAWU, addressed the All-Australian Trade Union Congress on the economic injustices suffered by Aboriginal people on the cattle stations in the North. Jack McGinness member and ex-President of the Half-Castes Association in Darwin brought to the attention of delegates the effect of the Aboriginal Ordinance on the lives of Aboriginal people in the Northern Territory by narrating his own experiences:

I am a married man with seven daughters and two sons. Four of my daughters were born before my wife and myself were exempted. They are classed as not exempted half-castes, but the other children are classed as exempted. What a farce. Brothers and sisters having different classifications. My second daughter married a white man and had two children before the authorities discovered she was an unexempted person. Under the Aboriginal Ordinance her husband is liable to arrest and prosecution for consorting with a female half-caste Aboriginal, so to avoid that my son-in-law has to apply to the authorities for an exemption for his wife and two children. The absurd thing about the ordinance is that the exemption covering a person can be revoked at any time. You can see, gentlemen, that we are worse than foreigners in our own country.

...I was delegated to come to this Congress, to place our case before you and ask for your full support to achieve our aims, and give us the right to live as good citizens of this country and as true Australians.⁴²

Victorian AAL were all affiliates of CAR (Vic) See Council for Aboriginal Rights, MS 12912, boxes 1 and 2.

⁴⁰ See C. D. Rowley, *The Remote Aborigines*, Penguin, Harmondsworth, 1971 p. 292 for a description of the background to this strike.

⁴¹ Section 16 (1) of the ordinance reads 'The Chief Protector may cause any Aboriginal or half-caste to be kept within the boundaries of any reserve or Aboriginal institution or to be removed to and kept within the boundaries of any reserve or Aboriginal institution'.

⁴² Cited in J. McGinness, *Son of Alyandabu: My Fight for Aboriginal Rights*, St Lucia Queensland, 1991, p. 63.

Melbourne trade unionists learned that the principle of habeas corpus did not apply to Aboriginal Territorians; nor did award wages. They also learned that Aboriginal people could not drink unless they were exempted from the Ordinance, their movement in town was controlled, and, like Fred Waters, they could be moved away from their home whenever the authorities chose to move them.

In March 1951, following this visit by Norris and McGinness, the Council for Aboriginal Rights was formed at a public meeting in Melbourne at which Pastor Doug Nicholls and novelist Alan Marshall were the drawcards. The Council aimed 'to plan, conduct and organise the widest possible support for a campaign to obtain just and humane treatment for all Australian aborigines'. The Council determined that it would be guided by the United Nations' Declaration of Human Rights.⁴³ Membership included union representatives, academics from the University of Melbourne, representatives from the Council for Civil Liberties, women's organisations and representatives from both Christian and Jewish faiths, with individual members and affiliated organisations coming from all states and the Northern Territory. Drawing on the issues of unequal working conditions and the effect of the weapons testing in the desert and its likely effect on nomadic people, speakers Alan Marshall and Dr Charles Duguid drew 900 people to a further public meeting in June 1951.⁴⁴

The Council for Aboriginal Rights gathered information on injustices to individuals and discriminatory state and Territory legislation from across

the country. Shirley Andrews, who would play an important role in the Federal Council, became secretary of the CAR in 1952, and engaged in a regular ongoing correspondence with Paul Hasluck, the Minister for Territories. She used her research findings to present him with evidence of injustice, questioning him, for example, as to what the Government's policy with regard to mining on reserves actually was, and pointing out gaps in the rhetoric of parliamentary pronouncements on 'safeguarding Aborigines from the harmful effects of the prospecting and mining'. The reality at Borroloola, she pointed out, was 'the dangerous silver-lead mining' operation.⁴³

On another issue, correspondence was entered into with state Aboriginal authorities in Western Australia over the separation from his parents, apparently against their wishes, of a young Aboriginal boy, Peter Pontara,⁴⁴ Within Victoria, campaigns for improved housing for the people from Lake Tyers and Framlingham, and for the repeal of the *Aborigines Act* 1928, took place through the 1950s.

By the time of the Adelaide meeting Andrews was probably in contact with more people working either paid or unpaid in Aboriginal affairs than anyone else in Australia. She was in correspondence with Charles Duguid, Ada Bromham, the WA Native Welfare Association and the Aboriginal-Australian Fellowship. She was also in contact with Aboriginal activist, Pearl Gibbs, who in 1953 was holding meetings in Dubbo, Bourke and Brewarrina

⁴³ Draft Constitution, Council for Aboriginal Rights, Ms 12913, Box 9/6, State Library of Victoria.

⁴⁴ Council for Aboriginal Rights circular, 19 May 1952, MS 12913, Box 5/8, SLV.

⁴⁵ Andrews to Hasluck 20 February 1953; Hasluck to Andrews 24 February 1953, CAR, MS12913, box 1/6, SLV.

to investigate the establishment of a Council for Aboriginal Rights in western NSW.⁴⁷ Andrews wrote to missionaries experienced in the field such as Arthur Ellemor, anthropologists such as Donald Thompson, and bureaucrats and politicians, both Commonwealth and state. She was in contact with unionists such as Tom Wright, who was secretary of the Sheet Metal Workers Union as well as being vice-president of the powerful Labor Council of N. S. W. and a leading member of the Communist Party of Australia. She also corresponded with individuals such as Olive Pink who worked with the Aboriginal people of the Centre, as well as with Shadrack James and other east-coast Aboriginal spokespeople. All of these people had been involved in Aboriginal affairs in one way or another for decades when Andrews initially made contact with them. Her contacts extended outside Australia, to organisations such as the National Council for Civil Liberties and the London Anti-Slavery Society. Two Western Australian activists with whom Andrews was in regular contact, Mary Bennett from Kalgoorlie and Don McLeod from Port Hedland, though not present at the Adelaide meeting were very influential in shaping the ideas underlying the federal movement.

At the time of the Adelaide meeting Mary Bennett appeared to be, 'a rather gentle Christian lady and quite elderly'. Shirley Andrews balanced this impression with her own view of Bennett as one who 'has a very clear idea of who is responsible for the present position of the Aborigine and is not afraid to speak her mind'.⁴⁸ Mary Montgomerie Bennett had had an unusual childhood

⁴⁶ See correspondence between Andrews and Hasluck in the Council for Aboriginal Rights files, MS 12913, box 1/9 regarding this case, SLV.

⁴⁷ See J. Homer, 'Pearl Gibbs: A Biographical Tribute', *Aboriginal History*, vol. 7, 1983, p. 17.

⁴⁸ Andrews to Street, 8 January 1957, MS 2683, box 21, Jessie Street papers, NLA

with a Queensland pastoralist father, Robert Christison, who expressed a deep sympathy for the dispossessed Dalleburra people on his pastoral run. While living in England Bennett went to hear Constance Cooke, a member of the Aborigines' Welfare Committee of the Women's Non-Party Association of South Australia, deliver the annual address to the London Anti-Slavery Society. Hearing Cooke's address added to her growing conviction that she should devote the rest of her life to improving conditions for Aboriginal people.⁴⁹ Following the death of her husband in 1930 she returned to Western Australia to activate this conviction. Through women's organisations she made contact with Ada Bromham, an independent and articulate socialist and feminist, who would become a lifelong friend and ally in her activism on behalf of Aboriginal people.⁵⁰ Bennett used her contacts in England to publicise wrongs to Aboriginal women – sexual abuse, children forcibly removed, loss of land and thus of an economic base leading in some cases to prostitution. Following British press coverage of her charges a Royal Commissioner was appointed to 'Investigate, Report and Advise upon Matters in relation to the Condition and Treatment of Aborigines'.⁵¹ Bennett gave evidence before this Commission in 1924, (named after the appointed Royal Commissioner, Henry Moseley) admonishing the Western Australian Government for its policy on child separation from family. 'No department in the world can take the place of a child's mother and the Honorable Minister

⁴⁹ See M. Lake, *Getting Equal: the History of Australian Feminism*, Allen & Unwin, St Leonards, NSW, 1999, pp110-116 for a biographical sketch of Bennett's contribution at this time. Marilyn Lake is, at the time of my writing, preparing a biography on Mary Bennett. See also entry on Bennett in the *Australian Dictionary of Biography*, 1891-1939, vol. 7, MUP, Carlton Victoria, 1979.

⁵⁰ M. Lake, *Getting Equal*, p. 118.

⁵¹ See Lake, *Getting Equal*, p. 122-132 for an account of Bennett's writings prior to the establishment of the Royal Commission and of the Commission hearings. See also

does not offer any valid justification for the official smashing of native family and community life'.⁵² Bennett graphically recounted the Aboriginal experience of being hunted:

Many of these poor children are parted from their mothers who are the only ones who do really love them, and their hearts are starved for want of love, but first for years they suffer the misery of hunted animals, always running away from the police in the hope of hiding in the country which they know, among their own people, but always in fear that at any moment they may be torn away, never to see them again.⁵³

Her close association with people who had undergone such experiences gave her utterances an intensity and passion in representations to governments, to others from whom she sought support and in her publications. Bennett's ideas about the position of Aboriginal people in Australian society were inclusive and rights-based, and demonstrated her recognition of universal needs – to raise a family, to find work. United Nations' conventions such as the International Labour Organisation's Convention 107- 'Indigenous and Tribal Populations Convention, 1957' sought to safeguard these needs by defining the rights of indigenous peoples.

Bennett brought an international perspective to work for Aboriginal rights through her writing, her representations to governments and her letters to Shirley Andrews, Jessie Street and others. Her insistence that the Universal Declaration of Human Rights applied equally to Aboriginal as to non-Aboriginal Australians drew attention to a shared humanity.

Report of the Royal Commissioner, H. D. Moseley, Government Printer, Perth, 24 January 1935.

⁵² *Royal Commission...Aborigines, Western Australia*, Minutes of Evidence, p. 226 cited in Lake, 'From Maternal Protectionism to Leftist Assimilationism', *Australian Historical Studies*, no. 110, p. 93. See also 'Statements of Aborigines, recorded by Mary Bennett, Western Australian Royal Commission to inquire into allegations of the mistreatment of Aborigines, 1934' in Attwood and Markus, *The Struggle for Aboriginal Rights*, pp 127-133.

⁵³ *Royal Commission...Aborigines, Western Australia*, Minutes of Evidence, p. 228 cited in Lake, 'From Maternal Protectionism to Leftist Assimilationism', p. 93.

Don McLeod, the other absent but influential West Australian lived and worked with the Aboriginal people of the Pilbara and saw rights in economic terms. Born in Meekatharra, a mining town 750 kilometres north of Perth, McLeod, bore-sinker, miner, unionist and bush lawyer, became involved with Aboriginal pastoral workers who 'wanted to know how it was that they could not leave the squatters they were working for even though they were paid little or no wages'.⁵⁴ McLeod described being present at a six weeks' long meeting 'of great significance, the sort of Law meeting which took place traditionally perhaps once every fifty years' attended by 'more than two hundred people from 23 language groups'.⁵⁵ This was at Skull Creek on the Davis River in the eastern Pilbara in 1942. The meeting gave McLeod authority 'to take decisions' for the strike which all communities represented at the meeting agreed to. After two years of unsuccessful representations to the Western Australian government McLeod assisted Aboriginal organisers Clancy McKenna and Dooley Bin Bin to plan a strike of workers on the pastoral stations of the Pilbara. Initially 'about 25 stations' were affected. The strikers demanded 'a 30 shilling minimum weekly wage, the right to elect their own representatives and the right to freedom of movement'.⁵⁶ McKenna and Bin Bin were jailed for enticing or persuading natives to leave their lawful service. McLeod was jailed seven times, usually for the offence of being found within five chains of a congregation of natives, and at one time sixty six men

⁵⁴ McLeod, *How the West Was Lost*, p.37.

⁵⁵ *Ibid.*, p. 40.

⁵⁶ M. Hess, 'Pilbara Pastoral Workers Strike', citing Native Affairs File, No. 895/46 *Aboriginal History*, vol. 18, 1994, p. 74.

involved in the action were imprisoned at the same time.⁵⁷ The strikes spread, supported by the Seamen's Union which put a black ban on Pilbara wool, but the use of the word 'strike' to describe the situation of Aboriginal pastoral workers who were not supported by industrial awards at this time is somewhat misleading. More than working conditions were at stake. Actions taken by McKenna, Clancy and McLeod were to draw attention to the lack of basic rights such as freedom of movement and the right of the people to nominate their own spokesman in the dispute.

In 1948 Northern Development and Mining Proprietary Limited became the first of a series of Aboriginal co-operatives which McLeod was involved in establishing and supporting. Another, Pindan Proprietary Limited, formed in the 1950s, was described by McLeod as 'controlled and operated by the Aborigines—the product of their experience of twelve bitter years of desperate struggle against a sovereign State who would destroy them'.⁵⁸ It became an alternative to missions and pastoral stations, providing a model of Aboriginal incorporation into the Australian economy without the losses of culture and social organisation which generally accompanied missions and to a lesser extent pastoral stations at this time.

⁵⁷ See McLeod, *How the West Was Lost*, chapter 4 'The Strike'. The film by the same name released in 1987 provided an interesting commentary by the men and women who were a part of the strike. See also K. Palmer & C. McKenna, *Somewhere Between Black and White: the Story of an Aboriginal Australian*, McMillan, South Melbourne, 1978. C. D. Rowley, *The Remote Aborigines*, chapter 12 for background to the Aboriginal employment situation in WA and some description of these events. Donald Stuart's *Yandy* provides an account of the strike in a readable style. In an interview in 1996, Barry Christophers recalled: 'I went to Don McLeod's camp in January 1960. *Yandy* had just come out. I remember I read a chapter of the book to them each night. They were interested to hear it.' FCAATSI Oral History Project, 27/9/1996.

⁵⁸ D. W. McLeod, 'Aboriginal Enterprise in the Pilbara', (leaflet), n.d. but during 1958.

The Communist Party of Australia, of which McLeod was a member at one time, supported the strike.⁵⁹ A Committee for the Defence of Native Rights was formed in Perth and attracted a range of organisations including the Women's Christian Temperance Union (WCTU), the Tramways Union and the Society of Friends, which publicised events such as the arrest of Padre Hodge for being 'within five chains of a congregation of natives' and the setting of bail at £300 for McLeod for the same offence. (Michael Hess calculated that in 1994 this was equivalent to about \$12 000).⁶⁰ In 1939 Tom Wright's pamphlet, *New Deal for Aborigines* argued that improvement for Aboriginal Australians, neglected by governments, must become 'one of the tasks of the Labor Movement'.⁶¹ Wright believed that the Labor Movement should now recognise its duty 'to demand immediate action at all costs to rescue and safeguard the remnant of the native race'.⁶² In an article tracing and analysing the Pilbara strike Michael Hess explained that 'local activists of the time believed that Wright's pamphlet "crystallised much of what McLeod had been thinking"'.⁶³ McLeod was corresponding with Katharine Susannah Prichard, writer and Communist Party member, on the issue of the pastoralists' exploitation of Aboriginal workers. He was a 'vigorous participant in the Party School in discussions of a possible Aboriginal pastoral workers' strike and the view within the Party was that McLeod, having 'the trust of the Pilbara Aboriginal people and some knowledge of Marxism'

⁵⁹ It is unclear how long McLeod was a member of the Communist Party of Australia. McLeod himself says he was a member for two weeks (Duncan Graham, 'Rebel of the Pilbara', *The Age*, 2 May 1996). Michael Hess' research suggests that he was a member in 1944 (M. Hess, 'Black and Red: the Pilbara Pastoral Workers' Strike, 1946', *Aboriginal History*, vol. 18, part 1, p. 69.

⁶⁰ Hess, 'Black and Red', p. 75.

⁶¹ T. Wright, *New Deal for the Aborigines*, Labor Council of N. S. W., Sydney, 1939, p. 6.

⁶² *Ibid.*, p. 7.

would be able to draw the Aboriginal workers into action.⁶⁴ The Communist Party was able to gather support for the strike once the action had started.

Wright's *New Deal for the Aborigines* is concerned only with policy for people of full descent. Wright believed that those of partial descent present 'a separate problem, not the aborigine problem, and requires a different and separate treatment'.⁶⁵ His pamphlet concludes with a statement of ten measures which he described as 'urgent reforms'. These included recognition of land ownership for tribal groups and government plans for aid to be based on 'gradual economic developments, pastoral pursuits, handicrafts, etc., on a co-operative basis and under the control of the aborigines themselves'.⁶⁶ In the establishment of the Pindan Co-operative McLeod was able to demonstrate that such ideas were realisable. In a leaflet 'Aboriginal Enterprise in the Pilbara' McLeod describes Pindan as 'the operating company controlled by and owned by the Aborigines'. He asserted that the group who came together in 1946 'have retained their organised unity, economic independence and integrity throughout the last twelve years despite their illiteracy'.⁶⁷ McLeod and the Pindan movement developed a model which threatened established working relationships between pastoralists and Aboriginal workers who had provided cheap labour for an industry which had effectively dispossessed them.

How did McLeod and the Pindan movement affect the thinking of those who met to form a federal council? Knowledge of the Pilbara pastoral

⁶³ Hess, 'Black and Red', p. 69.

⁶⁴ See Hess, 'Black and Red', pp 70-71.

⁶⁵ Wright, foreword, *New Deal for the Aborigines*.

⁶⁶ Ibid, p. 32.

strike and McLeod's role in it came through his correspondence with Shirley Andrews, through his pamphlets and through annual speaking tours to Melbourne and Sydney in the mid-1950s.⁶⁸ An invitation to attend the Adelaide meeting went to Pindan, however they did not send a representative but the establishment of this co-operative company had been inspiring to those present in Adelaide.⁶⁹ Here were Aboriginal people running their own company and living as Charles Rowley would later describe as '*political* men and women, using the legal and administrative institutions of the Australian community to advance their own interests'.⁷⁰ For Shirley Andrews from the Council for Aboriginal Rights the Pindan movement showed that economic independence for Aboriginal Australians was possible.⁷¹ It was also possible for the Pindan people to make decisions about the aspects of their culture which they wished to retain alongside the aspects of European culture, such as some Western education for their children which they wished to adopt.

In May 1953 Andrews canvassed CAR member opinion on the possibility of holding 'a national conference of interested bodies' to consider the effect of Government policies but after much consideration the committee members decided that such a conference would 'have to be visualised in a most clear-cut way for it to be a success' and the idea was temporarily shelved.⁷² Charles Duguid commended the work of the Victorian Council. 'There is no doubt', he wrote to Andrews in 1953, 'the Council for Aboriginal

⁶⁷ D. W. McLeod, 'Aboriginal Enterprise in the Pilbara' n.d. but c 1958

⁶⁸ 'Aboriginal Enterprise in the Pilbara' n.d. was one such pamphlet.

⁶⁹ See letter from Stan Davey to the Secretary, Native Welfare Council, 20 November 1957 inviting organisation to send delegates to the February conference in J. McGinness, *Son of Alyandabu: My fight for Aboriginal rights*, UQP, pp 68-69.

⁷⁰ C. Rowley, *The Remote Aborigines*, p. 257.

Rights is the most vital group investigating the aborigines [sic]. We have voted to affiliate...Bulletin No 1 is very fine. Keep it up'.⁷³ It was not yet the right time to formalise a federal approach but the Victorian Council for Aboriginal Rights continued to be a focal point for other Aboriginal rights organisations through the 1950s.

Charles Duguid, Bill Grayden and the Rocket Range 1947-57

Like Bennett and McLeod, Dr Charles Duguid had a long history of association with Aboriginal people. A trip to Alice Springs in 1934, Duguid wrote, 'fired my determination to make the white people of Australia understand the mental and physical sufferings of the Aborigines and shame them into making radical changes'.⁷⁴ Duguid set about planning a settlement which could support the Pitjantjatjara people and offer a transition to European society at a pace which they found acceptable, without discarding traditional social and religious meaning. He successfully established the Ernabella Mission where the Pitjantjatjara could be taught in their own language, and would be free to follow tribal custom as and when they wished. The Mission had been operating successfully for ten years when Duguid heard of the British Atomic Testing Program's plans to build a rocket launch at Woomera and fire the rockets across Pitjantjatjara lands on which stood the Ernabella Mission. During 1946 and 1947 and to a lesser extent in the following years Duguid, Doris Blackburn the independent Labor member for Wills in Victoria, and Donald Thomson an anthropologist from the University

⁷¹ Examples of such letters can be found in the Street papers in the National Library and in the Council for Aboriginal Rights papers in the SLV.

⁷² Council for Aboriginal Rights, MS 12913, box 1/9, SLV.

⁷³ Duguid to Andrews, May 1953, CAR, MS 12913, box 1/7, SLV

⁷⁴ C. Duguid, *Doctor and the Aborigines*, Rigby, Adelaide, 1972, p. 105.

of Melbourne, spearheaded a campaign opposing this plan. Letters to ministers, articles and pamphlets, letters to newspapers and public meetings brought together those who opposed the testing program and provided public education concerning the position of people such as the Pitjantjatjara who were still living according to many of their traditional beliefs.⁷⁵ A meeting in the Melbourne Town Hall on 31 March 1947 attended by 1 300 people was one expression of the sustained opposition to the project, but despite public protest and expert disapproval the project went ahead.

Public debate was re-ignited in the late 1950s following atomic bomb testing at Maralinga in South Australia which had the effect of restricting land use in the Central Desert for those still living a nomadic life. With the fencing of an oasis at Sladen Waters and excision of 250 000 acres and the banning of access to land south and east of Warburton Mission between Warburton and Maralinga a fragile lifestyle was disrupted. Drought forced many people to seek food and medical assistance at the Warburton Mission.⁷⁶ In 1956 Bill Grayden, a Western Australian state Labor backbencher familiar with the region, moved that a Select Committee 'inquire into all matters appertaining to the health and general welfare of and future plans for the Aborigines in the Laverton-Warburton Range area.'⁷⁷ In the debate conducted in the West Australian parliament the Minister for Native Welfare pointed out that 'there

⁷⁵ See Dr Charles Duguid, PRG 387, Mortlock, State Library of South Australia.

⁷⁶ Jack Horner, 'Provenance of "Warburton Range" film of 1957', written for AIAS, 11 November 1982,

⁷⁷ *WA Parliamentary Debates*, vol 1, 17 October, 1956, p. 142. See also W. Grayden, *Adam and Atoms*, Perth, 1957; R. M. Berndt, 'The "Warburton Range" Controversy', *Australian Quarterly*, June, 1957, pp 29-44; Horner, 'Provenance of "Warburton Range" Film', AIATSIS.

is no provision for the Commonwealth to look after natives'.⁷⁸ The economic consequences were clear: the State was expected to bear full responsibility for alleviating the needs of people whose lifestyle has been affected by Commonwealth government decisions about the use of the desert as a rocket range and testing ground for nuclear weapons.

Following the report of the Select Committee which came to be named after its chairman, Grayden, three parties visited the area between January and March of 1957—Rupert Murdoch, then the editor of Adelaide's News Limited, and accompanying journalists; a University of Western Australia anthropological expedition (Dr Ronald Berndt, Dr Catherine Berndt and Ruth Fink); and a party organised by J. J. Grady, Western Australian Minister for Native Welfare which included Pastor Doug Nicholls from Melbourne.⁷⁹ Contrasting interpretations of the situation for nomadic Aborigines and those at the Warburton Ranges Mission were provided in the press. Murdoch's Adelaide News assertion that 'these fine native people have never enjoyed better conditions' shocked Grayden, who considered that 'practically every statement that Murdoch made' could be refuted.⁸⁰

The news story of the starvation and illness of people living a nomadic life in drought conditions in the Laverton - Warburton Ranges appeared in the daily Melbourne and Sydney papers through January 1957 and led to outraged reader response. In an effort to counteract Murdoch's 'loose and false

⁷⁸ Cited in Grayden, *Adam and Atoms*, Perth, 1957 p. 50

⁷⁹ R. Berndt, 'The "Warburton Range" Controversy', p. 30

⁸⁰ R. Murdoch, *Adelaide News*, 1 February 1957; Grayden to Duguid, 16 February 1957, Street papers, MS 2683, box 6, NLA.

statements',⁸¹ Grayden and Nicholls returned to the Warburton Ranges in February. The film of what the party saw was processed hastily in Perth, shown in the Perth Methodist Mission Hall, then brought to Melbourne by Doug Nicholls and shown at a meeting on 21 March.⁸² The lack of sophistication of this silent film and the juxtaposing of familiar scenes with horrifying ones gave it power. Viewers saw Aboriginal people at the Warburton Ranges Mission which they could understand: young boys in shorts playing with balls, attractive young mothers in cast-off but good quality dresses smiling at chubby toddlers who experimented with billy swinging and spear throwing, shy little girls in an odd assortment of dresses. The camera then settled on non-mission people recently arrived. The children had stick-like limbs, the distended bellies of the malnourished and protruding ribs. A badly burned baby writhed in silent pain, another sucked frantically at the withered breast of its mother, too weak to walk unaided. Stan Davey recorded that Doug Nicholls came back 'just full of tears'.⁸³ Meetings, newspaper reports, articles in church papers, information made available through the expanding Aborigines' Advancement League swelled the numbers of those concerned about the situation at local meetings throughout the Melbourne suburbs. At a meeting arranged by the Bayswater branch of the ALP Bill Onus forthrightly addressed the audience:

We are asking for your support, we aboriginals, not letters to members of Parliament; not your sixpences; or your cast off clothing; or your prayers. We say, 'back the move for a new deal for all aboriginals. You are the invaders. You bought a lot of

⁸¹ Rennie Simmons, 'Analysis of Mr Rupert Murdoch's Article on the West Australian Natives published in *The News*, Adelaide, February 1st 1957' This unpublished paper was circulated among advancement leagues and similar organisations comparing and contrasting statements made and their bases.

⁸² Copy of film in the author's possession.

⁸³ S. Davey, Interview, October 1986 by Francis Good, Northern Territory Archives Service- Oral History Unit, series NTRS266, Item TS462, Side A, Tape 2, Page 2.

virtues but you bought a lot of faults. Tonight you have seen what is happening in one place. There are dozens of places like this in Australia. The only way out is the abolition of control by state governments and the establishment of a federal ministry.... If there is only one government responsible then there can be no more buck-passing between the state and federal governments and the missions'.⁸⁴

Soon after this meeting, the Victorian Aborigines' Advancement League (VAAL) was formed with Stan Davey as secretary, Doug Nicholls as field officer and Gordon Bryant as president.

Two months later on a Monday night in Sydney, the Aboriginal-Australian Fellowship also used the film in a Town Hall meeting to 'discuss ways and means of raising the living standards of Aborigines and their integration into the Australian community'.⁸⁵ Pastor Doug Nicholls chaired the meeting of 2 000 people, 500 of whom were 'Sydney Aborigines', an astonishingly large number at a time when the position of Aboriginal people in white society was not generally newsworthy and Aboriginal people had little reason to believe in the value of such an occasion.⁸⁶ Harold Blair, noted Aboriginal tenor, addressed the audience. Bert Groves, Aboriginal President of the AAF also spoke. Non-Aboriginal speakers were Dame Mary Gilmore, poet and supporter of Aboriginal advancement, Dr A Capell from the Anthropology Department Sydney University, Eddie Ward ALP MP, and Tom Dougherty, secretary of the Australian Workers' Union, but as Faith Bandler, one of the chief organisers recalled: 'I tell you the whites didn't get much of a say!'⁸⁷ The Aboriginal-Australian Fellowship which had formed in 1956 had agreed that

⁸⁴ Quoted in 'Big Bayswater Meeting sees the most horrible film made in Australia', *The Mercury*, 28 March 1957., See also *Melbourne Age*, *Sun* and *Herald* for the same period, as well as *Advocate* (a Victorian Catholic church periodical) 30, January 1957; *Bulletin* 30 January 1957

⁸⁵ See F. Bandler & L. Fox (eds) *The Time Was Ripe*, p. 16 for a copy of the handbill.

⁸⁶ Jack Horner states that Pearl Gibbs was responsible for the attendance of 'some five hundred Sydney Aborigines at that meeting', 'Pearl Gibbs: A Biographical Tribute', *Aboriginal History*, vol. 7, 1983, p. 18.

this meeting would be an appropriate place to launch a petition to amend the Constitution so as to empower the Federal Government to make laws specific to Aboriginal Australians. Lady Jessie Street had been working on this, assisted by Brian Fitzpatrick of the Council for Civil Liberties, Christian Jollie-Smith and others. The preamble to the petition began

believing that many of the difficulties encountered today by Aborigines arise from the discriminations against them in two sections of the Commonwealth Constitution which specifically exclude Aborigines from the enjoyment of the rights and privileges 'enjoyed' by all other Australians whatever their country of origin...

and continued with a request that the government hold a referendum.⁸⁸

THE HUMBLE PETITION of the Electors of the State of New South Wales respectfully sheweth- The Aboriginal Residents of Australia suffer under disabilities political, social and economic, and that these in important respects are not remediable without amendment of the Constitution of the Commonwealth, and that Aborigines are entitled to human rights equally with other Australians-
YOUR PETITIONERS THEREFORE HUMBLY PRAY THAT the Government of the Commonwealth bring down a Constitution Alteration Bill in the Parliament of the Commonwealth, and submit the Bill when passed to a Referendum of the people, each at the earliest practicable date, so as to:
1) Delete the words underlined in Section 51 (xxvi) of the Constitution of the Commonwealth (other than 'the aboriginal race in any state') which gives power to the Parliament of the Commonwealth to make laws with respect to 'the people of any race other than the aboriginal race in any State for whom it is deemed necessary to make special laws', and
2) Delete Section 127 of the Constitution of the Commonwealth which reads, 'In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted'.
AND your Petitioners, as in duty bound, will ever pray.⁸⁹

This, the first of many such petitions which would follow over the next ten years, was presented to the House of Representatives by the Federal member for Parkes, Les Haylen on 14th May 1957.

Lady Jessie Street

The formalising of the informal networks already existing which linked Mary Bennett, Don McLeod, Charles Duguid, Doug Nicholls, Bill Onus, Bert

⁸⁷ Faith Bandler interviewed in *The Time Was Ripe*, p. 14.

⁸⁸ Cited in P. Sekules, *Jessie Street*, UQF, St Lucia, 1978, p. 176.

Groves and Shirley Andrews and the organisations they represented 'was due, in a large part, to the work of Lady Jessie Street.

Street, human rights activist, feminist and internationalist, was active in the peace movement, women's organisations and the Australian Labour Party. From a wealthy pastoralist family and married to a Supreme Court judge, Street was an active social reformer, and skilful political strategist. She had brought together a number of women's organisations to form the United Associations of Women (UAW), was a member of the Australian delegation to the conference which founded the United Nations, and had travelled to the Soviet Union as a member of the education committee of the Australian Labour Party. Her national and international contacts, her energy and her sense of commitment to just causes would all be valuable attributes when in 1955 she accepted a position as a co-opted member of the committee of the London Anti-Slavery Society.⁹⁰

The Society was interested in bringing the matter of the position of Aboriginal Australians to the attention of the United Nations and to that end Street began work on a comprehensive questionnaire to gather information concerning the legal status of Aboriginal people in all states. She wrote to her UAW, the Council for Civil Liberties and the Peace Council expressing the view to H. G. Clements, secretary of the Western Australian Peace Committee that it would be easier to deal with the question of Aboriginals satisfactorily if there was a Commonwealth-wide body concerned with the 'development of

⁸⁹ Fitzpatrick Papers, MS 4965/1/5273, NLA, published in Attwood and Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, p. 22.

⁹⁰ See correspondence MS2683/10/36, and letters from C. W. Greenidge 18/11/54, 26/1/55, and from Street to Greenidge 24/1/55. Street papers MS2683, Box 27, NLA.

full citizenship to Aborigines and their protection generally'.⁹¹ If such a body existed, she argued to Anne Waters, a former secretary of the Australia and New Zealand Council for Civil Liberties in London, it could apply for affiliation with the Anti-Slavery Society. In this way it would have access to the United Nations.⁹² At this time, Street explained to Clements, 'the Honorary Director, Mr Greenidge, of the Anti-Slavery Society, is at present in New York helping to frame a U.N. convention on slavery'.⁹³ She foresaw the possibility, if there were an Australia-wide organisation, of mounting a case to argue that existing state laws may contravene such a convention.

In 1956 Anne Waters reported to Street the establishment of the NSW Aboriginal-Australian Fellowship (AAF) and Street made contact with Pearl Gibbs, Faith Bandler and Bert Groves.⁹⁴ In the same year she wrote to Shirley Andrews who replied 'we would be most keen to see a Federal organisation set up to fight for justice for the Aborigines and would be pleased to offer our assistance in this matter'.⁹⁵ Andrews advised Street: 'Dr Duguid has much useful information... Miss Bromham will be able to help with Queensland. You may know Mrs Bennett who has been battling for the Aborigines for many years... You have already contacted Mr McLeod'.⁹⁶ Street's network was widened to include these and others such as Doris Blackburn and Yvonne Nicholls in Melbourne. Andrews was impressed with the quality of the Anti-Slavery Society's questionnaire which sought answers to questions such as 'Do Aborigines have the vote? Have they the right to own property? Can they

⁹¹ Street to Clements, 24 January 1956, Street papers, MS2683/10/19, NLA

⁹² Street to Waters, 16 February 1956, Street papers, MS2683/10/63, NLA

⁹³ Street to Clements, 24 January 1956, MS2683, Box 27, NLA

⁹⁴ Waters to Street 28 March 1956, Street papers, MS2683, Box 27, NLA

⁹⁵ Andrews to Street, 27 August 1956, Street papers, MS2683, 10/124, NLA.

make wills or deeds of gift? Can they open bank accounts? Have they the right to move around the country?'⁹⁷ At the same time Andrews reminded Street that 'the gulf between the regulations and the government policy on the one hand and the reality of Aboriginal life and conditions is so great that it is difficult to present an accurate picture'.⁹⁸

Commonwealth control of Aboriginal affairs and a national pressure group were Street's twin goals in the late 1950s. Early in 1957 she visited Australia and was present at the large, successful Sydney Town Hall meeting, mentioned earlier when the AAF launched the petition drafted by Street, Brian Fitzpatrick and Christian Jollie Smith. This was the beginning of a long and intermittent campaign which would be taken up by the Federal Council. After the launch Street spent two months travelling around Australia, at her own expense, learning first hand of the conditions of life experienced by Aboriginal people in Brisbane, outback New South Wales, Northern Territory and Western Australia where she listened to people who had worked on stations. 'They are well aware', she reported, 'that their country has been taken from them and their food supplies destroyed to a great extent'.⁹⁹ She met with Duguid, Blackburn, Andrews, Bromham, McLeod and others with whom she had been corresponding. She asked Ada Bromham to take on the task of forming a Queensland committee.¹⁰⁰ In May Street wrote to Andrews explaining her negotiations with Duguid regarding a national conference. She

⁹⁶ Andrews to Street, 8 January 1957, Street papers, MS2683, Box 27, folder 3, NLA

⁹⁷ These are some of the questions asked in the questionnaire designed by Street to collect information Australia-wide on the legal, social and economic position of Aboriginal people. Street papers, MS2683, box 27, NLA

⁹⁸ Andrews to Street, 8 January 1957, MS 2683, box 27, Street papers, NLA.

⁹⁹ J. Street, 'Report of a Visit to Pindan Camps', Pindan Pty, Perth, n.d. but 1957.

advised Duguid against an open invitation to any organisations working with Aboriginal people explaining that very few constructive proposals resulted from meetings attended by organisations with different aims. She wrote to Andrews: 'I told him that you would be prepared to convene the meeting if he would chair it and make the arrangements in Adelaide. I now leave the matter in your hands'.¹⁰¹

Street's correspondence through the 1950s indicates a shift from a vague concern at injustice to a specific plan for the extension of 'full citizen rights'. She moved from a desire to give Aboriginal people 'those rights which we, as Christians, should be bound to extend to them' to arguing for the extension of 'all legal rights as enjoyed by the white people'. She modified this to 'full citizens' rights' to 'the aborigines who are living near civilisation'.¹⁰² While she orchestrated in some cases the formation of state organisations and the idea of a meeting at which all mainland states would be represented, she also recognised that if the impetus was to be maintained timing was essential. Was this the right time to appeal to the conscience of the nation? Street, in her 1957 correspondence referred to 'the psychological moment as far as considering measures for the treatment of aborigines is concerned'.¹⁰³ 'Owing to the widespread publicity received by the report of the Grayden Select Committee from W. A., the conscience of all sections of the community seems to be roused and possibly an opportunity now exists of

¹⁰⁰ This is a reference to the Women's Charter Conference. Street to Bromham, 25 August 1957, Street papers, MS2683, Box 27, NLA

¹⁰¹ Street to Andrews, 21 May 1957, Street papers, MS 2683, box 27, NLA

¹⁰² See MS2683, letters to Mrs Rutter 21 March 1953; Ada Bromham 28 July 1956; Ada Bromham, 15 March 1957; Fox-Pitt 3 March 1957, MS2683, NLA.

¹⁰³ Street to Fox-Pitt, 3 March 1957; also 30 April 1957, Street papers, MS2683, Box 27, NLA.

doing something effective,' Street optimistically predicted to Darwin unionist and former president of the Half-Castes Association, Jack McGinness.¹⁰⁴ By the time Street left Australia in September 1957 Shirley Andrews, aware of the lack of effective organisations in Western Australia and Queensland, the two states with the largest Aboriginal populations, was busy working to get some consensus in planning the national meeting. Her suggestion to Ada Bromham was for a five point plan:

- 1 Responsibility for Aboriginal affairs to be transferred from States to the Federal Government;
- 2 All legislation both State and Federal which discriminates against Aborigines to be replaced;
- 3 Full and equal citizenship rights with white people, including economic equality;
- 4 Special facilities (education, vocational training, housing) to assist Aboriginal people to obtain a genuine standard of living;
- 5 Tribal Aborigines to have their own areas which they should be allowed to develop on a co-operative basis.¹⁰⁵

The influence of Andrews and the Council for Aboriginal Rights in the incipient Federal Council is clear. In November the invitations on behalf of the Aborigines' Advancement Leagues of Victoria and South Australia and the Council for Aboriginal Rights went out to nine organisations and to Miss Ada Bromham from Queensland where there was still no known organisation.¹⁰⁶

What was the Federal Council for Aboriginal Advancement in 1958?

After the February meeting delegates returned to their homes and the concerns of their local organisations pleased with the weekend achievements. 'We made

¹⁰⁴ Street to McGinness, 3 March 1957, MS2683, Box 27, NLA.

¹⁰⁵ Andrews to Street, reporting her suggestion to Bromham, 31 August 1957, Street papers, MS 2683, box 27, NLA

¹⁰⁶ These organisations were: from Western Australia Native Welfare Council, The Native Welfare Association, Pindan Pty Ltd and the Aboriginal Advancement League; from South Australia, the Aborigines' Advancement League; from Victoria the Council for Aboriginal Rights (Vic), the Aborigines' Advancement League and the Australian Aborigines League; and from New South Wales the Aboriginal Australian Fellowship. See letter from Stan Davey to the secretary, Native Welfare Council, 20 November 1957, reproduced in McGinness, *Son of Alyandabu: My Fight for Aboriginal Rights*, pp 68-69.

history at Adelaide', announced Ada Bromham to her friend Jessie Street 'and I am thrilled about it'.¹⁰⁷ Others, such as Jack Horner from the Aboriginal-Australian Fellowship, commented on the work to be done if the organisation was to survive and queried Davey about the drawing up of a constitution. Horner also asked 'how do you intend raising finance?', an interesting question, as the first executive did not even include a treasurer.¹⁰⁸ Shirley Andrews, writing to thank Dr Duguid for hosting the meeting, expressed her approval of Stan Davey as the new honorary secretary.

I hope you were as pleased as we were with the conference. It is good to have made a start with the work on a Federal basis. I have great faith in Stan Davey for this sort of work. He is one of the most sincere people I have ever worked with and he is so modest and easy going although very firm on principles that he is ideal for working with people of assorted ideas.¹⁰⁹

The ideas and experiences which led to the formation of the Federal Council were, as I have shown above, diverse. The colonial divide, geographical divides in a country as vast as Australia, and different political ideologies were all factors which influenced the thinking of those present. However as I suggested earlier in this chapter three sets of ideas were common preoccupations and it was responses to these ideas which provided the foundation for the 'work on a Federal basis' to which Andrews referred. The Federal Government's policy of assimilation, the extension of citizenship to Aboriginal Australians and a consideration of the position of those people still attached to their tribal lands and customs were common concerns for those active in the affiliated organisations in 1958. The assimilation policy was an Anglo-Australian ideal which was based on the premise of the inevitability of

¹⁰⁷ Ada Bromham to Jessie Street, 2 March 1958, Street papers, MS 2683, box 5, NLA
¹⁰⁸ Jack Horner to Stan Davey, 7 May 1958, Aboriginal-Australian Fellowship papers, MS 4057, box 5, Mitchell Library, SLNSW.

cultural loss, a proposition rejected by the Federal Council. The second set of ideas concerned citizenship rights a concept which the Commonwealth Government and the Federal Council viewed quite differently. On the third of these sets of ideas, the consideration of the position of those still attached to their land and customs, the Federal Council and the Commonwealth Government also differed, but the opportunity to test out and further explore the different understandings of land did not arise until another five years had passed.

The Federal Government's policy of assimilation provided the theoretical basis for legislation and policy implementation in the Northern Territory and, by example, sought to influence the states. Following his appointment as Minister for Territories in 1951, Paul Hasluck defined and promoted to the states a new approach to Aboriginal affairs. Hasluck outlined this policy to the House of Representatives on October 1951, following a Native Welfare Conference attended by representatives from the Governments of New South Wales, Queensland, South Australia and Western Australia. He told the House that assimilation meant 'in practical terms, that, in the course of time, it is expected that all persons of aboriginal blood or mixed blood in Australia will live like white Australians do'. This approach, which rejected racial determinism, offered inclusion in the mainstream to Aboriginal Australians. Hasluck argued that the loss of traditional culture was inevitable and that the only humane response was to make available for Indigenous Australians 'the blessings of civilisation'. He said that assimilation did 'not

¹⁰⁹ Shirley Andrews to Charles Duguid, 5 March 1958, Council for Aboriginal Rights, MS 12913, box 1/11, SLV.

mean the suppression of the aboriginal culture but rather that, for generation after generation, cultural adjustment will take place'. Underlying his speech, however, was the assumption of cultural loss, rather than cultural adaptation. He argued that the original culture would need to be replaced by a 'spiritually and materially satisfying alternative'. European Australian culture, he implied, would fill the cultural void.¹¹⁰

As mentioned earlier, this policy was rejected at the first FCAA conference because it was seen as meaning cultural genocide. The Federal Council made a statement about assimilation at this conference which concluded with the view that 'the word "integration" implies a much truer definition of the Federal Council's "aims and objects"'.¹¹¹ Bert Groves later remarked:

I don't like the word 'assimilation'. I don't see any difference between 'assimilation' and 'extermination'. 'Integration' yes, but not 'assimilation'. The intelligent Aboriginal doesn't want to be absorbed into the white race. He wants to take his place in life, but he doesn't want to change his colour to do it.¹¹²

For Groves the policy suggested loss of identity and culture and it is on these grounds that he rejected it. 'Integration' did not carry with it these connotations and was considered as offering a place in mainstream society without sacrificing an Aboriginal person's sense of self as Aboriginal. The difference between the two approaches was clearly shown when Shirley Andrews criticised Hasluck for not capitalising 'Aborigine' in his writing. She reported that he replied that he looked forward to a time when Aborigines would be completely assimilated and would have no need for a different

¹¹⁰ P. Hasluck, Report on the Native Welfare Conference, 18 October 1951, in S. Stone (ed), *Aborigines in White Australia*, Heinemann, South Yarra, 1974, pp 193-197.

¹¹¹ Report on the Adelaide Conference, n.d, but 1958. Copy in the author's possession.

¹¹² Bandler and Fox (eds) *The Time Was Ripe*, p. 116.

name.¹¹³ The Federal Council totally rejected this view. Influenced particularly by Mary Bennett, it accepted the approach taken to the ILO Convention number 107 adopted in 1957. The first article stated:

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.¹¹⁴

Convention 107 suggested that this article could be realised by measures which created possibilities 'of national integration to the exclusion of measures tending towards the artificial assimilation of these populations'.¹¹⁵ Bennett, who held that assimilation was 'perfect for the destruction of the Aboriginal race' urged the Federal Council to press the Commonwealth Government to sign this convention.¹¹⁶ The Communist Party of Australia also argued that the government policy of assimilation should be rejected. Tom Wright's *New Deal for the Aborigines* and later the Sixteenth National Congress of the Party in 1951 opposed assimilation as leading to cultural destruction, arguing instead that as a national minority Aboriginal people had a right to their own culture. Andrews and Christophers, secretary and president of the Victorian Council for Aboriginal Rights and both at the Adelaide meeting, members of the CPA, would have been aware of, and sympathetic to these arguments.

Citizenship, the second set of ideas, was also approached differently by Hasluck and the Federal Council. The Council saw civil rights as 'rights'

¹¹³ S. Andrews, 'Assimilation- Economy Size', *Smoke Signals*, September 1964, p. 11.

¹¹⁴ International Labour Conference, Convention 107, 'Convention concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries', 1957. This convention was made more readily available when published as a supplement to *On Aboriginal Affairs*, no. 13, April 1965.

¹¹⁵ Ibid.

rather than something to be earned. For Hasluck, before 'the full duties and responsibilities' of the citizen could be exercised, the potential Aboriginal citizen 'must be able to take his place as a worker, side by side with white Australians in the community and as a result of his work, be able to support himself and his family at a standard of living comparable to that of our Australian families'. Hasluck considered that the rights of the citizen should be earned, that Aboriginal people had to demonstrate that they could 'stand on their own feet' economically, socially and politically.¹¹⁷ He considered that the barriers to acceptance of Aboriginal Australians by other Australians were social, not racial barriers, by which he meant that other Australians' rejection of Aboriginal Australians related to living standards rather than biological racial inheritance, and that when such standards were in conformity with those expected by the mainstream community Aboriginal people would be accepted.¹¹⁸ Hasluck's time from 1945 to 1947 working as a member of the Australian delegation working on the establishment of the United Nations would have intensified an existing awareness of the damage of racist thinking. His entry to politics in 1949 and appointment as Minister for Territories in 1951 provided the opportunity to turn ideas into policies. In his 1988 *Shades of Darkness* he explains his view that a protective policy in Aboriginal affairs should be replaced by a welfare policy in which race was irrelevant.¹¹⁹

¹¹⁶ M. Bennett to Jessie Street, 10 September 1957, Street papers, MS 2683, box 27, NLA

¹¹⁷ Hasluck to Commander Fox-Pitt, Secretary, London Anti-Slavery Society, 15 March 1958, MS 12913, box 9/1, Council for Aboriginal Rights, SLV.

¹¹⁸ See for example, P. Hasluck, 'Some Problems of Assimilation', address to Section F of the Australian and New Zealand Association for the Advancement of Science, Perth, 28 August 1959.

¹¹⁹ P. Hasluck, *Shades of Darkness*, pp 86-87.

As the Minister for Territories responsible for Aboriginal affairs in the Northern Territory Hasluck set out to demonstrate that his principled ideas could be turned into a practicable administrative model. The *1918 Aboriginals Ordinance* which was still in force at this time included 'some half-castes as well as full blood persons' in the definition. Hasluck's new ordinance was to be based on need not race. Only by declaration of the Director of Welfare could a person become subject to the Welfare Ordinance that would replace the *Aboriginals Ordinance*. Subject to declaration as a ward was anyone who in the opinion of the Administrator by reason of his or her manner of living, inability to adequately manage his or her affairs, standard of social habit and behaviour, and personal associations, required the assistance of the government agency established for the purpose.¹²⁰ When members of the Legislative Council realised that it would be possible to apply the criteria to a person who was not Aboriginal further criteria were added so that only Aboriginal people could be declared wards. A person could not be declared a ward if 'entitled to vote at an election of a Member of the House of Representatives for the Northern Territory'.¹²¹ And if a person was a ward s/he had no entitlement to vote. The two categories were mutually exclusive. By the time the *Welfare Ordinance 1953*, was gazetted in May 1957, all but six 'full bloods' residing in the Northern Territory were declared wards on the grounds of their 'manner of living', 'inability without assistance to manage

¹²⁰ The Northern Territory of Australia, *An Ordinance to Provide for the Care and Assistance of Certain Persons*, no 16 of 1953, 3 July 1953.

¹²¹ Quoted in F. Stevens, *Politics of Prejudice*, Alternative Publishing Company Limited, Sydney, 1980, p. 65

[their] own affairs', 'standard of social habit and behaviour' and 'personal associations'.¹²²

Eighteen months after this ordinance was gazetted, Albert Namatjira, well-known artist and one of the six Aboriginal Territorians of full descent who was exempted from the Ordinance, was found guilty of supplying alcohol to a ward. He was sentenced to six months hard labour. While Namatjira and his wife had been awarded citizen status, his children, other relatives and friends were still classified as wards of the state. This meant that citizen status became a wedge between him and those with whom he lived and socialised with in the Alice Springs area. He could drink, but not with them. After some incidents involving alcohol which culminated in a death as a result of a drunken brawl the law was enforced and Namatjira was charged with supplying alcohol to a ward of the state. *Our Aborigines*, a Commonwealth propaganda booklet which promoted the assimilation policy had held Namatjira up as an example of the success of the policy, reading an Aranda translation of the New Testament.¹²³ For Namatjira however, the awarding of citizen status paradoxically led to his imprisonment for an action— drinking with his relatives— which was not an offence for non-Aboriginal citizens. This case, which received wide press coverage, provided the first opportunity for the Federal Council to act as a body.

The media reported the Namatjira case with headlines such as 'caught between two civilisations', but the Victorian Federal Council members saw

¹²² *An Ordinance to Provide for the Care and Assistance of Certain Persons*, no 16 of 1953.

¹²³ *Our Aborigines*, Commonwealth Government printer, Canberra, 1957.

the case as evidence of the flaws in the N. T. Welfare Ordinance.¹²⁴ Prior to Namatjira's sentence the Welfare Ordinance had come to the notice of many activists. In December 1957, following the tabling by Jessie Street of her report to the Committee of the Anti-Slavery Society, the Director of that organisation had written to Hasluck expressing concern at the blanket declaration of almost 16 000 Aboriginal people as wards.¹²⁵ Hasluck replied that 'after exhaustive enquiries, and careful consideration of individual cases, it was considered that all except six stood in need of the special care and assistance provided under the terms of the Welfare Ordinance'.¹²⁶ The Namatjira case provided the publicity necessary to draw attention to this Ordinance and to cast doubt on the nature of these 'exhaustive enquiries'. In October the Federal Council executive agreed that it should supply additional legal assistance to Namatjira. Legal advisers suggested that the case be considered as a civil liberties case rather than a breach of the licensing act. Doug Nicholls and Stan Davey went to Alice Springs to get consent from four of Namatjira's countrymen in order to demonstrate that they had been improperly made wards of the state. The Melbourne-based FCAA executive warned affiliates to be ready for an appeal for financial support. Shirley Andrews, writing as Secretary of the Council for Aboriginal Rights, described the liquor regulations as a smokescreen and pointed out to Melbourne *Herald* readers that 'an aboriginal man who was a total abstainer still could not get a bed in the hotels or guest houses, attend the pictures in Darwin except on special nights and in segregated seats, travel first class on the train from

¹²⁴ *Herald*, Melbourne, 8 October 1958.

¹²⁵ C. W. Greenidge to Hasluck, 17 December 1957, CAR, MS 12913, box 9/1, SLV

¹²⁶ Hasluck to Greenidge, 15 March 1958, CAR, MS 12913, box 9/1, SLV.

Adelaide to Alice Springs or go into the dining car.'¹²⁷ Stan Davey, writing as Secretary of the Aborigines' Advancement League (Victoria) explained that 'behind the Namatjira case stands the N.T. Welfare Ordinance, under which all but six of the 16 000 full-blood aboriginals are "wards of the state".' Davey explained to readers that the ordinance 'gives the Director of Welfare power to move wards anywhere within the Northern Territory irrespective of tribal land, and to limit their movement to any area. This is a most convenient method to enable exploitation of their labour'.¹²⁸ Barry Christophers and Doug Nicholls also contributed to the public debate, but also wrote as representatives of their state organisations. None of these writers signed themselves as members of the Federal Council for the Advancement of Aborigines.

The politicisation of the Namatjira case was not endorsed by all FCAA affiliates. In December, 1958 Stan Davey explained to Jack Horner, secretary of the Aboriginal-Australian Fellowship, that 'the South Australian AAL and Dr Duguid considered it necessary for all member bodies of the Federal Council to be consulted' before a federal appeal was proceeded with in the name of the Federal Council.¹²⁹ The South Australian League was opposed to the case being used to criticise the Federal Government. Consequently the Victorian Aborigines' Advancement League, rather than the Federal Council, established a defence fund for Aborigines to finance two legal cases: the appeal against Namatjira's sentence and a challenge to the validity of the Welfare Ordinance. This latter case was to be conducted on behalf of Keith Namatjira, Enos Namatjira, Claude Emitja and Otto Pareroultja 'to show that

¹²⁷ S. Andrews, 'Smokescreen', Melbourne *Herald*, 11 October 1958.

¹²⁸ S. Davey, 'To Some, Sign of Citizenship', Melbourne *Herald*, 11 October 1958.

these men with other full blood aborigines of the Northern Territory are free citizens'.¹³⁰ The unpreparedness of the South Australian AAL to challenge Government on this issue signalled a rift in the young federation which would widen in the following years.

The third set of ideas which occupied the minds of Federal Council activists concerned the relationship of people to their tribal lands. Executive views on this issue would remain at the academic rather than practical level for the next few years, but the differences between government and Federal Council activists was clear. The Federal Council's fifth principle, 'The absolute retention of all remaining native reserves, with native communal or individual ownership' was not part of the same intellectual framework which produced the first four principles, all concerned with the rights of Aboriginal Australians to the services available to all citizens—housing, and health, education and access to employment. The ward system in the Northern Territory, so criticised by Davey, Andrews, Nicholls and Christophers, reflected Hasluck's view that citizenship was to be earned. As people progressed, according to this view, they would no longer need the assistance which they could expect as wards and could be 'undeclared', so becoming citizens. Reserves, within this intellectual framework, existed for the temporary 'use and benefit of the natives' in their transition towards full citizenship. Hasluck maintained that when 'any part of a native reserve has

¹²⁹ Davey to J. Horner, 11 December 1958, MSS 4057, box 4, Aboriginal-Australian Fellowship papers, Mitchell Library, SLNSW.

¹³⁰ *Smoke Signals*, December 1958, p. 1.

ceased to be necessary for the use and benefit of the natives it may be severed from the reserve'.¹³¹

The Federal Council did not have a developed policy on reserves in 1958, though its fifth principle was uncompromising in stating that it believed in 'the absolute retention' of reserves which were remaining at this time, under native ownership. If the Government saw reserves as a temporary measure for natives on the road to citizenship, how did the Federal Council view them? The fifth point of the plan which Andrews had conveyed to Ada Bromham in September 1957 gives a clue to the answer to this question. Andrews argued for 'Tribal Aborigines to have their own areas which they should be allowed to develop on a co-operative basis'.¹³² Co-operatives provided an economic alternative to the exploitation of Aboriginal pastoral workers as well as an alternative to the paternalistic control of missions and reserves. This approach was being explored by the Australian Board of Missions which had set up the Lockhart River Aboriginal Christian Co-operative in 1954. Noel Loos and Robyn Keast in writing about the Aboriginal Christian Mission Movement describe it as a 'policy of guided assimilation' which 'implied, at least in theory, a rejection of the belief that whites were genetically superior to Aborigines'. Training, using the co-operative model, could lead to participation in the European culture, according to this view.¹³³ The other source of ideas on co-operatives came from the writings of Tom Wright and Don McLeod. In *New Deal for Aborigines* Wright suggested that 'recognition

¹³¹ P. Hasluck, 'The Native Welfare Conference, 1951' in P. Hasluck, *Native Welfare in Australia*, Perth, Paterson Brokensha, 1953, pp 26, 27.

¹³² Andrews to Street, 31 August 1957, MS 2683, box 27, Street papers, NLA.

¹³³ N. Loos and R. Keast, 'The Radical Promise: The Aboriginal Christian Co-operative Movement', *Australian Historical Studies*, vol. 25, no 99, p. 290.

of the absolute legal ownership of the land of reserves by the corresponding tribes, together with all mineral and other resources to be found there' was an urgent reform 'with respect to the full-bloods'. As well he considered that Government plans for aid should be based on 'gradual economic developments, pastoral pursuits, handicrafts, etc., on a co-operative basis and under the control of the aborigines for themselves'.¹³⁴ McLeod's lectures, and pamphlets told of the Pindan company controlled by and owned by the Aborigines'.¹³⁵ While there is no conclusive evidence it would seem that activists in the affiliated organisations which formed the Federal Council in 1958 assumed that the fifth principle would be applied only to Aboriginal people of full descent who were living on reserves.

By the end of its first year many problems remained. A draft constitution was being developed for presentation at the second conference to be held in Melbourne in February 1959. The problem of a core executive based in Melbourne and other executive members scattered around the country was still to be addressed. How would decisions be made? How much power was to be given to the Melbourne executive? And if this power was to be limited as the SA AAL said it should be, requiring endorsement of any national action to come from every affiliated body before action could proceed wouldn't this have the effect of paralysing the executive, making real decisions impossible? A further impediment to action was that the first executive had no treasurer, and as became obvious when the Victorian Aborigines' Advancement League took on the legal defence of Namatjira,

¹³⁴ Wright, *New Deal for the Aborigines*.

¹³⁵ McLeod, 'Aboriginal Enterprise in the Pilbara'.

money was essential if the Federal Council was to be anything more than a set of high-minded principles. As well as money the power of the executive would need to be established and agreed to by all affiliated state bodies. Above all a consensus had to be reached regarding the kinds of action affiliated organisations would be prepared to endorse in pursuit of the five principles agreed to at the February 1958 meeting in Adelaide. Much work lay ahead before the future of the young Federal Council for Aboriginal Advancement could be assured.

Chapter 2 Making it Work

Introduction

By the end of 1959 the Federal Council for Aboriginal Advancement was still little more than five principles and an executive with a sense of mission. A second annual conference in Melbourne in February of that year had agreed to a constitution, but trouble had broken out between the South Australian Aborigines Advancement League and the Victorian executive over the executive's exercise of power and preferred political strategies. The Federal Council appeared to be another organisation totally controlled by European Australians, like most of the state bodies in existence at that time.

By Easter 1961, however, when the fourth annual FCAA conference was held in Brisbane, the picture had changed. Now both Aboriginal people and the Australian Government were noticing the Federal Council for Aboriginal Advancement. One hundred and fifty people attended the Brisbane conference compared to 65 two years earlier. More remarkably, compared to earlier conferences about 30 of these were Aboriginal or Islander people, who came from all mainland states and played an active part in discussions and debate. Joe McGinness, a waterside worker and secretary of the Cairns Aboriginal and Islander Advancement League, was elected as the first Aboriginal president. The conference and the election of McGinness was reported in the Australian press and news of the conference was broadcast overseas bringing FCAA to the attention of the Department of External Affairs. By 1962 when the fifth conference was held back in Adelaide where it had all started five years earlier, the Federal Council for Aboriginal

Advancement was being monitored by the Australian Security Intelligence Organisation (ASIO). What had brought about this change?

By 1959 the need for a workable executive structure was apparent. As well it would be necessary to advertise and broaden the membership of the Federal Council so that it would clearly represent Aboriginal people as well as the various groups in the community working for Aboriginal rights. Thirdly, a program of work which could make possible the realisation of the Federal Council's five guiding principles needed to be decided upon. Before describing how the Victorian executive managed to achieve these practical goals I will provide some background on those key members who were able to mould this incipient organisation into a workable pressure group. Following a consideration of the development of a structure, extension of the membership and establishment of a program I will conclude this chapter with a consideration of the Federal Council executive's strategic use of the international situation to draw attention to the position of Aboriginal Australians.

Key Members of the Executive

Differences of opinion about how the Federal Council should operate surfaced early when Iris Schultz, secretary of the South Australian League, disagreed with executive decisions, seeming to resent and mistrust the Victorian executive.¹ Shirley Andrews and Jessie Street in their planning of the first conference had invited only selected organisations to send delegates so that a like-minded politically experienced group would develop a strong policy base

before opening the organisation to other bodies.² This strategy had effectively excluded the missionary groups who were seen as lacking a tough-minded approach to government but different approaches were evident even among the original affiliates. West Australian and South Australian delegates were more inclined to work in partnership with government, in contrast to the Victorian affiliates who saw themselves as activists and antagonists of government seeking change through political strategy. It was the latter group who met as the core executive during these early years, with input, if it came from other affiliates, by mail.

Shirley Andrews, Stan Davey, Gordon Bryant and Barry Christophers did the bulk of the work and provided the political vision in the early years shaping the organisation into a body which could have political effect. Of these four Andrews was by far the most experienced in the politics of Aboriginal affairs at this time.

Shirley Andrews had been secretary of the Council for Aboriginal Rights since 1952 and had a wide network of contacts in Australia as well as England. She was in regular contact with Jessie Street and with other members of the London Anti-Slavery Society. She frequently wrote to Paul Hasluck, Minister for Territories, seeking information or putting a case for Government action. Andrews worked hard, researched meticulously, especially in the area of legislation and government regulations relating to Aboriginal people, and could be both fearless and diplomatic, depending on the circumstances, with

¹ Aborigines Advancement League, South Australia, Minutes of meeting 27 April 1959, SRG 250, series 3, AAL of South Australia, Inc, Mortlock Library, SLSA.

politicians. The Council for Aboriginal Rights, where she had developed these skills, was unlike the other bodies affiliated under the Federal Council umbrella in that it ignored state borders. In fact it was reluctant to get too involved in matters which related specifically to Victoria for fear of being seen as parochial. Its aim – ‘to plan, conduct and organise the widest possible support for a campaign to obtain justice for all Australian Aborigines’ – gave its members a broad vision and, prior to the establishment of the Federal Council, the Council for Aboriginal Rights had taken up issues of injustice in Western Australia and Northern Territory as well as in Victoria.

As a member of the Communist Party of Australia, Andrews well understood Cold War politics and nepotism and ‘old boys’ networks among those in power. In 1953 when she won a position as a biochemist at Royal Park Psychiatric Hospital, the Minister for Health intervened, in Andrews’ view because she was a member of the Party, to offer the position instead to one of the male applicants. Andrews threatened legal action and was successful in keeping the position. The rival applicant, beaten by Andrews, was a friend of the Minister.³ Shirley Andrews brought to her work an understanding of the difficulties in shifting entrenched attitudes especially when they served the status quo, for example the non-payment, or token payment of Aboriginal pastoral workers on the large pastoral holdings in northern Australia. She attributes her early involvement in the activist politics of Aboriginal affairs in part to her experience of discrimination as a female science student at the University of Melbourne in the 1930s. This led to the

² Street to Andrews, 21 May 1957, Street papers, MS 2683, box 27, NLA; Interview with Shirley Andrews, FCAATSI Oral History Project, 26 September 1996, p. 2, AIATSIS, Canberra.

development of a sympathy for other groups, such as Aboriginal people, suffering discrimination in the community.⁴

Stan Davey, honorary general secretary, was a Church of Christ pastor who had been invited by Doug Nicholls to join the Church of Christ Aboriginal Mission Committee in 1953. Nicholls introduced him to Aboriginal communities at Mooroopna and Echuca. Here he met people who were still living in humpies made of discarded materials on the riverbanks and adjacent to rubbish dumps in these towns. Davey's social conscience had been earlier stimulated to consider the social responsibility of Christians to disadvantaged Aboriginal Australians when he lived in Perth. The meeting with Nicholls, and Davey's introduction to Victorian Aboriginal communities led to his considering, in more practical terms, his own responsibility to work for justice for Aboriginal Australians.⁵

Soon after joining the Aboriginal Mission Society Davey was invited to attend a Council for Aboriginal Rights meeting. He met Shirley Andrews, and by his own account had many of his own beliefs questioned. He explained 'I used to think that assimilation ... was the best policy', but Andrews had argued that 'people have a right to their own values, and their own customs,

³ S. Andrews, interviewed by the author, 24 April 1997

⁴ Ibid; see also a letter to Terry Robinson, Northern Territory Council for Aboriginal Rights, 25 January 1965. Andrews wrote: 'Being something of a feminist and a battler for equal wages for women my sympathy for the Aborigines was originally raised by a fellow feeling on the subject of being underpaid for the job'. George Gibbs Memorial papers, MSS 2662, item 2, Mitchell Library, SLNSW

⁵ Stan Davey, interviewed by Francis Good, October 1986, side B, tape 1, page 12, NTRS 226, item TS 462, Northern Territory Archives Service.

their own culture'. Davey described her approach as 'a very powerful, humanitarian principled approach to life, and towards Aboriginal people'.⁶

Through the Council for Aboriginal Rights Davey also met Don McLeod and Mary Bennett. Thirty years after these meetings he told an interviewer that his eyes were opened by Andrews and that 'these three influenced my thinking about this whole problem more than anyone else'.⁷ Davey clearly accepted Andrews' motives for her work as a genuine attempt to work for a more just society, but he was also aware of the use to which her CPA membership would be put by those opposing change. At the time of the Warburton Ranges controversy Andrews, also recognising this, urged Davey to start a new organisation rather than work through Council for Aboriginal Rights. The advantages of this move, as she saw them, were that the Council for Aboriginal Rights could continue to focus on campaigns to 'obtain justice for all Australian Aborigines' while the new Aborigines Advancement League could address specific immediate needs of Aboriginal Victorians. As an independent organisation the Victorian AAL could not be discredited by critics who used the fact of CPA membership on the executive of the Council for Aboriginal Rights as a way of impugning the motives of that organisation.⁸

Gordon Bryant, the first president of the Victorian Aborigines' Advancement League, and the Labor member for Wills, recalled his own introduction to the politics of Aboriginal affairs when he attended a public meeting in Melbourne in February 1957. Bryant in his first term as the Labor

⁶ S. Davey, recorded interview with Francis Good, October 1986, side B, tape 1, pp 13-14, NTRS 226, items 462, Northern Territory Archives Service.

⁷ Ibid.

⁸ Shirley Andrews, personal communication, 24 April 1997.

member for Wills recalled that a friend told him of a meeting being organised 'by people who supported you during your election', adding 'I think it would be a nice gesture if you turned up at it'.⁹ Bryant attended, was invited to join the newly forming Aborigines Advancement League and accepted the position of chairman. The following year he went to the Adelaide meeting of the Federal Council as an observer, returning with renewed determination to achieve full citizenship rights for Aborigines.¹⁰ As a result of the work of Doug Nicholls, Stan Davey and Gordon Bryant in particular the Aborigines' Advancement League established 14 branches in suburban Melbourne and country Victoria by 1959. Eight more were in the planning stage. As well 700 'Friends of the League' had registered as supporters.¹¹ Bryant was an important part of this drive to increase membership, and thus awareness, among non-Indigenous Australians of the deprivation experienced by Aboriginal people.

Barry Christophers, president of the Victorian Council for Aboriginal Rights, made up the quartet of Melbourne non-Indigenous executive members, joining the executive in 1962 as a secretarial consultant. As a medical student at Melbourne University in the 1940s he had joined the Melbourne University Labor Club, a meeting place for Melbourne left-wing thinkers. Racial discrimination was not an issue in the club at this time but Christophers' interest in anatomy led him to the work of Professor Frederic Wood Jones, a scientist with a humanitarian regard for Aboriginal Australians, who wrote and

⁹ Gordon Bryant interviewed by Adam Ashforth, 27 July 1983 to 13 October 1983, Australian Parliamentary Oral History Project, National Library of Australia.

¹⁰ Ibid.; Victorian Aborigines Advancement League, *Victims or Victors?*, Hyland House, South Yarra, 1985, p. 59.

¹¹ Aborigines' Advancement League, 2nd annual report, *Smoke Signals*, July 1959.

spoke about their conditions of life on the edge of European society.¹² In 1957 Christophers met Shirley Andrews, the secretary of the Victorian Council for Aboriginal Rights, which was at this time looking for a replacement president. Christophers joined the organisation and was persuaded to take the president's job. Like Andrews, Christophers was a member of the Communist Party of Australia.

The League established itself broadly through the community but, like the Council for Aboriginal Rights its concerns did not stop at the state border. Cases of injustice in Western Australia, Queensland and the Territory were taken up by the Victorian League. When its more conservative namesake in Adelaide refused to endorse Federal Council action in arranging a High Court appeal in the *Namatjira* case, the Victorian League took responsibility for this. In April 1959 *Smoke Signals*, the League's monthly news sheet, announced that the failure of the High Court appeal in the *Namatjira* case 'has added further determination to the AAL to strive for citizenship rights for Aborigines in the Northern Territory and other States where discriminatory laws against these people still apply'.¹³ The Council for Aboriginal Rights was in agreement with this goal.

Shirley Andrews, Stan Davey, Gordon Bryant and Barry Christophers, formed the Melbourne nucleus, setting out to realise something of the five

¹² Wood Jones spoke at the 1928 meeting of the Australasian Association for the Advancement of Science on 'The Claims of the Australian Aborigine'. He contributed to public debate in newspapers and on radio on Aboriginal issues. His *Australia's Vanishing Race* was published in 1934. Barry Christophers has published *A List of the Published Works of Frederic Wood Jones 1879-1954*, Greensborough Press, Melbourne, 1974. He has also contributed a number of articles on the life and work of Wood Jones to the *Australian and New Zealand Journal of Surgery*. See, for example, vol 64 'Frederic Wood Jones as a teacher and on teaching' and vol 65, 'Frederic Wood Jones: Coral and Atolls'.

principles which the Council had agreed to in February 1958. Andrews was an ordinary member of the executive in these early years, later to be given the title of campaign organiser. Davey was the honorary secretary and Bryant, one of two secretarial consultants, was joined by Christophers in 1962.

The Executive Gains Control

Creating a powerful but democratic structure without alienating the non-Victorian states was the first practical challenge facing the Federal Council executive. A second challenge was the need to broaden the membership, both Indigenous and non-Indigenous. A third was for the Federal Council to develop a program to reform government policies which was achievable and was supported by the membership. From about 1960 some inroads were made in these areas, but following the 1961 Brisbane conference, and in the planning for the 1962 Adelaide conference the problems of structure, membership and program were largely resolved.

Under section five of the original constitution the executive was 'empowered to act or speak for the Council provided that a majority of the members of the Executive are either present at the meeting which agrees upon such action or have signified their intention in writing'.¹⁴ In November 1959 the Federal Council executive informed affiliates that it had been difficult to take any positive action while maintaining the spirit of section five. The SA Advancement League, however, favouring more, not less, control of the Victorian executive members, moved that two thirds of the states represented

¹³ *Smoke Signals*, April 1959, p. 3.

¹⁴ Second annual conference of Federal Council for Aboriginal Advancement, 27 February to 1 March 1959, Resolutions and Decisions of Conference, MSS 2999, Y 603, FCAATSI papers, Mitchell Library, SLNSW.

in the Federal Council should agree to any action through their consent at a meeting or in writing. The Victorians, aware of South Australian sensitivities about their exercise of power, assured affiliated members that 'no action will be taken without consultation with the other members of the executive'.¹⁵ The South Australian motion was not passed at the 1960 annual general meeting but the following year it was moved again and passed, with the support of the executive.

By the time of the 1961 conference the executive was working with a changing set of forces within FCAA. In late 1961 Victorian executive members heard of moves to start a Northern Territory body which would affiliate with the Federal Council.¹⁶ This news inclined them to support the South Australian amendment. The two thirds requirement would work when six states (or territories) were represented on the Federal Council, compared to the situation when five states were affiliated and two-thirds would have technically meant four of the five.¹⁷ The Northern Territory organisation, being formed with the help of George Gibbs and Brian Manning (two unionists who were also members of the Communist Party of Australia), would not be afraid of action opposing the Federal Liberal/Country Party Government. By contrast, the secretary of the South Australian League, Iris Schultz, continued to criticise the Federal Council, maintaining that 'there is a strong possibility that the aims of the SA League and the Federal Council do not coincide'. She asserted that FCAA was federal 'in name only, in fact it is a

¹⁵ Minutes of a meeting of the Federal Council for Aboriginal Advancement executive, 4 June 1959, MS 12913, box 10/4, CAR, SLV.

¹⁶ Shirley Andrews to Jessie Street, 5 October 1961, CAR, MS 12913, box 11/5, SLV.

¹⁷ Agenda for FCAA executive meeting, 25 January 1961, CAR, MS 12913, box 10/4, SLV

Victorian Council'. She went so far as to move that the AAL of South Australia withdraw from the Federal Council, but the president, Charles Duguid, while agreeing with Schultz's criticisms of the Victorians, put the arguments for a national organisation and the South Australian League remained affiliated at this time.¹⁸

The Western Australian affiliates, far distant from the Melbourne centre, also seemed indifferent to, or suspicious of, the Federal Council. Western Australia delegates were present at the second conference, but the Western Australian Native Welfare Council, representing a number of organisations which worked with Aboriginal communities and described by one historian as 'an adjunct to the Department of Native Welfare', had not affiliated.¹⁹ There is no evidence of Western Australians involvement in the Federal body during these early years apart from representation at the first two annual conferences, though Stan Davey kept Cyril Gare, president of the Western Australian Native Welfare Council informed of Federal Council activities and encouraged attendance.²⁰ No Western Australian delegates attended the 1960 Sydney conference.

Given these constraints in the first two years of its life the only action taken under the flimsy Federal Council banner had been the gathering of more

¹⁸ Secretary's report, 1959, Aborigines Advancement League of South Australia, SRG 250. Series 3, Mortlock Library, SLSA. A report from Schulz to the Adelaide regional Meeting of the Society of Friends details some of Schulz's criticisms at this time, 4 October 1964, Pittock personal papers. As explained in the previous chapter, the SA League had also refused to endorse the defence of Namatjira campaign or to support it financially, on the grounds that the Victorians were planning to use the case to point out the weaknesses of the Northern Territory's Welfare Ordinance.

¹⁹ M. Howard, *Aboriginal Politics in Southwestern Australia*, University of Western Australia Press, Nedlands WA, 1981, p. 76.

than 25 000 signatures on a petition in support of Constitutional amendment to empower the Commonwealth in Aboriginal affairs.²¹

Limitations on executive activity were overcome in two ways during the first three years: by the passage of resolutions at annual conferences which authorised the Executive to act, and when that avenue was blocked, by the Secretary delegating tasks to sympathetic affiliated organisations. The 1959 conference unanimously supported a motion 'that a campaign for extension of social service benefits to all Aborigines be undertaken by the FCAA in the coming year', authorising Shirley Andrews and Gordon Bryant to form a campaign committee to implement this action. The Social Services Bill 1959, still under discussion in the Federal Parliament when this motion was passed, proposed the extension of pensions and maternity allowances to 'aboriginal natives of Australia, other than those who are nomadic or primitive'.²² Prior to 1959 Aboriginal and Islander people had to be exempt from specific State and Territory legislation defining and controlling them in order to qualify for Commonwealth social security benefits. Andrews was concerned about two aspects of the new legislation. The terms 'nomadic' and 'primitive' were not defined in the Act and were therefore open to interpretation. Furthermore Andrews pointed out that nomadism was not given as a reason for excluding non-Aboriginal Australians, which indicated that racial background was a factor in such benefits being refused. She sent a questionnaire to government departments, missions and affiliated organisations seeking information, such

²⁰ Correspondence between Stan Davey and Cyril Gare, 4 January 1959 to 27 April 1963, MN 1176, 3491A, WA Aborigines Advancement Council, Battye Library of Western Australian history.

²¹ *Smoke Signals*, December 1958.

as 'what is the working definition of "nomadic Aborigines"?' to ascertain how the Social Services Bill might be implemented.²³

The trial of Albert Namatjira had given rise to two planned legal responses: an appeal by Namatjira against the original guilty verdict and a writ on behalf of four 'wards', kinsmen of Namatjira, in which it would be argued that they had been improperly made wards of the state. As the arguments raised by the writ had been put unsuccessfully in Namatjira's appeal this second legal action was abandoned.²⁴ The Victorian executive of FCAA, all of whom were also members of the Victorian AAL would seek other ways to strive for citizenship rights for Aborigines of the Northern Territory.

Stan Davey delegated the work of investigating the Northern Territory Welfare Ordinance, work of which the South Australian AAL secretary disapproved, to the Council for Aboriginal Rights.²⁵ Davey requested the Victorian Council to take up the work of investigating the situation in the Northern Territory where 'ward' and 'Aboriginal of the full descent' were virtually synonymous terms.²⁶ Barry Christophers, president of the Victorian Council had been researching the NT Welfare Ordinance since 1959. At the 1961 Brisbane conference of FCAA, Christophers spoke on the situation in the Northern Territory, describing and criticising the Welfare Ordinance and the Register of Wards which listed people who were controlled by this legislation.

²² Social Services Bill, *Hansard, House of Representatives, 23rd Parliament*, Commonwealth of Australia, 3 September 1959, p. 928.

²³ For example Andrews to Giese, Director, Native Welfare, Northern Territory, 30 December 1959; Andrews to Symons, Chairman, Methodist Board of Missions, 30 December 1959, MS 12913, box 8/7, CAR, SLV.

²⁴ *Smoke Signals*, April 1959, July 1959, second annual report of the Victorian Aborigines' Advancement League.

²⁵ Minutes of the Council for Aboriginal Rights, 20 June 1961, MS 12913, box 4/13, SLV

Christophers explained that section 14, part 2 stated that a person shall not be declared to be a ward 'if that person is entitled to enrolment under the Northern Territory Electoral Regulations'. The Electoral Regulations stated that 'no Aboriginal native of Australia shall be entitled to have his name placed on or retained on any roll or to vote at any elections unless he ... is not a ward as defined by the Welfare Ordinance 1953/1955 of the Territory'.²⁷ He gave examples of people suffering under the Ordinance, such as Gladys Namagu and Mick Daley, whose plans to marry were blocked by the Northern Territory bureaucracy, the consent of the Director being necessary in the Northern Territory for 'wards' wishing to marry. Thirty-five years after this conference Christophers recalled the intensity of his passion when making this presentation on behalf of Aboriginal Territorians.²⁸

Shirley Andrews writing to Jessie Street after the 1961 conference described the Federal Council as still very ineffective and not doing as much as it should to activate the state bodies. She criticised the Aboriginal Australian Fellowship for being slow to take up federal matters, described the South Australian organisation as 'quite hopeless in its attitude' and explained that the Melbourne-based executive members were 'giving a lot of thought to the situation'.²⁹ They acted decisively at the 1962 Easter Conference to consolidate their own power while at the same time increasing Indigenous membership on the executive, much to the ire of Schultz, the conservative

²⁶ Ibid.

²⁷ Cited by Christophers, 'Government Policies and Practices in Northern Territory', Brisbane, 31 March – 2 April 1961, MS 12913, box 10/5, CAR, SLV.

²⁸ Barry Christophers, FCAATSI Oral History Project, 27 September 1996, AIATSIS Library, Canberra.

²⁹ Andrews to Street, 5 October 1961, MS 12913, box 9/8. CAR, SLV.

secretary of the South Australian League.³⁰ Under the radically amended constitution the committee was expanded to include six state secretaries, a campaign officer and an information officer, who joined the president, vice-president, general secretary, treasurer and two ordinary members (now referred to as secretarial consultants) to form a 14 member executive. Though this constitution made no reference to race, a motion by a member of the Victorian executive reserved the new state secretary positions to Aboriginal people representing their states.³¹ This move had two consequences. It limited the power of organisations such as the SA AAL which under the old constitution was guaranteed representation on the executive, as the state secretaries would be voted into their positions at the annual general meeting, and were therefore not able to be controlled by state bodies. Secondly it ensured that with the election of Joe McGinness to the president's position there would be seven Aboriginal executive members, half the total number, making the organisation for the first time one with substantial Aboriginal representation.³²

The new constitution would encourage new affiliations and would include Aboriginal delegates. Membership of the Federal Council would be open to any bodies which were in agreement with the five basic principles but there would be two categories which would attract different voting rights. Category A members would be organisations 'specifically involved in

³⁰ I. Schulz, Statement to Adelaide Regional Meeting [of the Society of Friends], 4 October 1964, Pittock personal papers

³¹ Ibid. None of the reports of the 1962 AGM, when the new constitution was adopted, refers to the question of the state secretary position being limited to Aboriginal people, but as this was always the case, from 1962 onwards, I am assuming that Schulz is correct in this statement.

Aboriginal affairs' and would have five votes per organisation. Category B members would be 'organisations supporting the objectives of the Council but not included in Category A'. Such bodies would have two votes each.

Category B would include unions, church groups and peace committees.

Voting values would ensure that those organisations established to work for Aboriginal causes would have a greater say, but that others could still exert an influence. As a result affiliation rose from 12 in 1961 to 31 in 1962. Of the nineteen new members sixteen were unions predominantly from the eastern states.³³ This increase in union membership changed the Federal movement.

Shirley Andrews and the other Victorian members of the FCAA executive recognised that an effective Federal movement would require both a broader membership base and an activist program which a broad-based membership could endorse and implement. In a letter to Street in 1961 Andrews expressed her misgivings about some of the affiliated bodies. She described the NSW Aboriginal-Australian Fellowship as oriented towards the 'do-good attitude' and considered that they had 'confined themselves too much to NSW problems rather than taking a broad outlook'. The South Australian League disappointed her as it failed to give the Federal work much support and allowed 'an absolutely impossible woman, a Mrs Schulz, to dominate the South Australian organisation'. Believing that 'it is very important now to strengthen the Federal body as much as we can' Andrews resigned from her position as secretary of the Victorian Council for Aboriginal

³² Previous to this constitutional change Bert Groves, in 1958 and Jack Simms in 1959 were the only Aboriginal members of the executive.

³³ Register of affiliated organisations, 'Action programme arising from the 5th Annual General Meeting held in Adelaide on 22 and 23 April 1962', CAR, MS 12913, box 10/9, SLV.

Rights in order to put all her energies into the Federal work, convening a standing committee on wages and employment. For Andrews the 'do-gooder' position she was so critical of was a politically naïve position held by those who did not understand, for example, that the fact that Aboriginal pastoral workers were outside the Australian system of wage regulation advantaged the rich and powerful cattle empires of the north. She was critical of those, such as the AAF, who concentrated on immediate problems like improving Aboriginal housing rather than addressing the more fundamental question of economic exploitation. Andrews explained to Street that she intended to build up 'the trade union, wages side of the Federal work'.³⁴

In an earlier letter Andrews had commented on the number of people who 'are ignorant of the powerful forces at work against equal rights for Aborigines'.³⁵ Rupert Lockwood, writing in the communist newspaper *Tribune*, described these forces and their links with the Liberal Party establishment showing that Menzies, his business friends and other members of the Liberal Party had shares in companies which operated in South Africa and employed cheap labor under the apartheid regime.³⁶ For Andrews, as for Christophers, an understanding of the part played by economic exploitation of both South African black workers and Australian Aboriginal workers in the economies of their respective countries was a necessary prerequisite to effective action. Christophers' 1961 conference presentation included information on the value of cattle exports from the Territory in the 1957-58 period. This he put at £3 038 776. He juxtaposed this figure with the fact that

³⁴ Andrews to Street, 5 October 1961, MS 12913, box 9/8, CAR, SLV.

³⁵ Andrews to Street, 31 August 1957, Street papers, MS 2683, box 27, NLA

until September 1959 skilled Aboriginal stockmen with three years' experience received £1.00 per week plus keep, telling his audience that when the rates were doubled pastoralists complained that the new schedule would ruin them.³⁷ These facts, especially for those who saw power in class terms, had to be understood in the planning of any action to challenge the status quo.

Trade union interest in Aboriginal workers had been sporadic in the post-war period. The strikes in the Pilbara in the 1940s and at Berrimah in 1951 outlined in the previous chapter had been supported by some unions. Andrew Markus in an essay which charts and analyses the trade union movement's attitude to Aboriginal rights has suggested, plausibly, that Aboriginal use of the strike weapon encouraged trade unionists to identify with them.³⁸ Discriminatory clauses in the North Australian Workers Union (NAWU) constitution were deleted in 1948 to allow for Aboriginal membership but, overall, unions were slow to adopt Aboriginal causes. Mary Bennett pressed Andrews to 'get militant union support', suggesting the meatworkers and tramways unions.³⁹ Andrews had addressed the Congress of the Victorian Trades Hall Council in September 1959 pointing out to them that the exploitation of Aboriginal workers was 'the real reason behind the persistent refusal to grant citizen rights to these people'. She told them that a major campaign organised by the trade union movement was needed⁴⁰.

Representatives from the Tramways Union and the NSW and Queensland

³⁶ R. Lockwood, 'Confederates in Apartheid: Why Menzies Stuck by Dr Verwoerd', *Tribune*, 26 April 1961, p. 5

³⁷ B. Christophers, 1961 MS 12913, box 10/3, CAR, SLV.

³⁸ A. Markus, 'Talk Longa Mouth', Ann Curthoys and Andrew Markus (eds), *Who Are Our Enemies? Racism and the Working Class in Australia*, Hale and Iremonger, Neutral Bay, NSW, 1978, pp 138-157.

³⁹ Bennett to Andrews, 1 December 1960, MS 12913, box 4/13, CAR, SLV

Trades and Labour Councils attended the 1961 FCAA annual conference and the delegates passed a resolution asking 'all trades and labour councils to conduct surveys of the wages and conditions of Aborigines in their state or district'.⁴¹

But trade union lethargy on this question continued into 1961. In an address which was considered as the highlight of the 1962 annual conference Andrews described the results of her follow-up work to the 1961 conference resolution. With two exceptions (Queensland Trades and Labour Council and the Victorian Trades Hall Council) union replies to her letters were either non-existent or totally inadequate. Andrews told her audience that 'the whole effort to get equal civil rights for Aborigines is negated unless Aborigines get wages at the same standard as other Australians'.⁴² She passed on a comment from 'a senior official in the Social Services Department' whose response to the extension of social service benefits to Aboriginal people was that it 'would disrupt the economy of the N. T.'. ⁴³ Andrews' research in all states revealed clear evidence of economic exploitation. She shared stories— of a tractor driver on a Northern Territory mission working twelve hours a day, seven days a week for 35 shillings a week; of a young man slaughtering and cutting up meat on Lake Tyers Reserve for £4 a fortnight when an award existed to cover this work; of Queensland mission residents having to apply to the local Protector to access their savings accounts. Andrews finished her strong presentation by

⁴⁰ *Stroke Signals*, October 1959.

⁴¹ Resolutions from the 4th annual conference of the FCAA, Brisbane, Easter 1961, CPA (Queensland), UQFL 234, box 7, Fryer Library, University of Queensland.

⁴² S. Andrews, 'Wages and Employment of Aborigines', report presented to the fifth National Conference on Aboriginal Affairs, 22-23 April 1962, CAR, MS 12913, box 10/5, SLV

⁴³ *Ibid.* p. 7.

drawing analogies for the unionists present with the equal wages for women campaign. She argued that work for equal wages for Aborigines was the task of the whole of the trade union movement and that it would be a mistake to give it only to those unions most likely to have Aboriginal members such as the North Australian Workers Union or the Australian Workers Union. She argued that there was 'too much prejudice and politically powerful opposition' for those unions to overcome alone. The campaign needed united action and she threw down a challenge to them.

Everyone at this Conference should take the initiative by approaching those unions they are connected with... Any unionist should be able to understand the principles involved in paying Aboriginal workers wages like £2 a week even if he has never met an Aborigine in his life.

I would like to suggest that next year instead of the sort of report that I have presented tonight, all affiliated organisations should report back on the action they have taken during the year to carry forward our policy as expressed in our previous resolutions and in the plans we will be formulating in the next 2 days. We hope to see a large number of trade unions doing this and reporting real progress towards our objective of equal pay for all Aboriginal workers.⁴⁴

If membership numbers are a guide Andrews was successful.

Following the 1962 annual conference and the implementation of the new two-tiered membership system proposed by the Victorian executive, 24 trade unions from all the mainland states affiliated with the Federal Council. A number of these were left-wing unions, such as the Waterside Workers' Federation (two branches), the Australian Railways Union (two branches), the Builders Labourers' Federation and the Building Workers' Industrial Union. These and other left-wing unions such as the Seamen's Union which affiliated soon after provided generous donations to the Federal Council, as did the NSW Teachers' Federation. Most importantly, the inclusion of Aboriginal workers in a union movement which had for most of the century excluded

them brought the power and strategy of union campaigning to Aboriginal activism.⁴⁵ An established, experienced power bloc had been drawn into the struggle for rights for Indigenous people, along with their connections, political experience, union newspapers and links to the Labor Party.

The membership of the Federal Council developed in other important ways at this time. The Victorian AAL had been establishing branches of the League throughout the Melbourne suburbs and the Victorian countryside. In New South Wales advancement leagues were also springing up around the state. These bodies were welcomed into the Federal Council as category A organisations with five votes each. Twelve such organisations affiliated in 1962.⁴⁶ As well, the Aboriginal delegates at the 1961 conference passed a resolution urging Aboriginal delegates to 'form groups for the purpose of organising our people for leadership and the general advancement of our people and to affiliate with the National body'.⁴⁷

In 1962 the newly-formed Northern Territory Council for Aboriginal Rights also affiliated and Davis Daniels who attended this conference became the Northern Territory state secretary. The executive could now afford to support the SA League's motion that the support of two-thirds of the states was necessary to endorse any proposed action as the Northern Territory CAR and the main eastern states' branches were leftist in viewpoint and activist in

⁴⁴ Ibid., p. 13.

⁴⁵ See Markus, 'Talk Longa Mouth, in *Who Are Our Enemies?* for a history of trade union attitudes to Aboriginal workers.

⁴⁶ These included three branches of the VAAL- Blackburn, Carlton and Kew- as well as New South Wales branches of the Aborigines' Advancement Leagues at Condoblin, South Coast, Lismore, Newcastle.

⁴⁷ 'The 4th National Conference on Aboriginal Advancement: Resolutions Arising from the Conference held at the University of Queensland, Easter 1961', CPA (Queensland), box 7, UQFL 234, Fryer Library, University of Queensland, Brisbane.

style. Three religious organisations were affiliated with the Federal Council: the Melbourne Unitarian Church, the Methodist Committee on Part Europeans and the Church of Christ Aboriginal Mission Board. The coming together of unions, Aboriginal groups and religious groups was to prove a powerful combination.

Thus by 1962 the Melbourne core-executive had succeeded in creating a broadly-based Federal Council with an Aboriginal president and state secretaries comprising half of the full executive. The Aboriginal presence was also strengthened by the affiliation of the Northern Territory Council of Aboriginal Rights, which with the exception of Brian Manning and Terence Robinson had an all-Aboriginal membership. A Plan of Action was agreed to at the 1962 conference and standing committees were formed to consider how each of the five principles might be achieved. An ASIO report on the Federal Council described the 1962 executive as a 'new moderate Council' elected to plan a national campaign to 'mobilise the Australian people in support of the demands of the aborigines'.⁴⁸ Such a description from ASIO, an organisation anxious to find evidence of Communist influence, demonstrated the success of the moves to broaden the base while strengthening the activist policies and the power of the executive.

The years 1959 and 1960, when action had been blocked, were not entirely barren; this was a time to research and trial ideas. The Victorian executive gathered information from Commonwealth and state politicians and

⁴⁸ Series A6122/39, item 1416, 'CPA- Policy and Action on Aborigines', NAA, Canberra.

bureaucrats about the implementation of laws which controlled Aboriginal lives.

Andrews, who took responsibility for the social services area, sent a questionnaire to public servants and mission superintendents seeking information about entitlement to the social service benefits which would be extended to non-nomadic Aboriginal people early in 1960. She asked, for example, what mechanism was used by mission or reserve managers to pay out money received on behalf of Aboriginal residents under state jurisdiction, and which people would be excluded under the clause which omitted people who were 'nomadic' or 'primitive'. Andrews engaged in a vigorous correspondence with Hugh Robertson, the Federal Minister for Social Services, seeking information about the implementation of the Act. She pointed out to him that 'the definition of nomadic and primitive in being a reason for not giving benefits was applied only to Aboriginal people. It is only Aboriginal people who are refused benefits on the nomadism clause'.⁴⁹ Andrews was not intimidated by Robertson's assertion that the term was applied 'precisely the same for aboriginal natives as it is for other people'.⁵⁰ She replied:

The people from whom I obtained my information are highly respected among those interested in Aboriginal affairs and the facts that have been passed to me will be believed. The attitude of your department in insisting that the position I have described doesn't exist will not, in these circumstances, reflect credit on your Department at our Conference.⁵¹

Andrews had remarked to Jessie Street that it seemed 'fantastic that the laws affecting a mere 70 000 people should create such a complicated set up that it required months of close study to get a clear picture of it but it really is

⁴⁹ Andrews to Robertson, 17 March 1961, MS 12913, box 8/7, CAR, SLV

⁵⁰ Robertson to Andrews, 7 December 1960, MS 12913, box 8/7, CAR, SLV

so'.⁵² She would put this specialist research to good use in a document 'The Australian Aborigines: a summary of their situation in all states in February 1962': probably the first such comparative document to be produced. It demonstrated the varying levels of legal deprivation suffered by Aboriginal people in the different states and their changing legal status when they travelled interstate.⁵³

The 1959 annual conference endorsed ILO Convention 107, the Indigenous and Tribal Populations Convention. After the conference Stan Davey wrote to state and federal parliamentarians seeking their views on the Convention. The reply by Paul Hasluck, Minister for Territories, shows a commitment at that time to maintaining reserve Crown land for people still living in a semi-tribal state. Article 11 of the convention recognised the right of ownership, collective or individual, of the members of the Aboriginal population over the lands which they traditionally occupied. Hasluck asserted that a consideration of the views and the nomadic habits of those people still leading a tribal life 'have led us to the view that the present policy of reserving large areas of Crown land for the aboriginal population ensures that their present needs are protected and their future needs can be met'.⁵⁴ This seemed to suggest that maintaining these reserve lands for 'future needs' would include use of these lands by Aboriginal people. On the question of children being taught in their first language, suggested as desirable in article 23, Hasluck disagreed. He argued that as English was the language of

⁵¹ Andrews to Robertson, 17 March 1961, MS 12913, box 8/7, CAR, SLV.

⁵² Andrews to Street, 31 August 1957, Street papers, MS 2683, box 27, NLA

⁵³ S. Andrews (comp.) 'The Australian Aborigines: a summary of their situation in all states in February 1962, CAR, MS 12913, box 3/4, SLV.

assimilation which would allow Aboriginal children to take their place in the mainstream, it should be the language of instruction.⁵⁵

These research tasks provided information as well as giving the Victorian executive experience of the personalities of key Federal Ministers and their responses to activists seeking information. On the whole the information which executive members received was disappointing. Federal members of parliament were offhand in requests which came from this unknown organisation.⁵⁶

Individual FCAA executive members publicised injustices. For example, Barry Christophers exposed the hypocrisy of the Northern Territory Welfare Ordinance. He suggested to readers of the *West Australian* that one way to judge the success of the Commonwealth's policy on citizenship would be the number of Aboriginal Territorians who became citizens each year. When the list of wards in the Territory was gazetted only 'six full-blood aborigines were omitted'. He told readers that two years later there were 'thirty-three full-blood aborigines in the Northern Territory who are citizens', but Christophers explained that this was 'not due to the Administration granting more but by virtue of the fact that 28 wards have married or were found to have been married to people other than wards. (If a ward marries a

⁵⁴ Paul Hasluck to Stan Davey, 11 March 1960, MS 8256, box 185, Bryant papers, NLA

⁵⁵ Ibid.

⁵⁶ For example, FCAA executive meeting minutes 15 November 1959 report 'little or no effect appeared to have been gained from the circulating of Federal MPs with information drawn up by Miss Andrews'. And in a letter to Hugh Robertson Andrews wrote: 'I was very disappointed that you did not deal systematically with the queries that I had raised in my original letter to the Director of Social Services, a copy of which I forwarded to you. I did not raise these matters with you on any frivolous basis but only after devoting a considerable amount of my spare time to research into the facts of the present situation'. 17 March 1961, MS 12913, box 8/7, CAR, SLV.

citizen the ward automatically becomes a citizen.)' Christophers concluded that 'from 1953 to 1959 six full-blood aborigines have been granted citizenship in the Territory'.⁵⁷ The implication was clear: that those administering the Ordinance were not actively encouraging people to move from wardship to citizenship.

Some campaigns were organised using the Federal Council network of affiliates but not its name. Christophers gained support from affiliates and generated publicity to oppose poisoning waterholes in Western Australia. During October and November 1960 the Marble Bar District committee of the Pastoralists and Graziers Association planned to poison water in troughs in a campaign to reduce the euro population. Christophers wrote to Ada Bromham of the WCTU, Mona Fox of the AAF, the Western Australian Department of Native Welfare, the Western Australian Premier, the Pastoralists and Graziers Association and the Victorian and Western Australian press protesting against this action because of the possible danger to Aboriginal people, most unable to read the warning signs, who lived in the area.⁵⁸ While Christophers did not succeed in stopping this action he did succeed in getting good press coverage. Western Australian, Victorian and Northern Territory newspapers covered the story.⁵⁹ Other members of the Federal Council for Aboriginal Advancement also wrote to the newspapers, but because of the South Australian AAL's

⁵⁷ B. Christophers, Letter to the Editor, *West Australian*, 16 October 1959.

⁵⁸ Correspondence from Christophers personal papers, October – November 1960.

⁵⁹ Geoffrey Tebbutt, 'Sidelines, Melbourne *Herald*, 29 October 1960; D. I Bearlin, (on behalf Blackburn branch, AAL), 'Protest on water poisoning', *West Australian*, 20 October 1960; M. A. Fox (assistant secretary Aboriginal-Australian Fellowship, Sydney), 'Poisoning of Wells', *Northern Times*, WA, 27 October 1960; S. Davey, Hon Secretary, Aborigines Advancement League (Vic), 'Poisoned Water', *Melbourne Herald*, 2 November 1960, 3 November 1960; 'WA Aborigines Face Death from Poison', *Sydney Daily Telegraph*, 26 October 1960; A. Bromham, WCTU Perth, 'Poisoning of Water', *West Australian*, 8 November 1960.

sensitivity to the use of the Federal banner without clearance from all affiliates, they wrote as representatives of their own organisations.⁶⁰

The 1961 Brisbane conference boosted the confidence of the FCAA executive, and when the next opportunity for joint action came it was conducted openly as coming from the Federal Council for Aboriginal Advancement. In May 1961 a news article in a Melbourne newspaper told readers of a planned inquiry into allegations that a mission superintendent in far north Queensland had flogged a young Aboriginal resident.⁶¹ Stan Davey, introduced as the Secretary of the Federal Council for Aboriginal Advancement, explained that Pastor E. Kernich, Lutheran superintendent of Hopevale Mission, 31 miles north-west of Cooktown had flogged Jim Jacko, aged 21, because he 'had run away with a young aboriginal girl he was courting'.⁶² The Hopevale flogging incident, as it became known, was the first action taken by FCAA to establish and publicise the fact of human rights abuses against Aboriginal Australians, people whom the Attorney-General, Garfield Barwick, had recognised in a letter to Gordon Bryant as 'Australian citizens by virtue of the Nationality and Citizenship Act 1948-55'.⁶³ This incident is important because publicity generated by the Federal Council forced an open inquiry into these events, because the Federal Council arranged professional legal counsel for Jim Jacko, and because the inquiry established

⁶⁰ For example: Stan Davey, Honorary Secretary, Aborigines Advancement League, 'Poisoned Water', *Melbourne Herald*, 3 November 1960; M. A. Fox, Assistant Secretary, 'Poisoning of Wells', *Northern Times*, W. A., 27 October 1960.

⁶¹ 'Native flogged charge: Inquiry on', *Melbourne Sun*, 12 May 1961.

⁶² *Ibid.*, See also 'Pastor Saved Tragedy', *Sun* 13 May 1961.

⁶³ Barwick to Bryant, 9 July 1959, MS 12913, box 10/4, CAR, SLV.

that the Superintendent had contravened the regulations of the *Aborigines Preservation and Protection Act 1939-1946* in caning Jim Jacko.⁶⁴

Jacko, a young man living at the Hopevale mission, had been born there but had had experience working outside the mission, on cattle stations and on the railways. These experiences had the effect of making him less compliant than those who had never left the authoritarian paternalism of the mission. Following the rules of the mission Jacko had asked permission of the superintendent and Gertie's parents to court Gertie Simons, a girl of almost 17. He had been given a block of land to clear in order to build a residence and had started work on this. Jacko's initial offence was to sit with Gertie at the weekly football match. The sexes were strictly segregated on the mission and this action, when reported by mission staff, earned a punishment for the two people of two weeks' work including Saturday without pay. The pay rates on the mission were six shillings for a 40 hour week for a male and 3/9d for a female. The couple ran away in protest, camping some distance from the mission for a week. On their return, following his brother's advice, Jacko apologised but the Superintendent rejected the apology. After failing to get Jacko's brothers to flog him, Pastor Kernich administered the punishment himself.⁶⁵

⁶⁴ See Appendix C 'Findings and conclusions by visiting Justice, Mr J. O. Lee – Enquiry Hopevale Mission, via Cooktown, presented to the Queensland Parliament, 'The Hopevale Incident', *Smoke Signals*, October 1961, pp29-31. Justice Lee found Superintendent Kernick 'responsible for the caning of Jimmy Jacko and decision to have him removed from Hopevale Mission to Palm Island, and despite the fact that his motives were good, his action in relation to the caning is inexcusable in view of Regulation 29'.

⁶⁵ Pauline Pickford, present at the inquiry is responsible for the reports of these events. See P. Pickford, 'The Hopevale Mission Flogging', *The Beacon*, publication of the Unitarian Church, n.d., but 1961, reprinted as a pamphlet, MS 13913, box 6/2, Council for Aboriginal Rights, SLV; 'The Hopevale Incident', *Smoke Signals*, October 1961; 'The Magisterial Inquiry regarding illegal maltreatment practised on

Following the flogging Jacko was taken to Cooktown where he was put in jail. He was not charged with any crime. Then he was taken to Cairns by police and was to be banished to Palm Island. Jacko made contact with members of the Cairns Aboriginal and Islander Advancement League, who took him into hiding. Joe McGinness, secretary of the League and newly elected President of FCAA wrote to Stan Davey informing him of these events. The Cairns League organised meetings, distributed leaflets, sent a report to the London Anti-Slavery Society, and generally roused the public, all with the aim of establishing an open inquiry into Jacko's case. They succeeded; the Queensland Minister for Native Affairs, Dr Noble, announced that an open magisterial inquiry, the first such inquiry in Queensland, would be held at Hopevale Mission on 20 June.

Pauline Pickford, the secretary of the Victorian Council for Aboriginal Rights had written to Noble about these happenings. She was invited to attend the planned inquiry and travelled to Cooktown with ten others, one of whom was Fred Paterson, the barrister representing Jacko. According to Pickford, the arrival of these 11 people caused consternation. The Deputy Director of Native Affairs, Paddy Killoran, rushing to 'the pedal wireless or communications hut – we were not expected in such numbers nor was Jim, in anyone's wildest dream thought to actually have a barrister to attend to his interests'.⁶⁶

Mr Jim Jacko and Miss Gertie Simon, conducted at Hopevale Lutheran Mission July 1961 – Twenty years later 1981. Not attributed but most likely written by Pickford, MS 12913, box 6/2, Council for Aboriginal Rights, SLV.

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'The Magisterial Inquiry regarding illegal maltreatment practised on Mr Jim Jacko and Miss Gertie Simon, conducted at Hopevale Lutheran Mission July 1961- Twenty years later 1981' MS 12913, box 6/2, CAR, SLV.

The composition of the group of 11 was representative of the community groups who would become most involved in the work of the Federal Council in the years to come. Three Indigenous leaders were present: Joe McGinness and Gladys O'Shane, secretary and president respectively of the Cairns Aboriginal and Islander Advancement League, affiliated with the Federal Council, and Fred Walters, a Torres Strait Islander of great renown and respect. Five unionists were present, representing left-wing militant unions such as the Waterside Workers Federation and the Building Workers Industrial Union and the Trades and Labour Councils of Townsville and Cairns. Fred Paterson, the barrister representing Jacko, was the former Communist member of parliament for the Queensland seat of Bowen. The two Southerners present were Tom Uren, Labor MHR, and Pauline Pickford representing the Victorian Council for Aboriginal Rights.

The Hopevale Mission flogging was important to the Federal movement at this time in three important ways. Firstly from the outset, Davey was effective in gaining newspaper coverage of the story for the Federal Council and its affiliates. Statements made by the Minister, Dr Noble were publicly disputed and his attempt to resolve the issue through a Department of Native Affairs investigation only caused further outcry, further protest meetings, letters and petitions. Newspapers in Queensland and the southern states covered the story, and it would seem that this publicity played a part in the unprecedented decision to hold an open inquiry. Following the inquiry Dr

Noble issued a statement in which he expressed regret that his original public statement had not been 'entirely in accordance with fact'.⁶⁷

Secondly, this event was important because the findings from the inquiry showed that mission staff and the Minister publicly misrepresented events; that the Superintendent had acted unlawfully; and that although Jacko was not charged with any offence he had been flogged and jailed. The inquiry succeeded in finding Pastor Kernich to be guilty of an offence under the Act, and he was transferred from Hopevale. More significantly for those working for justice for Indigenous Australians the case demonstrated the actual power of mission superintendents over those in their care. Mission residents, ignorant as they mostly were regarding their rights, had little recourse in such authoritarian structures. They were not treated as citizens. And that fact was now widely publicised.

Thirdly, this case provided an early example of Indigenous and non-Indigenous members of FCAA working effectively together. The action started with McGinness contacting Davey and the publicity campaign developed from communications between Davey, the Victorian Council for Aboriginal Rights, and the Cairns League.⁶⁸ Detailed articles appeared in *The Beacon*, a periodical produced by the Unitarian Church, soon to affiliate with FCAA, and *Smoke Signals*, the VAAL periodical. Pauline Pickford remembers her trip to Hopevale as important in cementing friendships with north Queensland Aboriginal people. The following year she persuaded Gladys O'Shane to come to Melbourne on a public speaking tour. The Hopevale

⁶⁷ Ibid.

incident was the beginning for Joe McGinness of strong working relationships with FCAA General Secretary, Stan Davey, and with Barry Christophers, President of the Council for Aboriginal Rights.

Pauline Pickford reminds us that nothing was certain when the Federal Council and the Cairns Aboriginal and Islander Advancement League decided to pursue the Jacko affair. She recalls that there was 'some uncertainty with FCAA if this was a thing that was wise to pursue'.

Was it wise? Because you see they'd had no experience with this sort of thing up there. What was going to happen to Jim Jacko if all this became public, and what would happen to him? Because he is isolated up there what would be done to him? So there was a bit of uncertainty as to just how heavy to walk, I guess, is the best way to put it.⁶⁹

She believed, however, that the Hopevale incident 'changed the character of FCAA'. She continued:

I think Barry Christophers perhaps feels the same way, and he was in it from the beginning...But he and I, looking back in retrospect, we think that the Brisbane conference and the Hopevale story were two things which were very important to the changing character, because Aboriginal people were involved, they were members of the executive...So I really think that those two events were terribly important to FCAA because after that, after all the publicity that was received in that matter, other people in NSW became interested, and people all over Australia began to see well FCAA could probably fight for the things that *they* wanted. Not just the things that people like us thought should be done.⁷⁰

Exploiting Government Sensitivities

The 1961 Federal Council conference was successful, not just because it attracted new Indigenous members, but also because it exploited a heightened awareness of racial issues in the world at large to draw attention to racial injustices within Australian borders. The major speeches at the conference exposed the human rights abuses inherent in policies and practices in all

⁶⁸ 'Inquiry Sought on Caning of Native', *The Age*, 16 May 1961; 'The Magisterial Inquiry...Twenty years Later 1981', MS 12913, box 6/2, CAR, SLV.

⁶⁹ P. Pickford, FCAATSI Oral History Project, 15 November 1996, p. 10.

mainland states and the Northern Territory, showing, for example, how state and territory legislation took away human rights such as marriage and the rearing of children. Evidence was also produced to show that the economic success of the pastoral industry in the Northern Territory was based on the exploitation of Aboriginal pastoral workers who, if they were paid, were paid a pittance.

These facts were laid before the 150 delegates and observers at the Brisbane conference at a time when Prime Minister Menzies' was being roundly criticized for his stance on South Africa and its apartheid policies. In March 1961 Menzies attended the Commonwealth Prime Ministers meeting where the Verwoerd Government's implementation of its apartheid policies was under review. The killing of 69 people at Sharpeville the previous year during an anti-segregation demonstration had shocked the world and called attention to the policies of racial division being pursued in South Africa. Prime Minister Menzies maintained that apartheid was a domestic matter for the South African Government, arguing that 'the policy of non-interference in the domestic affairs of another country is at the very root of Commonwealth relations'.⁷¹ The debate between this position and the viewpoint that the forcible creation of racially separate areas governed by race-based laws was morally reprehensible continued on Menzies' return to Australia in both the parliament and the press.

Elements within the government were acutely sensitive to international feeling on racial issues. The presence of sixteen new African states within the

⁷⁰

Ibid., p 11.

United Nations gave the Afro-Asian bloc numerical dominance. In this climate representatives from all states and the Commonwealth met in January 1961 and adopted a statement of the meaning of assimilation to which they all adhered.

The policy of assimilation means in the view of all Australian governments that all aborigines and part-aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians.⁷²

The statement went on to explain that any 'special measures taken for aborigines' were 'temporary measures not based on colour'. Would such a statement stand up to international scrutiny? In February 1961 the Department of External Affairs wrote to all diplomatic posts asking them to 'report on the state of overseas knowledge and opinion about Australian Aborigines'. In April the Foreign Affairs Committee resolved to set up a subcommittee to study 'the Aboriginal question' and 'its possible impact on overseas opinion about Australia'.⁷³ External Affairs was particularly aware of the fact that although it was the states which had major legislative responsibility for those defined as Aboriginal within their borders, if 'the Aborigines question became a matter of international concern, the Commonwealth Government would ... have some responsibility for dealing with it'.⁷⁴

⁷¹ R. G. Menzies, *Parliamentary Papers*, Commonwealth of Australia, 3rd session, 1961, vol IV, p. 1485.

⁷² Paul Hasluck, 'The Policy of Assimilation: Decisions of Commonwealth and State Ministers at the Native Welfare Conference', Canberra, January 1961, statement by leave, House of Representatives, 20 April 1961.

⁷³ 'Australian Aborigines: External Affairs Interest, 29 August 1961, series A 1838/2, 557/1 part 2, NAA, Canberra

⁷⁴ Ibid.

This was the environment in which delegates and observers met in Brisbane at Easter. Many remember the meeting. Some have described the tensions present in terms of Communists versus the right-wing Nation Civic Council, or the Left versus Government.⁷⁵ For others it was memorable because the indigenous contribution was so strong or because the presentations from speakers describing policies were so forthright and critical.⁷⁶ Barry Christophers believes that 'it was at this conference that the Federal and state governments realised we were "for real".'⁷⁷ This last observation is supported by the attention paid to Federal Council activities from this time on. Alan Duncan recalls that when Doug Nicholls realised that the energetic notetaker in the audience was probably an ASIO representative he got up to speak, 'looked directly at this fellow and just said "I'm a black from Fitzroy, not a red from Moscow".'⁷⁸ The fact that the Australian Security Intelligence Organisation (ASIO) attended future conferences and developed files on FCAA executive members is one indication that by 1961 FCAA had developed as an activist organisation worthy of ASIO's interest.⁷⁹

Thirty-three resolutions were passed at the 1961 conference. They addressed issues of broad significance such as Aboriginal education and the extension of the federal franchise to Indigenous people and specific issues such as NSW liquor laws or the repeal of the 'leprosy line' in Western

⁷⁵ S. Davey, Interviewed by Francis Good, October 1986, NTRS 226; Item TS 462, Side B, tape 2, p. 10, Northern Territory Archives Service; Barry Christophers, FCAATSI Oral History Project, 27 September 1996, p. 2, Jack Horner, FCAATSI Oral History Project, 5 December 1996, p. 5, AIATSIS Library, Canberra

⁷⁶ Pauline Pickford, FCAATSI Oral History Project, 15 November 1996, p. 10; Shirley Andrews, FCAATSI Oral History Project, 26 September 1996, p. 5.

⁷⁷ B. Christophers, FCAATSI Oral History Project, 27 September 1996, p. 2.

⁷⁸ Alan Duncan, FCAATSI Oral History Project, 7 November 1996, p. 12, AIATSIS Library, Canberra.

Australia which restricted Aboriginal movement south of the 20th parallel.

Five of the resolutions passed came from the Aboriginal session of the conference, a meeting open only to people of Indigenous descent. Resolution number 30 read:

We consider it most opportune that the Federal Council is meeting this week. The recent discussion at the Commonwealth Prime Ministers Conference held in London condemning Apartheid supports 100% the policy we adopted when we formed the Council... We must abolish apartheid in our own country before the next Prime Ministers' Conference, or we may find ourselves in a similar position as South Africa this year. A copy of this resolution be forwarded to all Commonwealth Prime Ministers, and to Mr Verwoerd.⁸⁰

The Federal Council highlighted this resolution in its press release showing its political shrewdness. This was a statement made by Aboriginal delegates, not whites, countering any possible suggestions that the Federal Council was controlled by whites. The word 'apartheid' was used to draw attention to laws which had the effect of segregating Indigenous Australians from other Australians. With the white Australia policy restricting immigration on racial lines, Australia's northern neighbours were interested in news of Australian racial policies. A press report of this resolution appeared in April in Malaya. Another appeared in Ghana, which had gained its independence from Britain in 1957 and was led by Dr Nkrumah, who had vigorously opposed the Republic of South Africa's application to remain a member of the Commonwealth. The Department of External Affairs took note of this press

⁷⁹ See 6119/90, 2589, NAA for ASIO files on executive members and reports of annual FCAA(TSI) conferences.

⁸⁰ 'The 4th National Conference on Aboriginal Advancement: Resolutions Arising from Conference', UQFL 234, CPA (Queensland), box 7, Fryer Library, University of Queensland.

coverage and its anxiety about the adequacy of the Federal Government's stated policy of assimilation to counter criticisms grew.⁸¹

The Federal Council continued to use contacts outside Australia to publicise Aboriginal disadvantage. The executive provided factual information to Jacquetta Hawkes for a talk sponsored by the London Anti-Slavery Society which was attended by members of the Australian High Commission.⁸² Hawkes used information concerning the Hopevale flogging incident in Queensland, as well as letters by Mrs Harrison, a resident of Lake Tyers, and Mrs O'Shane, president of the Cairns Aboriginal and Islander Advancement League.⁸³ Australian High Commission staff reported to the Secretary of the Department of External Affairs that Miss Hawkes said 'some critical and officially obnoxious things'.⁸⁴ As well, Doreen Trainor, a Western Australian member of the Federal Council wrote, as a private citizen, to all Commonwealth Prime Ministers asking that the position of Aborigines in Australia be placed on the agenda of the next meeting of Commonwealth

⁸¹ Confidential file note 'Overseas opinion on Aboriginal Welfare', series A 1838/2, 557/1 Pt. 2, NAA, Canberra. See S. Taffe, 'Australian Diplomacy in a Policy Vacuum: Government and Aboriginal Affairs, 1961-2', *Aboriginal History*, vol 19, part 2, pp154-171 for a discussion of Australian Government response to activism in Aboriginal affairs at this time. See also J. Clarke, 'Something to Hide: Aborigines and the Department of External Affairs, January 1961- January 1962', *Journal of the Royal Australian Historical Society*, 83 (1997); and J. Chesterman, 'Defending Australia's Reputation: How Indigenous Australians Won Civil Rights, Part One', *Australian Historical Studies*, in press.

⁸² The minutes of FCAA executive meeting, 1 September 1961, record that a letter was received from the Anti Slavery Society requesting material for Mrs Priestley, Ms 12913, box 10/4; Priestley thanked Andrews for providing material which she circularised. Priestley to Andrews, 29 October 1961, MS 12913, box 9/8, Council for Aboriginal Rights, SLV

⁸³ Ibid. Hawkes was an author in her own right, and married to well-known writer, J. B. Priestley.

⁸⁴ H. Marshall, Australian External Affairs Office, London to Secretary, Department of External Affairs, Canberra, 26 October 1961, A1838/2 pt 2, NAA Canberra.

Prime Ministers.⁸⁵ President Nkrumah of Ghana took up Trainor's prompt and wrote to Menzies on this matter.⁸⁶ The prospect of such debate threatened Menzies' argument that such matters should be reserved for domestic jurisdiction. Such airing of Australia's racial inequalities led to the Department of External Affairs advising Australian diplomatic posts to point out that the 'essential aim of Australian policy is equality of rights'. The Department also blamed 'Communist activities among the Aborigines' which tended to 'promote racial separatism by encouraging them to maintain their identity as a racial group separate from other Australians'.⁸⁷

Shirley Andrews and Barry Christophers – both members of the Communist Party of Australia – were crucial in the development of the Federal Council during these years. Andrews has acknowledged that Party colleagues initially suggested she become involved in the work of the Council for Aboriginal Rights, but once members Andrews and later Christophers became deeply involved in the work to improve the conditions of life for Indigenous Australians.⁸⁸ Neither followed Party dogma, in fact Christophers publicly disputed CPA draft policy which argued that Aboriginal people should be regarded as a national not an ethnic minority.⁸⁹ Christophers took issue with the CPA draft policy, disputing the suggestion that the Party had been interested in Aboriginal conditions since Tom Wright's 1939 pamphlet.

⁸⁵ See H Gilchrist, Head Information Branch to Acting Secretary, External Affairs, 29 August 1961, Series A1838/2, 557/1, part 2, NAA.

⁸⁶ J. Clarke, ' "Something to Hide": Aborigines and the Department of External Affairs, January 1961- January 1962', *Journal of the Royal Australian Historical Society*, 83 (1997).

⁸⁷ Confidential Guidance from the Department of External Affairs to Australian Diplomatic Posts, 24 January 1962, A 1838/1, 557/9, part 1, NAA

⁸⁸ Shirley Andrews, taped interview, 4 August 1994.

⁸⁹ B. Christophers, *Tribune*, 6 May 1964.

Christophers saw this Wright's work of that of a 'lone member'.⁹⁰ He later argued that the Part disavowed racism 'in theory', but that it was particular rank and file members who 'took it upon themselves to get involved'.⁹¹ The Australian Security Intelligence Organisation's suggested that the Federal Council was 'dominated by a CPA fraction [sic] and that the CPA is working to use the aborigines and their problems in every way in its own local "united front" campaign for "people's power" and communism in Australia' is misleading.⁹² CPA influence on Andrews and Christophers was broadly ideological, however both showed themselves to be independent thinkers within a leftist framework in which ideas of social reform would take account of the need to remove economic exploitation.

Conclusion

For the first three years of its existence, the executive struggled to create a workable and democratic structure, to broaden the membership, especially the Indigenous membership, and to develop a program which could fulfil the promise of the five principles. The affiliated organisations were better known than the Federal Council. The Victorian Council for Aboriginal Rights and Aborigines Advancement League, the NSW Aboriginal-Australian Fellowship and the South Australian Aborigines Advancement League continued to lobby governments and made statements to the press but the Federal Council for Aboriginal Advancement was unknown in the public sphere until 1961.

⁹⁰ Ibid.

⁹¹ B. Christophers, FCAATSI Oral History Project, 27 September 1996, AIATSIS, p. 5.

⁹² 'Aborigines: Summary of Communist Party of Australia Policy and Action', CRS A6122/39, item 1416, NAA, Canberra

As I have argued in this chapter the Victorian executive members were responsible for empowering the executive and broadening the membership base. The two-tiered membership system developed by Stan Davey drew in unions, with their strong memberships and funds for causes they judged to be worthy, as well as encouraging the formation and affiliation with the Federal Council of new Indigenous organisations.

The Brisbane 1961 conference, regarded by a number of those present as a turning point in the development of the federal movement, became a forum for Aboriginal and Islander people from all over the country. Jacob Oberdoo, though unused to speaking publicly in English, described the workings of the Pindan Co-operative in the Pilbara. Charlie Perkins, a young soccer player from Adelaide, also took an active part in discussions. Queensland was well represented with many recalling Ruth Wallace's bitter denunciation of the Department of Native Affairs. Joe McGinness spoke of the position of Torres Strait Islanders who had fought for Australia in the World War Two but received no repatriation benefits upon returning. Other Queenslanders – Kath Walker, Gladys O'Shane – spoke effectively.⁹³ Doug Nicholls led the Victorian contingent, and Ray Peckham, a member of the Australian Workers Union, represented New South Wales. Many of these people had gained their practical experience of mainstream Australian politics through their membership of left-wing unions. For these Aboriginal activists as for their non-Aboriginal colleagues the Menzies-led Liberal Country Party which had been in power for twelve years was seen as representing interests

⁹³ FCAATSI Oral History Project, interviews with Shirley Andrews, Barry Christophers, Don Dunstan, Rodney Hall, Pauline Pickford. Personal communication with Ian Spalding, 4 July 2000.

which kept Aboriginal Australians in a subservient position, outside the wage fixing system which other unionists could call upon.

Yet in 1961 there was no certainty that this federal approach to fighting for rights for Aboriginal Australians was going to work. Pauline Pickford remembered the Victorian executive's doubts in moving to support Jim Jacko. 'Was it wise?', she recalled them asking themselves. Their success seemed to give the executive confidence that they were on the right path. At the September 1961 committee meeting the executive decided, three and a half years after the first conference, to design FCAA letterhead, finally displaying a confidence that the Federal Council would continue.⁹⁴

FCAA success is striking when it is understood within the context of the Cold War world of 1961-1962. This was a time when political tensions within the advancement leagues and rights councils heightened.⁹⁵ Warnings of 'Communist infiltration' of the advancement leagues were followed in Queensland by an attempt to destroy the Queensland State Council for the Advancement of Aborigines and Torres Strait Islanders (QSCAATSI). The National Civic Council, established by Bob Santamaria to oppose communism in the trade unions, stacked the QSCAATSI annual general meeting and voted it out of existence, temporarily out-manoeuvring the executive. Rodney Hall, Kath Cochrane and others regrouped, however, around Kath Walker and reformed as the Queensland Council for the Advancement of Aborigines and

⁹⁴ 'It was agreed that letterheads with addresses of President and Secretary and a suitable statement be printed', Minutes of FCAA meeting, 1 September 1961, CAR, MS 12913, box 10/4, SLV.

⁹⁵ See K Cochrane, *Oodgeroo*, UQP, St Lucia, 1994, pp 30-32; Elaine Darling, *They Spoke Out Pretty Good, : Politics and Gender in the Brisbane Aboriginal Rights Movement 1958-1962*, Janoan Media Exchange, St Kilda Victoria, 1998, chapter 3.

Torres Strait Islanders (QCAATSI), and affiliated with the Federal Council.⁹⁶ Their critics formed the One People of Australia (OPAL) organisation with the Queensland Government's blessing, and competed with QCAATSI to attract Indigenous members.⁹⁷ OPAL did not affiliate with FCAA. In Darwin at the second meeting of the Northern Territory's Council for Aboriginal Rights, the chairman Jacob Roberts told the meeting that he had been criticised 'by members of the community for associating the Council with the secretary of the Darwin branch of the Communist Party'. Roberts had been advised 'to have nothing more to do with Mr Manning' but he reminded the meeting, that in time of need it was Brian Manning who came forward to help organise the Council. It was Manning who assisted in the drafting of a constitution which placed voting power in the hands of Aboriginal people themselves.⁹⁸ In South Australia, Charles Duguid, a founding member of both the SA Aborigines' Advancement League and of the Federal Council, expressed his anxiety at the 'communistic tendencies displayed by several members of the [South Australian] Aborigines Advancement League' to the Acting Secretary of the Aborigines Protection Board. An ASIO informer relayed to his superior Duguid's information that 'several well-known communists attended the Easter Conference at Adelaide' specifically naming Christophers and

⁹⁶ The Queensland Special Branch showed an interest in QSCAATSI in 1960-1961. George Cook, active in the National Civic Council is seen by Darling, Cochrane and Hall as being instrumental in the stacking of the July 1961 QSCAATSI meeting. See Darling, *'They Spoke Out Pretty Good': Politics and Gender in the Brisbane Aboriginal Rights Movement 1958-1962*, pp 82 - 102; Cochrane, *Oodgeroo*, pp 27-33. See also FCAATSI Oral History Project interviews with Rodney Hall, 6 December 1996, Jack Horner, 5 December 1996.

⁹⁷ Darling, *'They Spoke Out Pretty Good'*, chapter 3 and 4.

⁹⁸ Minutes of committee meeting of NT Council for Aboriginal Rights, 14 January 1962, George Gibbs Memorial papers, ML MSS 2662, item 2, records of the Council for Aboriginal Rights 1962-1966, Mitchell Library, State Library of NSW.

Andrews.⁹⁹ Duguid expressed the view that at the next annual meeting of the [SA] Aborigines Advancement League in October he expected to see the control of the League taken over by 'the Communist group'. Perhaps feeling uneasy about his disclosure, he asked that it not be made public.¹⁰⁰ In Western Australia the Native Welfare Council had not affiliated, seeing the Federal Council as 'suspect', according to Davey.¹⁰¹

Disputes over a publication which was to have contributions by Charles Duguid (SA), Mary Bennett (WA), Barry Christophers (NT), Len Fox (NSW), Shirley Andrews (Vic) and Alistair Campbell (Queensland) show the effect of McCarthyist style suspicions within Federal Council ranks. Four of the six authors were office-bearers in affiliated organisations and members of the Communist Party of Australia. This fact appeared to be the reason for Dr Charles Duguid's withdrawal from the project. The original scheme was that these people would provide data from each state to Yvonne Nicholls, a member of the Council for Aboriginal Rights and author of *Not Slaves, Not Citizens*, a study of conditions for Aboriginal Territorians, published in 1952. Using this material she was to write a state by state description and analysis of conditions experienced by Aboriginal people in each mainland state. Duguid's withdrawal from the project led Yvonne Nicholls to express her reservations about proceeding. She explained that she had hoped 'that the joint participation of Dr Duguid and Mrs Bennett might have been sufficient antidote to neutralise the effect of the remaining four names all being of the

⁹⁹ 'Federal Council for Aboriginal Advancement Fifth Conference', A 6119/90, item 2589, NAA, Canberra.

¹⁰⁰ Report to regional director, South Australia, Australian Security Intelligence Organisation, A 6119/90, 2589, NAA, Canberra.

¹⁰¹ Davey to Ted Penny, 13 January 1964, CAR, MS 12913, box 10/1, SLV

same political persuasion'.¹⁰² Nicholls left the project and the booklet ended up being a collection by the remaining five contributors, under their own names, published by the Council for Aboriginal Rights. While the collection was popular among those who shared its world view, its polemical style was criticised by some who considered that some contributions were exaggerated and emotional.¹⁰³ The often angry tone of the work suggested that it had been written for those who were already inclined to agree with the conclusions.

By Easter 1962, when delegates returned to Adelaide for the fifth annual FCAA conference, the left had indeed gained power. The Federal Government was now aware of FCAA and was monitoring its activities.¹⁰⁴ The main organisations in the eastern states and the Northern Territory were philosophically committed to working for the repeal of discriminatory legislation, and to pressing for equal wages, for improved housing and for access to services. A 'National Plan of Action' developed by the Victorian executive was put to delegates. Standing committees would be established to take responsibility for planning in the areas of legislative reform, education, work and equal wages, and land and reserves. Stan Davey was returned as the General Secretary. Despite an earlier constitutional clause that the position of president should circulate each year, Joe McGinness was returned as the

¹⁰² Yvonne Nicholls to Barry Christophers, 3 October 1960, Christophers personal papers

¹⁰³ Stuart Fowler of the United Aborigines Mission head office while recognising its many commendable features held that it failed 'to present accurately and without emotional stress the true current position' S. Fowler to B. Christophers, 22 August 1962, Barry Christophers personal papers. Doreen Trainor, a WA delegate and former vice-president also wrote that 'one or two things are exaggerated in the WA section'. D. Trainor to B. Christophers, 1 September 1962, Christophers personal papers

¹⁰⁴ From 1962 on ASIO had at least one, and most likely more, informers reporting on FCAA. See CRS A1838/2, item 557/1 part 3; CRS A 6119/78 and CRS 6119/90, NAA, Canberra.

president. The South Australian Aborigines Advancement League continued to criticise the Victorian executive, but they remained affiliated. The Western Australian Native Welfare Council did not affiliate. The Federal Council was now in a position to use its political strategies to realise its goals of legislative and social change, and in the process discomfit the Federal Government by publicly disputing the value of the Government's policy of assimilation which it promoted as the best way forward for Aboriginal Australians.

Chapter 3 Persuading people and Parliament: the campaign for Constitutional amendment

Introduction

The first national campaign undertaken by the Federal Council was a petition campaign to pressure the Federal Government to amend the Australian Constitution. The National Plan of Action, presented by the Melbourne executive and accepted by the fifth annual conference in April 1962 set out a program which would make possible the realisation of FCAA's foundational ideals. One of the conference recommendations was that the FCAA:

send a petition to the Commonwealth Government demanding a referendum to amend the Commonwealth Constitution Act in those two sections (section 51, clause xxvi, and Section 127), which discriminate against the Aborigines. (such a petition has been drawn up to be launched, probably in September.)¹

This idea was not new to Federal Council activists. As described earlier the first petition campaign had been conducted by the Aboriginal-Australian Fellowship in 1957, before the FCAA came into being.² The following year Gordon Bryant and the Victorian Aborigines Advancement League collected another 25 988 signatures urging the deletion of clauses which were seen as discriminating against Aboriginal people. Bryant presented this to the Commonwealth Parliament on 17th September 1958.³ Both of these petitions

¹ 'A National Plan of Action', *Smoke Signals*, vol 2, no. 1, October 1962.

² See F. Bandler, *Turning the Tide: a personal history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders*, Aboriginal Studies Press, Canberra, 1989, pp 79-90; F. Bandler & L. Fox, *The Time Was Ripe*, Alternative Publishing Co-operative Limited, Chippendale NSW, 1983, Hyland House, South Yarra, 1985, p. 111-112.

³ *Smoke Signals*, December 1958, pp 3-4, *Smoke Signals*, July 1959, p. 1; Victorian Aborigines Advancement League, *Victims or Victors?*, p. 60. See B. Attwood and A. Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, AIATSIS, Canberra, 1997, document 16, p 88 for a copy of this petition.

proposed that section 127 be repealed and that section 51 be amended. Section 127 of the Constitution read:

In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

Section 51 (xxvi) read:

The Parliament shall, subject to the Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to ...xxvi The people of any race *other than the aboriginal race in any state*, for whom it is deemed necessary to make special laws.⁴ [my italics]

The proposed amendment was to delete the italicised phrase. While the two earlier petitions were well supported it was not until 1962 that a campaign for Constitutional amendment on a nation-wide scale was considered.

The main activity of this campaign, the collection and presentation to parliament of petitions signed by approximately 103 000 people across the country took place from October 1962 to October 1963. After this time the newly-formed Legislative Reform Committee of the Federal Council took responsibility for maintaining pressure on the Federal Government for a referendum. The Federal Government first resisted the call for a referendum but in 1966 agreed to put to the people the case for repealing section 127 which excluded Aboriginal people from the census. Following the retirement of Robert Menzies as Prime Minister the Holt Government succumbed to community pressure for a referendum including the amendment of section 51 (xxvi) and in March 1967 a referendum date of 27 May was announced. The Federal Council set up 'vote yes' campaign committees in all states. The result

⁴ *The Constitution of the Commonwealth of Australia*

– a 91.77% yes vote – was greeted with euphoria by FCAATSI activists, some of whom had been involved for a decade on this campaign. For some this was the Federal Council's greatest triumph. Faith Bandler, NSW state secretary for many years and General Secretary of FCAATSI in the early 1970s has made the referendum campaign central to her memoir, *Turning the Tide*, which charts the achievements of the Federal Council.⁵

The referendum campaign is the only activity of the Council which, at the time of writing, has attracted the close scrutiny of historians. With the exception of an essay by Peter Read on the 1970 FCAATSI conference, little work had been done on the Federal Council until Bain Attwood and Andrew Markus in a monograph and two essays analysed what they saw as a process of mythologising of the referendum. Attwood and Markus sought to explain factual distortions associated with popular understanding of the 1967 referendum.⁶ They showed that this referendum and other events, most notably the extension of the Federal franchise to Aboriginal people in 1962, had become fused in the popular understanding, hence the title of their book, *The 1967 Referendum or When Aborigines didn't get the Vote*. Their work makes an important contribution to an understanding of the process whereby one event comes to stand in the popular memory for a longer process of social change encompassing a number of related events. It also contextualises the

⁵ Bandler, *Turning the Tide*.

⁶ *The 1967 Referendum, or When Aborigines Didn't get the Vote*; '(The) 1967 (Referendum) and All That: Narrative and Myth, Aborigines and Australia', *Australian Historical Studies*, number 111, October 1998; 'Representation Matters: the 1967 Referendum and Citizenship', Nicholas Peterson and Will Sanders (eds) *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Cambridge, 1998.

Federal Council's activities in this regard, revealing a line of argument for Commonwealth control of Aboriginal affairs stretching from the first decade after Federation to the referendum campaign in 1967. My research into the role of Federal Council members in this process has led me, however, to conclusions about the Federal Council's management of the campaign that differ from those arrived at by Attwood and Markus. Their argument that the Federal Council had a confused idea of the value of the passage of such a referendum is not supported by my research which indicates instead that the campaign organisers had a clear view of the purpose of this Constitutional change.⁷

In this chapter I will chart the campaign through three stages. The first stage was the intense activity in raising public awareness of the 1962-1963 national petition campaign. The second was the extension of the debate into Cabinet, Parliament and the community from 1964 to 1967. The Legislative Reform Committee petitioned and lobbied politicians, worked for legislative reform of state laws, and continued the research started by Shirley Andrews into discriminatory laws. This was low profile work but it kept the issue in the public domain. The third was the high profile frenetic activity of the vote 'yes'

⁷ My argument will be developed later in the chapter. It is sufficient here to point out that Attwood and Markus ask the question: 'How do we explain the failure of the Federal Council for Aboriginal Advancement to properly understand and acknowledge the changes which were occurring in the citizenship status of Aborigines?' This question is asked before the failure of FCAA so described has been established. Presumably this failure to understand is a reference to Jessie Street's misunderstanding of the relationship between the exclusionary clauses and Aboriginal citizenship. The only other evidence tendered in support of this statement is an undated, unsigned quote stating that 'these clauses [the exclusionary clauses in the Constitution] deny legal equality to the descendants of the original inhabitants'. Bain Attwood and Andrew Markus, *The 1967 Referendum or When the Aborigines Didn't Get the Vote*, p. 28.

campaign from March to May 1967. I will consider the question central to understanding these campaigns: why did the Federal Council regard this issue so highly?

The National Petition Campaign, 1962-1963

In its first five years of operation Federal Council members had challenged state legislation which put Aboriginal 'citizens' outside laws which guaranteed civil rights. One of these laws was a section of the Western Australian *Native Welfare Act 1905-54*, the so-called 'leper line' legislation in which prevented Aboriginal people who lived north of the 20th parallel from travelling south of this line.⁸ Another was the Queensland *Aboriginal Preservation and Protection Act 1939 to 1946* which gave the Minister for Native Affairs responsibility for approving marriages, moving people away from their homes, taking children into state custody. In 1962, every state legislature, with the exception of Tasmania where, it was held, there were no Aboriginal people, contained examples of legislation which limited the rights of Aboriginal Australians, although in Victoria, following the passage of the *Aborigines Act 1957* such limitations applied only to those Aboriginal people living on Lake Tyers Reserve.

The term 'citizen' at the time of the Petition Campaign was almost an antonym for 'Aborigine'. This was most clearly evident in the Western Australian *Natives (Citizenship Rights) Act 1944* (not repealed until 1971)

⁸ See B. Christophers, 'The Leper Line', *Communist Review*, November, 1962.

under which citizenship if granted meant that the Aboriginal would 'be deemed to be no longer a native or aborigine and shall have all the rights, privileges and immunities...of a natural born or naturalised subject of His Majesty'.⁹ The choice by Aboriginal residents in Western Australia and the Northern Territory to apply for citizenship involved a sense of rejection of their own people. Exemption from state or Territory Aboriginal laws—the 'dog licence' or the 'dog tag'—was often spurned by Aboriginal people, who criticised those who ingratiated themselves with the authorities in order to share the freedoms taken for granted by other Australians.

The Australian *Citizenship Act*, passed in 1948, was a legalistic document concerned with careful definition of categories of people who may be considered citizens. It considered citizenship as being about 'reciprocal rights and obligations', a 'sharing of democratic beliefs' and 'respecting the rights and liberties and upholding the laws of Australia'.¹⁰ In 1959 Gordon Bryant had enquired of the Attorney-General, Garfield Barwick, regarding the citizenship status of Aboriginal people. Barwick replied: 'You are quite right to think that aborigines born in Australia are Australian citizens by virtue of the Nationality and Citizenship Act 1948-1955'. But he went on to explain that:

The rights and disabilities of Australian citizens, that which they may and that which they may not do within Australia, are not to be found in the Nationality and Citizenship Act. Those rights and disabilities are to be found in the general law of Australia which is made up of the common law and federal and state laws'¹¹.

⁹ *Natives (Citizenship Rights) Act 1944 (WA)* sections 4,6; see John Chesterman and Brian Galligan, *Citizens Without Rights*, CUP, Oakleigh Melbourne, 1997, p. 132.

¹⁰ Commonwealth of Australia, *Citizenship Act, 1948*.

¹¹ G. E. Barwick to G. Bryant, 9 July 1959, MS12913, Box 10/4, SLV.

He ended a rather inadequate explanation of the relationship between the theoretical citizenship conferred by the Commonwealth and the more powerful limitations imposed by the states by saying:

Perhaps the best way I can express this for you is to say that the status of the aborigine in relation to nationality and citizenship is determined by the Federal Statute. Being born in Australia, and not being within any of the groups that the Act excepts, the aborigine is an Australian citizen. But to ascertain what rights Australian citizens, including aborigines, have and to what disabilities they are subject, it is necessary to look to the general law.¹²

It was the general law of the states, especially those of Western Australia and Queensland, which limited the theoretical and actual rights of Aboriginal 'citizens'.

State-based Aboriginal advancement organisations affiliated with the Federal Council had been challenging discriminatory state legislation for some years. In New South Wales the Aboriginal-Australian Fellowship was engaged in a long struggle against the NSW *Aborigines Protection Act, 1909* and its amended versions.¹³ The Victorian *Aborigines Act 1957* removed many discriminatory features of earlier legislation, but the Victorian Council for Aboriginal Rights reminded the McLean Inquiry that restrictive clauses remained.¹⁴ Under the *South Australian Aborigines Act 1934-39* the Aborigines Protection Board was 'the legal guardian of every Aboriginal child

¹² Ibid.

¹³ Following forms of this legislation were: *Aborigines Protection Amending Act 1915*; *Aborigines Protection (amendment) Act 1918*; *Aborigines Protection (Amendment) Act 1936*; *Aborigines Protection (Amendment) Act 1940*; *Aborigines Protection (Amendment) Act 1943*. See Bandler & Fox, *The Time Was Ripe*, pp 101-106 and H. Goodall, *Invasion to Embassy*, Allen & Unwin, St Leonards NSW, 1996, chapter 23 for information on struggles against these acts.

¹⁴ Shirley Andrews, as the secretary of the Victorian Council for Aboriginal

in the state'.¹⁵ The Western Australian and Queensland laws, however, were most intrusive and controlling. For example in neither state could Aboriginal people own property, move freely around the state, or have legal control of their children.

Federal Council activists understood the relationship between laws bearing on citizenship and the attitudes of those in authority, especially in remote places. In 1961, as told in chapter two, the Cairns ATSIAL had employed a lawyer for Jim Jacko, a young resident of Hopevale Mission who had been beaten as a punishment for disobeying mission rules. In the process the Cairns League and the Federal Council publicised the limitations to the rights of Aboriginal Queenslanders living on missions. In 1962 an elated Patrick O'Shane told the Victorian Council for Aboriginal Rights 'We've had a really great victory. Egan has been convicted'. He referred to the trial of a police officer in Mareeba found guilty of assault. O'Shane wrote 'I think this is the first time the State has taken action against one of its servants on behalf of an aboriginal person. Could it be a sign of the times?'¹⁶ Cases of abuse of civil rights were increasingly communicated to General Secretary, Stan Davey, and written about in FCAA publications.¹⁷

Rights tendered evidence to the McLean Inquiry, AA11/2/77, series B408, item 6, NAA, Melbourne. She observed that it was the regulations under the Act which limited the rights of Aboriginal residents of Lake Tyers station.

¹⁵ S. Andrews, 'The Australian Aborigines: A Summary of their Situation in all States in 1962', CAR, MS 12913, box 3/4, SLV

¹⁶ Patrick O'Shane to Pauline Pickford, 24 June 1962, and a further letter soon after, n.d., CAR, MS 12913, box 3/3, SLV

¹⁷ The first of these was *Yinjilli*, edited by Rodney Hall from June 1963. Previous to this time *Smoke Signals*, the Victorian Aborigines' Advancement League periodical was used to communicate news from around Australia. Some newsletters of other affiliated organisations were the Aboriginal-Australian Fellowship's

In the Northern Territory, where the Commonwealth was responsible for Aboriginal people, similar legal restrictions existed although by linguistic sleight of hand it was 'wards', rather than 'Aborigines' whose rights were limited.¹⁸ All of these 'wards' were people of Aboriginal descent. As described in the previous chapter the Federal Council had unsuccessfully challenged the Federal Government when it held that Albert Namatjira was guilty of an offence when he shared a drink with a relative. The case received wide publicity with most newspaper reports critical of the Federal Government's handling of this 'offence'. A similar abuse of human rights was aired publicly when the Northern Territory administration interfered in the plans of a white drover Mick Daly, to marry an Aboriginal woman, Gladys Namagu.¹⁹ The Commonwealth Government certainly did not have an unblemished record in legislation relating to Aboriginal people; nevertheless, the Federal Council, believed that the best hope for improving conditions for Aboriginal Australians, and especially for the larger populations living in Queensland or Western Australia, was the assumption by the Commonwealth, more open as it was to international scrutiny, of the power to legislate for Aboriginal people as a group.

The Australian community was, on the whole, ignorant of the legislation which controlled Aboriginal lives. To demonstrate the extent of this

Fellowship, and *Newsletter*, the newsletter of the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders.

¹⁸ See previous chapter for an explanation of the 'Wards' Employment Ordinance, the Welfare Ordinance and the Register of Wards.

¹⁹ See Colin A Hughes, 'The Marriage of Mick and Gladys' in B. B. Schaffer

intrusion into private lives and loss of civil rights, Shirley Andrews, elected to the 1962 executive as campaign officer, compiled a nine page comparative chart answering 24 questions such as: 'Can Aborigines move freely around the state? Can Aborigines own property? Do Aborigines have control of their own children?' The state by state answers to these questions showed the power of state legislatures to limit what might be seen as natural rights— for adults to choose their marriage partners and be responsible for their offspring. It also demonstrated that citizenship for Aboriginal Australians in the early 1960s was defined, primarily by state statutory laws and these varied in the detail of how that individual liberty could be curtailed. For example regulation 32 of the *Queensland Aborigines Preservation and Protection Act* gave the superintendent of Aboriginal institutions the power to open and withhold the mail of inmates.²⁰ Andrews' compilation brought together and made accessible for the first time previously scattered information. This study was sent to affiliated organisations. It was updated and recirculated in 1964 as new state and Commonwealth legislation was passed, providing an important source of information for those interested in removing the legislative restrictions experienced by Aboriginal Australians.²¹

In May 1963 Andrews brought to the attention of the Australian public, the United Nations and representatives from every South-East Asian country

²⁰ and D. C. Corbett (eds), *Decisions: Case Studies in Australian Administration*, Cheshire, Melbourne, 1965, for a description and analysis of this case.
S. Andrews, 'The Australian Aborigines: A Summary of their Situation in all States', Federal Council for Aboriginal Advancement, CAR, MS 12913, box 3/4, SLV; Andrews' updated 1964 version appears in 'Government Legislation and the Aborigines', prepared by Legislative Reform Committee, February 1964, CAR, MS 12913, box 3/4, SLV.

discriminatory legislation and abuses of human rights against Aboriginal Australians. Andrews was representing the Anti-Slavery Society for the Protection of Human Rights at a United Nations seminar on human rights held in Canberra. She gave examples of Aboriginal people who were arrested without charge and explained that 'The background of this situation lies in the discriminatory laws which are a violation of human rights'.²² *The Age* newspaper reported that one visiting dignitary was 'bereft of words'. State Police Commissioners rose to defend laws and practices, one arguing that the 'wrong impression could be created if the matter was left as Miss Andrews put it'.²³ Though she only spoke for ten minutes Andrews' presentation caused 'great consternation at the official table', some Asian delegates considered 'officially reporting on it' and journalists asked her for her notes.²⁴ Andrews was effective in informing both the Australian public and Australia's Asian neighbours of human rights abuses which occurred as a result of discriminatory laws which violated these rights.

The Federal Council was not alone in pointing out that Aboriginal Australians were not afforded the rights extended to other Australians. Zelman Cowen, Professor of Law at the University of Melbourne, published an article in 1961 which showed the results of a nation wide investigation of infringements of the common law rule with regard to arrest. He, and his co-researcher Rachael Richards, concluded that Aboriginal Australians were not

²¹ S. Andrews, 'The Australian Aborigines: A Summary of their Situation in all States in 1962'.

²² 'Aust. Condemned on Treatment of Natives', *The Age*, 4 May 1963, p. 3.

²³ *The Age*, 4 May 1963, p. 3.

²⁴ Andrews to Rodney Hall, 22 May 1963, CAR, MS 12913, box 9/8, SLV

protected against arrest or detention by state legislation in the way that all other citizens were. They cited the Western Australian *Native Welfare Act 1905-1954* which stated that 'it shall be lawful to arrest without warrant any native who offends against any provisions of this act'.²⁵ The Secretary of the Department of External Affairs was informed that this article had been sent to 'most or all of the delegations at the United Nations by the International Commission of Jurists'.²⁶ In April 1962 Hugh Gilchrist, Head of the Information branch, received a further article in draft form which he regarded as potentially damaging to Australia's reputation. This was 'Aborigines and Other Australians' by Charles Rowley, Principal of the Australian School of Pacific Administration, responsible for training officers to work in New Guinea and other Australian mandated territories. It began:

There could hardly be a more complete case of racial exclusion and discrimination as a background to present race relations, than that affecting the Australian Aborigines.²⁷

This analysis demonstrated that the policy of assimilation as implemented by welfare officers displayed an ignorance of the nature and role of the human group within societies. Cowen and Richards' critique was published in the *Journal of the International Committee of Jurists*, and Rowley's indictment of the Australian Government's assimilation policy in *Oceania*, a renowned journal of Australian and Pacific anthropology. Hugh Gilchrist explained to

²⁵ Cited in Z. Cowen and R. Richards, 'Preventative Detention in Australia' in *Journal of the International Commission of Jurists*, vol III, (1), 1961. See S. Taffe, 'Australian Diplomacy in a Policy Vacuum: Government and Aboriginal Affairs, 1961-62' in *Aboriginal History*, vol 19 1-2, 1995, for a discussion of Australian government response to criticism of Aboriginal affairs policies at this time.

²⁶ Letter to the Secretary, External Affairs, 27 June 1961, A1838/2, 557/2 part 2, NAA, Canberra.

²⁷ C. Rowley, 'Aborigines and Other Australians', *Oceania*, volume XXXII,

the First Assistant-Secretary of the Attorney-General's Department that these articles 'may help indicate why I feel a good deal of discomfort in trying to act as an apologist for some aspects of current official policies in the field'.²⁸ Such writings contributed to the development of a climate in which Federal Government Aboriginal policy came to be more critically examined

Gordon Bryant, promoting the national petition campaign in *Smoke Signals*, reminded supporters that 'the Commonwealth carries out its activities under much closer scrutiny than any State Government or the totality of them'.²⁹ In this climate of criticism coming from inside and outside the country, cabinet directed that a working party be convened to 'confer regarding Commonwealth Acts which contain provisions discriminating against the employment of persons of aboriginal descent'. Senior public servants advised that the working party might 'with very little extra labour, extend its survey to include all instances of discrimination against aborigines in Commonwealth laws'.³⁰ In April 1961 a Select Committee on Voting Rights was established to consider extension of the Commonwealth franchise. Peter Heydon, First Assistant Secretary of the Department of External Affairs, giving evidence before this Select Committee described the preoccupation of non-European countries with racial questions as 'intense'. He argued that 'any publicised incident involving Australian aboriginals may be construed in those

no 4, pp 247-266.

²⁸ H. Gilchrist to R. L. Harry, First Assistant-Secretary, Attorney-General's Department, 30 April 1962, series A1838/2, 557/1, part 2, NAA, Canberra.

²⁹ Gordon Bryant, *Smoke Signals*, vol 2, no. 1, October 1962.

³⁰ Cabinet Decision 1549, 23rd August 1961, R. L. Harry, First Assistant Secretary to Secretary, Attorney-General's Department, 19 February 1962,

countries as evidence of an official policy on racial discrimination' and cited as an example the 1961 Federal Council for Aboriginal Advancement resolution 'alleging apartheid' which had been broadcast through a Reuters press agency report.³¹ Federal Council activists knew that Commonwealth sensitivity to suggestions of a failure of responsibility with regard to Aboriginal Australians could be used internationally. Given government sensitivity to international criticism they had a better chance of getting legislative reform this way than by a more fragmented focus on changing the laws in each state, where international opinion could not be called upon.

In deciding to conduct a National Petition Campaign, FCAA's central planning committee in Melbourne and the affiliated organisations in all states were committing themselves to what would initially be a year of intense, unrelenting work. Public speaking and pamphleteering, networking to make contact with all sections of the community, planning political strategy, and national co-ordination— all of these activities were essential for a successful campaign. The campaign planning committee convened after the 1962 annual meeting was Shirley Andrews as campaign organiser and Gordon Bryant, Stan Davey and Doug Nicholls. A national organisational structure had to be developed, a petition with an acceptable preamble had to be agreed on, state organising committees had to be established as well as electoral committees. Competent speakers, preferably Aboriginal, had to be sent out into the community. The goal was 250 000 signatures. This meant getting petition

A1838; 557/1 part 3, Publicity- Australian Aborigines, 1961-1963, National Archives of Australia, Canberra.

³¹ Confidential file note 'Overseas Opinion on Aboriginal Welfare', Series A1838/2

forms into hands in as many ways as possible: outside the footy in Melbourne or the rugby in Sydney, in the local shopping centres, outside churches. It meant getting coverage on radio, television, and in daily and community newspapers.³² What was to happen once these forms were filled in? How could the maximum effect be gained in presenting them to Parliament? The national task was demanding for a grass roots organisation, entirely dependent on donations and voluntary labour.

The first 'principle' adopted by FCAA in 1958 was 'Equal citizenship rights with other Australian citizens for Aborigines'. The Aboriginal-Australian Fellowship petition in 1957 and the first FCAA petition in the following year had established the repeal of section 127 and the amendment of section 51 (xxvi) as worthwhile goals in any work to realise the first principle: 'Equal citizenship rights with other Australian citizens for Aborigines'. Other possible constitutional changes were discussed in 1962. One model put before affiliates was the total removal of subsection xxxvi, which would remove the Commonwealth's power to 'make laws for the peace, order and good government of the Commonwealth with respect to the people of any race ... for whom it is deemed necessary to make special laws'. The competent South Australian Aborigines' Advancement League found this proposal 'too sweeping'. 'We feel that the deletion of the vital words "other than the

File No 557/1 Pt. 2, NAA, Canberra.

³² See interviews with Faith Bandler, John Baker, Stan Davey, Len Fox and Mona Brand, Rodney Hall, Jack Horner, Alick Jackomos, Daphne Millward, John Moriarty, Joe McGinness and Evelyn Scott, FCAATSI Oral History Project, AIATSIS, Canberra.

aboriginal race in any state" is all that is required', the secretary wrote.³³ The argument for maintaining clause 26 was put by Gordon Bryant who explained that the Government 'will eventually be asked to set up a system similar to the Repatriation Department to give special benefits and assistance to Aborigines without depriving them of their basic human rights'.³⁴ A foreseeable future, if this referendum were to be passed, was that of a Federal Labor Government using its power under section 51 (xxvi) to successfully challenge Queensland Aboriginal and Torres Strait Islander legislation.³⁵ The campaign committee saw amendment of section 51 as necessary not simply because Aboriginal people were excluded from Commonwealth legislative power to make laws specific to them as a people, but because they saw the potential or the Commonwealth to legislate to assist Aboriginal Australians to make their way in mainstream Australian society.

When the planning committee sat down to draft the preamble to the proposed petition the many 'urgent questions' raised at the FCAA Easter Conference two months earlier were on their minds. The question of wages was regarded as a key issue. Those present considered that there was no possibility of obtaining real equality for Aboriginal people while such economic discrimination persisted. Kath Walker, secretary of the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders, reported that those attending the Aboriginal meeting prior to the Conference

³³ E. M. Willington, Hon Sec SA AAL to S. Andrews, 4 August 1962, Council for Aboriginal Rights, MS 12913, Box 11/5, SLV.

³⁴ G. Bryant, 'Aboriginal Rights: National Campaign to Remove Discrimination from the Constitution', nd, MS 8256, box 185, NLA, Canberra

³⁵ Conversation with Barry Christophers, 13 December 1998; Bandler

had stressed the importance to them of land ownership. Repeal of discriminatory legislation and the right to complete equality, including economic equality were also considered important.³⁶ For Andrews, the dilemma was how to communicate to the electorate 'the extraordinarily complicated morass of state laws that beset the Aborigines' without overwhelming them with information. She wondered how to convey the 'relationship between Federal and state legislation' and how to explain that 'the amendment we are asking for now is only one step towards our ultimate goal of an equal legal status'.³⁷ After input from South Australian and Queensland delegates, the draft preamble was refined so as to convey in a general, unspecific way the relationship between the Commonwealth's lack of responsibility for Aboriginal welfare and the issues of wages and employment as well as land which had concerned delegates at the 1962 Conference.³⁸ The final form of the preamble read:

and Fox, *The Time Was Ripe*, p. 111.

³⁶ 'Report on 5th annual national conference of the Federal Council for Aboriginal Advancement, 1962, CAR, MS 12913, box 10/5, SLV

³⁷ Shirley Andrews, draft letter to delegates, n.d. but most likely August or September 1962, CAR, MS 12913, box 11/5, SLV

³⁸ See 'Draft National Petition' Council for Aboriginal Rights, MS12913, Box 11/5; The South Australian League wrote: 'In any event we also feel that your preamble is couched in language which is altogether too specific. General language should be used in a document designed to correct constitutional inadequacies. Accordingly references to particular problems such as 'wages', 'employment opportunities' and 'tribal lands' seem to us to be inapt [sic]. We would prefer that these problems be summed up under general words...' E. M. Willington, Hon. Sec. Aborigines Advancement League, South Australia to S. Andrews, 4 August 1962, Council for Aboriginal Rights, MS12913, Box 11/5, The Cairns branch of the Aborigines and Torres Strait Islander Advancement League had 'no suggestions for improving the petition preamble', while the Queensland Aborigines Advancement League President, John Keats, wrote 'I think it would be a mistake to overload the petition with the vast number of unfortunate consequences of the clauses on the constitution that we wish to remove ... However I would not suggest that the difficulties listed already in the petition be deleted unless there was strong support for such a move from other members of the executive...' See letters from J. McGinness, 8 August 1962 and J. Keats, 12 July 1962, Council for Aboriginal Rights, MS12913, Box 11/5, SLV

The Petition of the undersigned citizens of the Commonwealth respectfully sheweth: THAT, in view of the fact that the Commonwealth Constitution discriminates against the Aboriginal people in two Sections (as set out below), it thereby limits their right to "peace, order and good Government under the Commonwealth Parliament", and THAT, such discriminations in effect give support to other laws and regulations which deprive Aborigines of equal wages and employment opportunities and deny them the right to own and develop their remaining tribal lands, and THAT therefore they have an inferior legal status compared with other citizens of the Commonwealth.³⁹

Andrews knew, for example, that Federal social service benefits had been extended to all but 'nomadic Aborigines' but that in many cases these benefits went to the managers of state-government reserves and state-based regulations controlled access to these monies. A complex, detailed explanation would run the risk of losing rather than gaining supporters for the petition, she believed. The drafting committee's task rather was to simplify complex issues, and express them in such a way that the proposed changes would seem reasonable to as many Australians as possible.

This intentional simplification of complex issues in no way represents the 'fundamental misunderstanding' about constitutional outcomes suggested by Attwood and Markus.⁴⁰ They rightly point out that Jessie Street seemed to be under the misapprehension that the Australian Constitution explicitly excluded Aboriginal Australians from the enjoyment of the rights of other Australians.⁴¹ I have not found any evidence, however, to suggest that FCAA executive members shared her misunderstanding. Andrews saw the proposed constitutional amendments as 'one step' along the road towards the ultimate

³⁹ A copy of the final petition is reproduced in Attwood and Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, p. 25.

⁴⁰ Attwood and Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, p. 28.

⁴¹ *Ibid.*, pp 22-23.

goal of legal equality.⁴² Other executive members shared Bryant's vision of a Federal system of special benefits and assistance like the repatriation scheme for returned service men and women.⁴³ By 1965 the Legislative Reform Committee's 'Principles of Legislation for Aborigines and Torres Strait Islanders' would formalise this argument as follows: 'In the past Aborigines have suffered grave disabilities (segregation, wage and other discrimination, lack of education facilities)... Legislation must accept this fact and plan for special compensatory facilities...'⁴⁴ The National Petition campaign was driven by a view shared by FCAA executive members that direct Commonwealth responsibility in Aboriginal affairs was a desirable goal.

Gordon Bryant encouraged campaign strategists to think about the petition campaign as public education. He explained that:

The campaign will centre around a petition which will be circulated in all electorates in all states, and it is hoped that most Federal Members will agree to present it to Parliament. The petition is part of the public education campaign necessary to

⁴² S. Andrew, draft letter to delegates, n.d. but written in either August or September 1962, MS 12913, box 11/5, CAR, SLV

⁴³ The argument for the Federal Government having the power to make 'special laws' for Aboriginal people as a part of the journey to equality was discussed by a number of Victorian members of the executive in the period 1962 to 1966. For example Pauline Pickford reporting on the eighth annual FCAATSI conference paraphrased Gordon Bryant's argument as 'there are many instances of laws being passed against Aborigines, but we must think not in terms of laws which discriminate against but on behalf of or in favour of Aborigines.' Council for Aboriginal Rights, 1965, MS 12913, box 10/7. In a circular letter to 'all Federal Members and Senators, dated 2 February 1966 Lorna Lippmann argued that it was 'essential that 51 (26) be amended ...to end discrimination and replace with positive means of assistance', Pittcock personal papers. By 1965 the Legislative Reform Committee's 'Principles of Legislation for Aborigines and Torres Strait Islanders formalised this argument as follows: 'In the past Aborigines have suffered grave disabilities (segregation, wage and other discrimination, lack of education facilities)...Legislation must accept this fact and plan for special compensatory facilities...' April 1965, Council for Aboriginal Rights, MS12913, box 11/5.

⁴⁴ 'Principles for Legislation for Aborigines and Torres Strait Islanders', April 1965, Council for Aboriginal Rights, MS 12912, box 11/5.

guarantee sufficient support for a YES vote at a referendum. Campaign committees will be set up in all electorates with the aim of obtaining at least 300,000 signatures.⁴⁵

This system of local campaign committees worked best in Victoria and New South Wales under the guidance of state co-ordinators, Shirley Andrews and Hans Bandler respectively. Andrews wrote to organisations representing all sectors of the community. Churches and religious organisations, service clubs, women's organisations, sporting clubs, elderly citizens clubs, schools and other educational institutions, political parties, unions and labour councils, Aboriginal organisations: every kind of political, social cultural and sporting organisation was approached to support the campaign both by signing the petition and by donating money to the cause. She wrote to town clerks throughout Melbourne seeking permission for petition collectors to set up their tables in suburban shopping centres and outside sporting grounds. Doug Nicholls, well-known and respected for his years as a Fitzroy footballer in the 1930s, set up with Alick Jackomos outside the Collingwood, Carlton and Melbourne football grounds on Saturday afternoons as the crowds poured in.⁴⁶ Aboriginal leaders such as Kath Walker, Doug Nicholls, Gladys O'Shane and Joe McGinness spoke to church congregations, community clubs and unions, educating potential referendum voters about Aboriginal disadvantage.⁴⁷ Kath Walker, in particular, heading the National Campaign spoke at meetings from Mt Garnett in North Queensland to Pinjarrah in South-West Western

⁴⁵ G. Bryant, 'Aboriginal Rights. National Campaign to Remove Discrimination from the Constitution', n.d. but likely to be October 1962, MS12913, Box 11/5, CAR, SLV

⁴⁶ A. Jackomos, FCAATSI Oral History Project, 12 December 1996, p. 10.

⁴⁷ F. Bandler, *Turning the Tide*, p. 92.

Australia.⁴⁸ The issue was being broadcast widely at a time when the community seemed ready to listen.

On 6 October 1962 in the Macquarie Auditorium, Sydney, the Federal Council launched its national petition campaign to an audience of '150 Aboriginal and white people'.⁴⁹ Shirley Andrews believed that the audience went home 'convinced that this national petition ... will be a valuable part of the campaign for equal status for Aboriginal people'.⁵⁰ Apart from the chairman, Gordon Bryant, all the other people on the platform were Aboriginal or Islander. They spoke of the restrictions to Aboriginal lives in each state. Ted Penny was applauded when introduced as the first Aboriginal schoolteacher in Western Australia. He illustrated the absurdity of the present set of six restrictive state and Commonwealth laws on the continent by telling the audience that when he wanted to get married 'I told Mum but I asked the Commissioner'. Penny explained that in his journey from Perth to Sydney his legal status changed several times as he crossed state borders.⁵¹

This was a media conscious campaign seeking broad grass-roots support. City dailies, suburban papers and radio and television were used to educate the public. One article, explaining that this was 'the second attempt the Council has made for improved rights' added that 'however, this was the first time the aborigines [sic] had been sufficiently well-organised to get behind the move

⁴⁸ Federal Council for Aboriginal Advancement Annual Report, April 1963, Christophers papers

⁴⁹ Report on Meeting held by Federal Council for Aboriginal Advancement to launch a National Petition to Amend the Federal Constitution, S. Andrews, 23 October 1962, MS12913

⁵⁰ Ibid.

themselves'.⁵² FCAA needed evidence of endorsement in a great majority of electorates to persuade the Federal Government that the people supported the call for a referendum. Gordon Bryant's press statement at the time of the launch explained to the public that 'the Constitutional limitation imposed on the Commonwealth by Section 51 Part 26 leaves the Aborigine a victim of a complex system of law which is confusing and restrictive'.⁵³

The Victorian Campaign Committee worked to educate a public largely ignorant of these restrictive laws. The National Petition leaflet asked and answered common questions, such as 'What Do Aborigines Want Most?' and answered with four points: freedom from restrictive laws, the right to legal ownership of reserves, the right to 'the same wages and industrial protection as other Australians', and government- financed programs of housing, education and training. Answers to further questions such as 'what excludes Aborigines from equal citizenship?' and 'Why doesn't the Federal Government pass laws that would override existing state laws discriminating against Aborigines?' led the reader to the conclusion that the amendment of the Federal Constitution would give the Federal Government authority to pass laws 'for the Aborigines' as well as power to override state laws which were inconsistent with Commonwealth laws. The final question asked was 'if the Constitution is altered as a result of a referendum, will Aborigines be free

⁵¹ Ibid.

⁵² *The Age*, 2 October 1962.

⁵³ G. Bryant, 'Aboriginal Rights: National Campaign to remove Discrimination from the Constitution' n.d., but most likely October 1962, Bryant papers, MS8256, Box 175, NLA.

from legal restrictions immediately?' The short answer was 'No'. The long answer was:

The Federal Government would have to make use of its new authority to pass the necessary laws. This petition is only part of an Australia-wide campaign to obtain equal citizenship and social justice for Aborigines. It is complementary to the many campaigns in progress for repeal of individual State Acts...⁵⁴

Perhaps the most important immediate effect of the petition campaign was the publicity it gave both to Aboriginal disadvantage and to government failure.

While the goal of a quarter of a million signatures was not met, an estimated 103 000 signatures were collected in ninety-four separate petitions.⁵⁵ These were presented to Parliament in a planned staggering of the petitions so that for example over one sitting period of seven weeks the order constant in the House of Representatives was petitions to amend the Constitution with regard to references to Aboriginal people.⁵⁶ By July 1963 fourteen parliamentarians, Labor, Liberal and Country Party, had all presented petitions from their constituents and in Victoria alone another nineteen were asked to present their petitions.⁵⁷

Within the academy voices were raised urging parliamentarians to address this issue⁵⁸. Colin Tatz completed his doctoral studies with an analysis

⁵⁴ National Petition: Towards Equal Citizenship for Aborigines, n.d., Christophers papers, MS 7992, box 16, NLA

⁵⁵ Council for Aboriginal Rights annual report 1962-1963, 26 September 1963, MS 12913, SLV; F. Bandler, *Turning the Tide*, p. 92.

⁵⁶ Shirley Andrew to Kath Waiker 25 July 1963, Council for Aboriginal Rights, MS 12913, Box 9/8; Andrews to Hans Bandler, 15 July 1963, MS 12913, Box 11/5, SLV; See *Commonwealth Parliamentary Debates*, House of Representatives, 24th Parliament, 1st session, 20 August – 29 October 1963, pp 269- 2369 passim

⁵⁷ Shirley Andrews to Hans Bandler, 15 July 1963, Council for Aboriginal Rights, MS 12913, box 11/5

⁵⁸ Church leaders were emerging who challenged a more traditional missionary

of the administration of Aboriginal affairs in the Territory. He served as a member of the Aborigines Welfare Board in Victoria pressing for greater consultation with Aboriginal Victorians, and contributing to the work of FCAA's Legislative Reform Committee.⁵⁹ Diane Barwick, through her important study of the Victorian Koorie community, 'A Little More Than Kin', demonstrated that community's rejection of the idea of assimilation.⁶⁰ She made a personal submission to the Victorian Chief Secretary supporting the wishes of the residents to maintain the reserve.⁶¹

There was also new support from the churches. Dr Frank Engel, appointed as General Secretary of the National Missionary Council in 1962, began publicly questioning the assimilationist rationale which both Church and Government had accepted. In 1959 the National Missionary Council 'general policy on Aborigines' pamphlet had stated 'whether they now wish it

approach to the question. Arthur Ellemor, Edgar Wells, John Jago and Frank Engel were writing critically about the relationship of missionary churches to Aboriginal people. A marked change can particularly be noted in National Missionary Council of Australia's stated policies from 1959 to 1963 when Frank Engel was appointed as the General-Secretary of the organisation. His 'Four Major Issues in Assimilation' rejects the notion of assimilation to which the government was wedded, arguing instead for a 'new deal which will transform the relationship to one of equal rights'. Sydney, June 1963. University students through organisations such as National Union of Australian University Students (NUAUS) and Abschol and the Student Christian Movement were bringing fresh perspectives questioning assumptions about the need for the colonised to fit in with the plans of the colonisers

⁵⁹ C. Tatz, 'Aboriginal Administration in the Northern Territory of Australia', Ph D thesis, Australian National University, 1964

⁶⁰ See Diane E. Barwick, 'Economic Absorption without Assimilation', *Oceania*, vol. 32, no 1, 1962. Barwick argues that 'most Melbourne people want improved living standards, but many older people fear the threat of group extinction implied by scattering and individual "assimilation"'. Judy Inglis whose untimely death in 1962 was a loss to both the world of scholarship and Aboriginal activism, served as 'chairman of the FCAA planning committee on detribalised reserves at the 1962 annual conference. She reported for *Nation Review* on that conference, see planning committee reports 1962, MS12913, CAR, SLV

⁶¹ D. Barwick, 'Lake Tyers Reserve: an anthropologist's submission', *Smoke Signals*, vol. 4, no 1, April-June 1965, pp 8-9.

or not, assimilation should be their only prospect and their only hope'.⁶² Four years later, Engel's influence was evident in the National Missionary Council pamphlet 'Four Major Issues in Assimilation'. He argued for 'a basic right to land or to compensation for the loss of land' and to 'the right to preserve one's language, culture and customs'.⁶³ In writing about the translation of equality into political reality Reverend Engel had this to say:

There must at all times be equality under the law, and that equality must be clearly visible to all, in the sense of there being no discrimination against Aborigines. Equality, however, does not imply similarity, and there should be particular discriminations in favour of Aborigines in order to offset the disadvantages under which they often find themselves.⁶⁴

Like Gordon Bryant, and other members of the FCAA executive, Engel argued that equality, both legal and social, would be most able to be realised if positive discrimination was practised to assist those who had been neglected for so long. For both men the amendment of section 51(xxvi) provided a vision of a future government passing laws under this section discriminating in favour of 'the aboriginal race' to allow for their full equality under the law.

The National Petition campaign raised the profile of the general debate about the position of Aboriginal people in the Australian community. This was reflected in the number of bodies affiliation with the Federal Council. In 1962 there were 30 affiliated organisations and in 1963 33, but by 1964 this figure had jumped to 61, 56 of which sent delegates to the annual conference in

⁶² National Missionary Council of Australia, 'General Policy on Aborigines', Sydney, 1959.

⁶³ 'Four Major Issues in Assimilation', June 1963, National Missionary Council of Australia.

⁶⁴ Ibid.

Canberra.⁶⁵ In Victoria the Aborigines Advancement League boasted 27 branches by 1964, including branches in blue ribbon Liberal areas such as Brighton and Kew.⁶⁶ The effect of the petition campaign had been to strengthen the position of those pressing for greater Commonwealth responsibility for Aboriginal affairs. Gordon Bryant accused Menzies of being 'a 99% Prime Minister', governing for all but the 1% of Australians who were Aboriginal or Islander.⁶⁷ The issue was now on the agenda for debate in the parliament.⁶⁸ Petitions continued to be presented almost daily in the House of Representatives, with Menzies himself presenting one on behalf of the electors of Kooyong on 11th September 1963.⁶⁹

Menzies agreed to meet a delegation of Aboriginal and Islander representatives from all mainland states. According to Faith Bandler who represented New South Wales 'each person related the different policies of his or her state, and then finally Bryant ...summed up that Aboriginal Australians, unlike all other people, lived under six different laws'.⁷⁰ Bandler believed that

⁶⁵ Reports on FCAA annual conferences, Council for Aboriginal Rights, boxes 10/6, 10/9, MS12913, SLV

⁶⁶ *Smoke Signals*, vol. 3, no 2, June 1962.

⁶⁷ Gordon Bryant, 'A Second Referendum Question: Is Sir Robert Menzies Only a 99% Prime Minister?', *Smoke Signals*, August-September 1965, p. 13.

⁶⁸ Kim Beazley snr moved a motion in the House of Representatives on 30th August 1962 that as a 'matter of urgency' a discussion on 'the need for the Parliament to legislate for a referendum to delete from the Constitution of the Commonwealth of Australia Section 127 and to delete the words 'other than the aboriginal race in any State' from section 51, paragraph XXVI' be held. *On Aboriginal Affairs*, August-October 1962, reported that the three speakers from the Government, Freeth, Minister for the Interior, Barnes, Member for McPherson and Hasluck, Minister for Territories all agreed that the two Constitutional provisions under discussion should be removed.. For the next four and a half years the debate continued in Parliament, in Cabinet discussions and in Parliamentary Committees as well as in communication between parliamentarians and their constituents.

⁶⁹ *Commonwealth Parliamentary Debates*, House of Representatives, 24th Parliament, 1st Session, 1963, p. 817.

⁷⁰ Bandler, *Turning the Tide*, p. 97.

the delegation was successful in encouraging Prime Minister Menzies to 'give the situation of Aborigines more thought'.⁷¹ Shirley Andrews, while acknowledging that the meeting gave Aboriginal delegates quite a feeling of confidence, saw it as no more than a 'smart bit of public relations work on the part of the wily old thistle man'.⁷²

Politicians and Community Leaders Debate the Issue

With the establishment of a FCAA committee system in 1963 to help implement the national plan of action, the task of continuing pressure for a referendum fell to the Legislative Reform Committee, headed initially by Dr Campbell. In 1964, Lorna Lippmann, an active member of the Victorian Aborigines Advancement League took responsibility for this work. Dr Barrie Pittock, member of the Society of Friends and a scientist recently returned from post-doctoral studies in the United States, joined the committee and when Lippmann resigned to take up a position in the Centre for Research into Aboriginal Affairs at Monash University in 1966, he became convenor.⁷³

⁷¹ Ibid., p. 98.

⁷² Andrews to Jessie Street, 13 November 1963, Council for Aboriginal Rights, MS 12913, Box 3/3, SLV

⁷³ Because work towards constitutional change was spread over a decade, and because of the ultimate success of the 'Aboriginal referendum' as it was called in the 1967 referendum result the context within the framework of the Legislative Reform Committee is often overlooked. From 1964 to 1967 this committee researched, educated the public, wrote to politicians and made submissions during the drafting stage to state and Federal governments regarding proposed bills and ordinances. It produced 'Government Legislation and the Aborigines' in 1964, a document which provided historical development of legislation, current legislation, overseas policies and international standards. This was updated in 1965 with details of new legislation in Northern Territory, Queensland and Victoria, and again in 1966 with a state by state survey of legislation. Constitutional amendment was only a part of the work of this committee. The committee made suggestions which were incorporated into South Australia's *Prohibition of Discrimination Act, 1966*. It prepared submissions to support the passage of the *Aboriginal Lands Trust Act, 1966*, also in South Australia. It made a detailed submission to the Northern Territory Sessional Committee on

By 1965 debate about the amendment of section 51 (xxvi) was taking place inside the Government. On 22 February Attorney-General Bill Snedden brought to Cabinet recommendations that section 51 (xxvi) be amended, but the proposals were withdrawn or rejected.⁷⁴ The Government's continuing sensitivity to national and international criticism is evident in the Minister for Territories, Alan Barnes' comment to Cabinet in April 1965. Barnes, in referring to the industrial case brought by the Northern Australian Workers Union for equal wages for Aboriginal pastoral workers, argued that bringing Aborigines under the award would 'reduce the scope for national and international criticism of Australia's treatment of Aborigines'.⁷⁵ The Federal Council continued to play upon this sensitivity, inviting Amnesty International, to scrutinise the Australian racial situation. Amnesty sent a study committee to Australia in 1965 to establish among other things, whether 'there is an infringement of rights of Aborigines, and if so, to what extent' Amnesty could render assistance.⁷⁶

Integration, stressing the need for local Aboriginal self-government, land and mineral rights. (See B. Pittock, Legislative Reform Committee, 1967, MS 2999, Y 603, FCAATSI papers, Mitchell Library, Sydney) It initiated reform of the ACT Ordinance No. 8 of 1954 Relating to Aborigines. (Correspondence between Lorna Lippmann and Malcolm Fraser, Doug Anthony, Jim Fraser, Ian Sinclair from May 1965 to August 1965 regarding her request that the ACT Ordinance be repealed, Pittock personal papers)

⁷⁴ Attwood and Markus, *The 1967 referendum, or When Aborigines Didn't Get the Vote*, p. 31.

⁷⁵ C. E. Barnes Submission no. 741 'Northern Territory- Aboriginal Wage Policy', 22 April 1965, A5827/1, volume 23, NAA, Canberra

⁷⁶ Apart from the press releases, letters to the editors of daily papers and news stories given to supportive journalists, the Federal Council contacted international bodies. In 1965, following an appeal by FCAATSI to Amnesty International, that body sent a special study committee 'to investigate the position of Aboriginal people allegedly forcibly removed from their homes at Mapoon. 'Report of Study Committee on Aborigines and Resolutions of Committee of Victorian Branch of Amnesty International, CAR MS12913, SLV

Within Government circles some uncertainty regarding the assimilation policy began to appear. The July 1965 conference of State and Federal Ministers responsible for Aboriginal affairs conceded the possibility of Aboriginal non-compliance with governments' assimilationist plans. The policy was modified from the paternalistic 'aborigines and part-aborigines *are expected* eventually to attain the same manner of living as other Australians' to the hopeful 'all persons of Aboriginal descent *will choose* to attain a similar manner and standard of living to that of other Australians'[my emphasis]⁷⁷ No comment was made about the future for those people who did not 'choose to attain a similar manner and standard of living'.

Attorney-General Snedden argued in a February 1965 Cabinet meeting that it would be 'politically inexpedient, in the present climate of public opinion, to put any proposals for Constitutional amendment to a referendum without including in those proposals the repeal of section 127.' Furthermore, he presented a politically motivated argument for amending section 51 (xxvi) by removing 'other than the aboriginal race in any state'. He argued that the public believed that the inclusion of these words 'amount to a discrimination', an indication of the effectiveness of Federal Council campaigning. Snedden's view was that 'the average elector would feel that either the Commonwealth should have the power in section 51(xxvi) in relation

⁷⁷ 'The Policy of Assimilation', Decisions of Commonwealth and State Ministers at the Native Welfare Conference Canberra, January 26th and 27th, 1961; Decisions of Commonwealth and State Ministers Aboriginal Welfare Council meeting, July 1965, Adelaide, cited in T.Rowse, *Obligated to be Difficult: Nugget Coombs' Legacy in Indigenous Affairs*, CUP, Cambridge, 2000, p. 22.

to all races, or ought not to have the power at all'.⁷⁸ But his aim in amending section 51 was much less visionary than that of Bryant and others on the FCAA executive. Snedden ended his submission by consoling advocates of states' rights that if such an amendment were to be passed 'the Commonwealth Parliament need not intervene' so long as State and Territory laws were operating satisfactorily.⁷⁹ At the August Cabinet meeting Snedden clarified his position arguing that section 51 (xxvi) was not in fact discriminatory in its present form. He described the argument that this section was discriminatory as a failure to understand that 'in its present context, the specific mention of the aboriginal race is necessary to prevent aborigines, as a race, being treated differently from ordinary citizens in pursuance of the Commonwealth's exercise of the power'.⁸⁰

In fact the existence of section 51 (xxvi) did not prevented the Commonwealth from legislating for Aboriginal people, nor in passing legislation with clauses which specifically excluded Aboriginal people from benefits.⁸¹ The Minister for Tourism, Don Chipp, expressed a concern that an

⁷⁸ B. M. Snedden, 'Constitutional Amendments: Sections 24-27, 127 and 51 (xxvi)', submission no 660, A5821/1, NAA, Canberra.

⁷⁹ Ibid.

⁸⁰ B. M. Snedden, 'Constitutional Amendments: Sections 24-27, 127 and 51 (xxvi)', Cabinet submission no. 1009, vol 31, 23 August 1965, A 5827/1, NAA, Canberra.

⁸¹ For example, Commonwealth Social Services Consolidation Act 1947-1950, Section 107 (c). See C. Rowley, *A Matter of Justice*, ANU Press, Canberra, 1978, pp 210-211 for Rowley's analysis of the 'logical lunacy' of refusing benefits to tribal people brought in to settlements. An applicant had to undertake a 'work test' to establish whether the applicant was capable of doing work which officials decided was 'suitable' As Rowley point out an Aboriginal who had not undertaken 'work' as bureaucratically understood he could not pass the work test. See also the determinations under the Commonwealth's Tuberculosis Act contained exclusionary clauses which were removed only the year earlier after intensive lobbying of the Ministers for Health and Social Services by Dr Barry Christophers. See S Taffe 'Health, the Law and Racism: the Campaign to Amend the Discriminatory Clauses in the Tuberculosis Act', *Labour History*, no. 76, May 1999, pp 41-58.

amended section 51 would enable a future Commonwealth government to discriminate against Aborigines. Lippmann, in response, pointed out that the existence of the phrase 'other than the aboriginal race in any state' had not prevented the Commonwealth from discriminating against Aborigines so far. She cited 'the failure of the Commonwealth government to pay unemployment benefits to Aborigines in the north-west of Western Australia, and the well below award wages that have prevailed for most Aboriginal workers in the Northern Territory' as evidence.⁸²

Snedden acknowledged that those supporting the amendment of section 51 (xxvi) were most likely dissatisfied with state laws and administration of Aboriginal affairs and looked 'to the Commonwealth, because of its broader, national approach to problems and its participation at the national level in matters concerning the welfare of indigenous inhabitants', to improve the situation.⁸³ He recognised that 'if the Commonwealth could and did legislate it would necessarily involve treating the aborigines specially' adding with prescience, 'I think it reasonable to assume that once the Commonwealth has the legislative power it would be very strongly pressed to exercise it.'⁸⁴ Reading the mood of the community he concluded that in electoral terms, it would be wise for the Government to act on section 51,

⁸² Lippmann to Chipp, 6 February 1966, Pittock papers; Dr Frank Engel makes a similar point in an information paper which he wrote for the Division of Missions, Australian Council of Churches, 20 January 1966. 'It [section 51 (xxvi)] has not prevented the Commonwealth passing discriminatory laws, eg Social Services Act, Section 137A which states that an Aborigines "who follows a mode of life that is, in the opinion of the Director-General, nomadic or primitive is not entitled to a pension, allowance or benefit under this Act". ' Council for Aboriginal Rights, MS12913, Box 4/1.

⁸³ B. M. Snedden, 'Constitutional Amendments: Sections 24-27, 127 and 51 (xxxvi)', Cabinet submission no. 1009, A5827/1, vol 31, NAA, Canberra.

suggesting that 'there would be a large area of dissatisfaction if the Commonwealth did nothing about subsection xxvi. I believe the Government would be criticised', he added, 'albeit mistakenly, for lacking sympathy for the aborigines'.⁸⁵

Snedden's pragmatic approach did not convince Cabinet. The Government's bill proposed only the repeal of section 127. When Prime Minister Menzies introduced debate on the bill in November 1965, he ignored the Federal Council's case against the retention of section 51 (xxvi). Menzies argued that the inclusion of the phrase 'other than the aboriginal race in any state' was a safeguard for Aboriginal people against discrimination by the Commonwealth parliament. He chose to ignore the fact that the Federal Council propaganda on the issue had led to a popular reinterpretation of the clause. Menzies reminded parliamentarians that the intention of the clause when originally drafted was to give power to the new Commonwealth to control members of an 'alien race' such as the Kanakas in Queensland or Chinese, Indians or Malay indentured labourers.⁸⁶ This was an ineffective argument following the national petition campaign which had successfully re-interpreted the clause as discriminating *against* Aboriginal people.⁸⁷

⁸⁴ Ibid.

⁸⁵ Ibid, p 11.

⁸⁶ See J. Chesterman & B. Galligan, *Citizens Without Rights*. CUP, Oakleigh Melbourne, 1997, chapter 3.

⁸⁷ The Federation debates of the 1890s make clear the thinking behind this exclusion. Griffith, for example argued that the intention of the clause is that: '...if any state by any means gets a number of an alien race into its population, the matter shall not be dealt with by the state, but the Commonwealth will take the matter into its own hands'. *Federation Debates*, Sydney, 1891, pp 702-3

Menzies presented the constitutional amendment as part of the Commonwealth's assimilationist 'one people' position. He argued that the goal, 'in the view of the Government, is the integration of the Aboriginal in the general community, not a state of affairs in which he would be treated as a race apart'.⁸⁸ 'Special laws' were not needed as Aboriginal people were the same as other Australians. With rhetorical flourish he ended his speech with the spectre of a future Commonwealth government with powers to make 'special laws' for Aboriginal people, setting up 'a separate body of industrial, social, criminal and other laws relating exclusively to Aborigines'.⁸⁹

There was some logic in Menzies' position. The convenor of the Legislative Reform Committee, Lorna Lippmann, acknowledged in a letter to Don Chipp that although it was theoretically true that a future government 'would be able, under the amended Constitution, to pass laws which would discriminate against Aborigines...it is in fact unlikely to occur'.⁹⁰ She argued that:

The climate of public opinion is strongly against racial discrimination in Australia, and Commonwealth governments have shown themselves to be more susceptible to public opinion and better informed than are state governments. They are therefore unlikely to introduce new discriminatory legislation. It is a sad fact that, at present, there is discriminatory legislation in most States, and that State governments, even with the best will in the world, have not got the finance to provide adequate housing, trained administrators and social workers and improved educational facilities, which are so badly needed.⁹¹

⁸⁸ Robert Menzies, Second Reading of the Constitution Alteration (Repeal of Section 127) Bill 1965, *Commonwealth of Australia, House of Representatives*, 25th Parliament, First Session, 1965, pp 2638-39.

⁸⁹ Ibid.

⁹⁰ Lorna Lippmann to Don Chipp, 6 February 1966, Pittock personal papers.

⁹¹ Ibid.

The hope was rather for Commonwealth laws that discriminated positively, to the benefit of Aborigines. Bryant had made the point at the 1965 FCAATSI conference, noting the 'many instances of laws being passed against Aborigines, but we must think not in terms which discriminate against but on behalf of or in favour of Aborigines'.⁹²

Some members of the Federal Council executive continued to argue that the existence of the exclusionary phrase in section 51 (xxvi) was evidence of discrimination. In June 1965 Kath Walker, Federal Council Queensland state secretary wrote to all Members of Parliament asking 'Are Australian Aborigines citizens of the Commonwealth of Australia or not? Until all legal and executive discrimination is removed,' she asserted, 'the country stands in danger of being stigmatised, as in South Africa, in failing to observe the United Nations Declaration of Human Rights'.⁹³ Lippmann took a different position. In February 1966 she sent a circular letter to all Federal parliamentarians urging the repeal of section 51 (xxvi) so that the Commonwealth might be enabled to 'take positive steps to improve the lot of Aborigines'.⁹⁴ The Bill was passed, however, in its original form without including section 51.

Menzies retired in January 1966, and his successor, Harold Holt announced that the referendum planned for May 1966 would be deferred. In

⁹² P. Pickford, 'Summary of the 8th Annual Conference of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, Council for Aboriginal Rights, 5 May 1965, MS 12913, SLV.

⁹³ Kath Walker to Members of Parliament, 9 June 1965, NAA CRS A432/70, file 67/3321 Part 1

⁹⁴ L. Lippmann, Circular letter sent to all Federal Members and Senators, 2 February

March the House of Representatives debated a private member's bill introduced by William Wentworth, the Constitution Alteration (Aborigines) Bill 1966.⁹⁵ Wentworth proposed the deletion of section 51 (xxvi) in its entirety because 'the subsection does not say whether the discrimination should be adverse or favourable'.⁹⁶ During the debate Labor MHR Kim Beazley argued that Wentworth's proposed amendment 'gives the Commonwealth the power to legislate positively for the benefit of people of Aboriginal race. A Government member, speaking in reply during this debate supported Beazley's notion of positive discrimination'.⁹⁷

By 1966 the argument for positive discrimination was being argued by lawyers, church leaders and FCAATSI Legislative Reform Committee members. Peter Hanks, a Sydney University lawyer presented two propositions in a paper considering the proposed Wentworth amendment. The first was that the group which 'we boldly label "the aborigines"' represents a depressed, exploited and 'slightly despairing' group. The second was that 'if we talk of some concerted scheme, we immediately appreciate that some form of Federal intervention will be required'.⁹⁸ The Reverend Frank Engel argued

⁹⁵ 1966, Pittock personal papers.
This Bill proposed the deletion of section 51 (xxvi) in its entirety because 'the subsection does not say whether the discrimination should be adverse or favourable. It also proposed to add a new section 117A which read: 'Neither the Commonwealth nor any State shall make or maintain any law which subjects any person who has been born or naturalised within the Commonwealth of Australia to any discrimination or disability within the Commonwealth by reason of his racial origin.

⁹⁶ W. Wentworth, 'Speeches in Debate on Constitution Alteration (Aborigines) Bill 1966', p. 3, (from *Parliamentary Debates*, 10 March 1966).

⁹⁷ Mr Cleaver, Swan, See Commonwealth of Australia, 'Speeches in debate on Constitution Alteration (Aborigines) Bill 1966, from *Parliamentary Debates*, 10 March 1966, p. 15.

⁹⁸ Peter Hanks, 'Proposed Constitutional Changes', 13 January 1966, CAR, MS12913, SLV.

that the main issue is 'responsibility for a minority race'. He countered the official Government line that Aboriginal people should be treated 'the same' as other citizens by arguing that 'to treat them, purely and simply, in all respects, as other citizens are treated can, and does, mean discrimination against them'.⁹⁹ Clifford Pannam, senior lecturer in law, University of Melbourne, was prepared to assert that 'many of us in the community' think it wrong that 'the Government has indicated that it does not look for increased Commonwealth powers which would enable it to enact Australia-wide legislation for the *advancement* of Aboriginals'.¹⁰⁰ [my emphasis]. The circulation of these views added to the pressure for a resolution of the issue of Federal responsibility.

Within the Legislative Reform Committee members continued to pressure the government. Barrie Pittock, who replaced Lorna Lippmann as convenor of the Committee in February 1966, drafted and circulated yet another petition, this one specific to section 51 (xxvi). The wording cleverly suggested that the exclusion of Aborigines from a clause which could deliver positive discrimination on their behalf effectively constituted 'a discrimination against the Aboriginal people'. Petitioners asked:

That paragraph (xxvi) of section 51 of the Constitution empowering the Parliament to make laws with respect to 'the people of any race other than the aboriginal race in any State, for whom it is deemed necessary to make special laws' implies a discrimination against the Aboriginal people and is, in any case, unjustifiable at the present day.

⁹⁹ F. Engel, 'Information Paper on the Federal Referendum and Aborigines', Division of Mission Australian Council of Churches, 20 January 1966, CAR, MS12913, Box 4/1, SLV.

¹⁰⁰ Clifford Pannam, 'Memorandum on certain legal aspects of Mr Wentworth's suggested amendments to the Constitution', 7 February 1966, CAR papers, MS 12913, SLV.

This was coupled with a new suggestion:

That specific provision should be made in the Constitution for the advancement of the Aboriginal people.¹⁰¹

Pittock wrote to Holt 'regarding the question of Commonwealth power with respect to Aborigines' arguing that 'this need not imply taking over the powers of the States, but usefully complementing them by facilitating the granting of Commonwealth funds for State projects such as Aboriginal housing'.¹⁰² By February 1967, with the announcement of the Cabinet decision to include amendment of 51 (xxvi) in the Constitutional Alteration referendum, the centre of the debate had moved— for the reformers if not for the Government.¹⁰³ It was no longer about the removal of clauses which discriminated *against* Aboriginal Australians. The essential issue in the minds of activists working within the Federal Council movement and outside it was about Federal responsibility *for* a dispossessed people. But, for the purpose of gaining wide support for a referendum, this issue would not be central to the conduct of the campaign.

The Vote 'YES' Campaign, 1967

With news of a May referendum which included the amendment of section 51 (xxvi), Federal Council attention shifted from the politicians to the voters. Political analysts in the movement were joined by those with a flair for public relations as the task of selling a YES vote on the 'Aborigines question' as it

¹⁰¹ Petition to the Honorable the Speaker and Members of the House of Representatives in Parliament Assemblies, Pittock personal papers.

¹⁰² Pittock to Holt, 18 February 1967, Pittock personal papers.

was known, was taken up by the Federal Council. Two referenda were to be held on Saturday 27 May. The first, the so-called nexus question, asked:

Do you approve the proposed law for the alteration of the Constitution entitled – ‘An Act to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators’?

The second question encompassed both the repeal of section 127 and the amendment of section 51. Section 127 stated that ‘in reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted’ and the amendment of section 51 (xxvi) required that the words ‘other than the aboriginal race in any state’ be deleted. The referendum question asked of voters was:

Do you approve the proposed law for the alteration of the Constitution entitled- ‘An Act to alter the Constitution so as to omit certain words relating to the people of the Aboriginal Race in any State and so that Aborigines are to be counted in reckoning the population’? ¹⁰⁴

Both the Government and the Federal Council had reasons for keeping the second question simple. The Constitution Alteration (Aboriginals) question was seen as being uncontentious: it was not opposed in parliament and a ‘no’ case was not being prepared. The Government hoped that its passage would help with the less popular nexus question.¹⁰⁵ Additionally the

¹⁰³ Cabinet Decision no 79, A5842/2, 22 February 1967, NAA, Canberra.

¹⁰⁴ Commonwealth of Australia, *Referendums*, p. 16, Cited in Attwood and Markus, *The 1967 Referendum*, p. 55.

¹⁰⁵ The Constitution Alteration (Parliament) question involved the replacement of rigid and outdated requirements regarding the numbers of parliamentarians and the linking of the number of senators to the number of members of the lower house. This required the amendment of section 7 and the replacement of sections 24 to 27 with a new section 24. Prime Ministers ‘Notes on Cabinet Submissions 46 and 64’ refer to strategies with regard to this question which ‘might make some mileage with the electors ... which would assist in the dressing up of the nexus provisions, if these are also to be submitted to the electors. A5842/2, vol 2, 22 February 1967, NAA, Canberra.

Government now recognised that the amendment was both just and politic. The Attorney-General, Nigel Bowen's argument in Cabinet for the amendment of section 51 (xxvi) was, essentially, that the Australian people would be dissatisfied if the Commonwealth did nothing about removing the exclusionary clause. He argued that given that Australian policy in Papua and New Guinea and the Northern Territory 'is to remove discrimination, while the States, in general, have a far less positive approach to the matter', the shift in legislative power would be 'attractive to many'.¹⁰⁶ Bowen urged this course because he recognised that it 'would be welcomed by a very large section of the Australian people. He did not anticipate any large effects. The only proposed outcome was that the Commonwealth would 'hold discussions with the States to formulate a joint policy whereby the States will be responsible for administration, but the Commonwealth will have a role of policy participation'.¹⁰⁷ This was really no different to the status quo.

The Federal Council was equally anxious for a large majority of 'Yes' votes, but for quite different reasons. For the FCAA Executive the task was not just about Constitutional change; rather it was about establishing a massive mandate in order to pressure the Federal government to take a greater responsibility for Aboriginal affairs. We have seen that this understanding was

¹⁰⁶ Nigel Bowen, Attorney-General, cabinet submission no. 46, January 1967, A5842/2, vol. 1, NAA, Canberra.

¹⁰⁷ A 1965 Melbourne *Herald* Gallup Poll concerning the proposed referendum to repeal section 127 showed that 88% of respondents said they would vote 'yes' as such a referendum. The most common comment was: 'Aboriginals should have equal rights and be treated like everyone else'. *Smoke Signals*, August-September 1965, p. 14. The repeal of section 127 was, even more than the amendment of section 51 (xxvi), more a matter of perception than substance. As the Prime Minister pointed out when announcing the deferment of the referendum in 1966 'the Commonwealth Statistician does count the aboriginal natives in the community and makes the figure public'.

expressed by leaders like Bryant and Lippmann and Pittock; its wider currency is discussed in the conclusion to this chapter.

At the tenth annual FCAATSI conference at Easter time in Canberra the General Secretary moved a 'call to the nation' urging citizens to vote YES, massively on 27 May', and Senior Vice-President Gordon Bryant circulated recommendations for the organisation of the campaign.¹⁰⁸ Bryant, the senior vice-president and Joe McGinness, the president, formed a National Directorate and issued a plan of approach. Bryant would contact national bodies. State secretaries and convenors of state committees would be responsible for appealing to state organisations in 'all walks of life, urging everyone to vote YES and to help FCAA [sic] financially'.¹⁰⁹ Shirley Andrews shared her experience in organising the National Petition campaign, state campaign directors supplied ideas and enthusiasm to the state branches, urging the development of a popular campaign strategy which exploited all forms of media and captured the public imagination.

'There are five million votes to be won', campaign directors reminded committee members.¹¹⁰ Suggestions for running this campaign show the dedication of FCAATSI leaders to winning those votes. People were urged to

A5839/XM1, vol. 1, NAA, Canberra.

¹⁰⁸ F. Bandler, Minutes and short proceedings of the Annual General Meeting of the FCAATSI, 26 March 1967, Australian Council of Salaried and Professional Associations (Federal Executive material), E215/49, Noel Butlin Archives, Canberra; G. M. Bryant, 'Referendum Campaign', 23 March 1967, McGinness papers, MS3718, Box 3, folder 8, ALATSI, Canberra.

¹⁰⁹ F. Bandler, 'Minutes and Short Proceedings of the Annual General Meeting of the FCAA held in Albert Hall, Canberra, ACT on Sunday March 26, 1967 at 2pm.' Australian Council of Salaried and Professional Associations (Federal Executive Material 1964-1973) E215/49 Noel Butlin Archives, Canberra.

¹¹⁰ Action Sheet for Campaign Committee Members- No. 1. (A.S. 1), 5 April 1967,

write to the local paper, to approach local politicians and the city mayor or shire president, to collect donations, to make speeches and reproduce news items. 'Vote yes, Australia, vote yes, Australia, the eyes of the world are upon us today' was sung to the tune of Waltzing Matilda, effectively linking the proposed changes to a widely accepted appreciation of Australianness. This promoted the idea that the referendum would be a way for Australians to show that they were prepared to give Aboriginal people 'a fair go'. The presentation of the Constitutional change was deliberately innocuous; most voters would have found it difficult to argue against slogans such as 'right wrongs write YES FOR Aborigines' or 'End Discrimination- Vote "Yes" on May 27' or 'Vote YES for Aboriginal Citizenship Rights'.¹¹¹ The popular Jimmy Hannan television show on the Thursday before the referendum hosted all Aboriginal entertainers. Car stickers, posters and handbills; addresses throughout the country by Aboriginal spokespersons, especially Kath Walker, Pastor Doug Nicholls, Joe McGinness and Bill Onus; support by radio stations, newspaper columnists, editorials all of these strategies promoted a 'yes' vote as a straightforward and upright way for electors to signal their concern about Aboriginal Australians.¹¹² Charmian Clift, the popular columnist, ended an article entitled 'We Must Not Fail Them Again' with the observation 'We do

¹¹¹ Gordon Bryant papers, MS8256, Box 175, NLA, Canberra
See Attwood & Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, pp 40-42.

¹¹² See Rights and Advancement, May-June 1967 pp 3-8 for state by state campaign reports; see also 'Says A Friend of the Aborigines: "Let's Tell the World that there's Only One Australian, and His Colour Doesn't Matter at All"', *Australian Women's Weekly*, p. 7, 10 May 1967. See editorials such as 'Australia Needs A Double Yes', *Australian*, Friday 26 May 1967.

so much that is morally dingy it might do us all some moral good to do a thing that is plainly and positively right'.¹¹³

Arguments about the larger issues of federal power and engagement were muted. In a final appeal to all persons registering a vote' Stan Davey told them that 'a "yes" vote will enable concerned citizens to ...share in promotion of just standards'.¹¹⁴ He extended the case for justice by arguing that as a national issue the responsibility had to be carried federally; the 'richer states must share the task of rehabilitation with the States having large Aboriginal populations'.¹¹⁵ Barrie Pittock wrote a letter to *The Australian* on voting day to correct the misapprehensions of an earlier correspondent who thought that the proposal 'would shift administration of Aborigines to the Federal Government in Canberra'.¹¹⁶ Pittock pointed out that the proposal 'merely empowers Federal Parliament to make laws in relation to Aborigines in the States', and that the powers would be concurrent with the States. He reminded readers that the Federal Government had not given any indication that it intended to use the power, but that Federal power implied Federal responsibility, 'both moral and financial'.¹¹⁷ Pittock concluded his letter with a vision of how such responsibility might be used by informing, or reminding, readers of the provisions of the International Labour Organisation Convention 107 which related to the treatment of indigenous peoples.

¹¹³ Charmian Clift, Melbourne *Herald*, 24 May 1967, Sydney Morning Herald, 25 May 1967.

¹¹⁴ S. Davey, Press statement, embargoed until midnight 24 May 1967, MS 8256, box 175, Bryant papers, NLA

¹¹⁵ Davey, 24 May 1967, MS 8256, box 175, Bryant papers, NLA.

¹¹⁶ B. Pittock, Letter to the Editor, *The Australian*, 27 May 1967.

¹¹⁷ Ibid.

So far, only South Australia has sought to comply with the standards of the convention, and the Federal Government has said that it cannot ratify Convention 107 until all the States seek to comply with it. We look forward to a new impetus in that direction if Federal Parliament receives a clear mandate in favour of Aboriginal rights and advancement on May 27.¹¹⁸

A leaflet produced by an affiliate of FCAATSI, the Australian Council of Salaried and Professional Associations, similarly appealed to international convention by quoting article one of the United Nations Declaration on Human Rights: 'All human beings are born free and equal... in dignity and human rights... and should act towards one another in a spirit of brotherhood'.¹¹⁹

Reading the materials produced by the two-month campaign and listening to the memories of those who were involved gives more sense of purpose and teamwork than of engagement with political complexities.¹²⁰ Campaigners took the referendum issue directly to the conservative strongholds. Joe McGinness laughed as he recalled speaking to a church congregation in Hobart, sponsored by the Bishop of Tasmania, 'a bloody heathen like me talking to the congregation!'¹²¹ Faith Bandler, the NSW campaign director used her many media contacts in dailies such as the *Sydney Morning Herald* and weeklies such as the *Australian Women's Weekly* to get favourable coverage, including as she reported 'free plugs' on all Sydney

¹¹⁸ B. Pittock, Letter to the Editor, *The Australian*, 27 May 1967.

¹¹⁹ 'The Rights of the Australian Aborigines and You', Australian Council of Salaried and Professional Associations Federal Executive, E215/49 Noel Butlin Archives

¹²⁰ Documents from the 'Vote "yes"' campaign can be found in a number of places: Bryant papers, MS 8256, box 175, NLA; McGinness papers, MS3718, box 3, AIATSIS Library; Council for Aboriginal Rights, MS12913, box 4/3, SLV. See FCAATSI Oral History Project for memories of referendum campaigning, AIATSIS Library.

¹²¹ Joe McGinness, FCAATSI Oral History Project, 17 October 1976, AIATSIS.

commercial radio television stations. Church and union events were piggy-backed – a Methodist rally in the city, a trade union rally in Wynyard Park and the May Day March.¹²² In Victoria Bill Onus met church leaders on the steps of St Patrick's Cathedral, and with Pastor Doug Nicholls addressed nearly 30 meetings around the state. Joe McGinness addressed the Victorian Employers Federation in April telling them 'we, the Aborigines and Torres Strait Islanders, for too long have been denied the chance to live in a dignified way'.¹²³ Service clubs supported the campaign in country Victoria and in Western Australia; Apex, Rotary and Lions clubs as well as church groups responded to requests for support. The message came even with the weekly shopping as Tom the Cheap Grocer, a popular chain store, donated a full page advertisement in among the grocery advertisements which went out to thousands of homes. In Adelaide, the city of churches, 'as a result of Aborigines calling on Church leaders excellent publicity was achieved in Church publications'.¹²⁴

This strategy worked. Newspaper editorials urged a 'yes' vote. A letter signed by the leaders of all the main Christian churches stated that 'a Yes vote is vital to Aborigines and to Australia as a whole' adding that 'in the best interests of Aborigines we believe that a Yes vote on this second question is imperative'.¹²⁵ When one recalls that Faith Bandler, Gordon Bryant, Barry

¹²² F. Bandler, New South Wales Campaign report, *Rights and Advancement*, May-June 1967, p. 4.

¹²³ J McGinness, Address to Victorian Employers' Federation, 19 May 1967, Barry Christophers personal papers.

¹²⁴ State by State Campaign Reports, *Rights and Advancement*, May-June 1967, pp 3-8.

¹²⁵ Graeme Bucknall (Moderator, Presbyterian Church of Victoria), and the signatures of nine other Christian leaders, 'Referendum on Aborigines' *The Age*, 16 May 1967.

Christophers, Shirley Andrews, Stan Davey and others had been engaged for a decade in efforts to get these two clauses in the Constitution changed one can understand the euphoria so evident in the photo of the toast to Faith Bandler at the victory celebration two weeks later.¹²⁶ What would it feel like after such concerted effort to hear that 90.77% of Australian voters supported your endeavours? 'What was the feeling?' Evelyn Scott recalled: 'There was screaming when I heard it on the radio, it was just – you just couldn't believe the percentage of the national vote!'¹²⁷

Interpreting Significance

After ten years of petitions, publicity campaigns, arguments presented to parliament and to the people, one of the early goals of the Federal Council was realised. The two references to Aborigines in the Constitution were removed, and the Commonwealth acquired power concurrent with the states to make 'special laws', that is laws which applied to Aboriginal people as a group, as 'a race' as the Constitution expressed it. But what did the result mean? Why did the Federal Council regard the issue so highly? The answer to this question needs to be considered in the broad context of Federal Council concerns and understandings over the first decade of its existence.

Federal Council activists had commented on the harmful effects of discriminatory legislation— often described as 'protection'— and discriminatory behaviour. Shirley Andrews wrote of laws such as Northern Territory liquor

¹²⁶

This is reproduced on the cover of Attwood and Markus' *The 1967 Referendum, or When Aborigines Didn't Get the Vote*.

laws introduced to 'protect Aborigines against unscrupulous suppliers' being used to 'persecute' Aboriginal citizens.¹²⁸ Federal Council members were aware also of many situations where Aboriginal people were treated unjustly by those appointed to protect them. For example, following reports of police assaults at Mareeba in north Queensland the Cairns Aborigines and Torres Strait Islanders Advancement League and the Federal Council documented other similar cases of abuse in north Queensland. 'Protectors' were frequently police officers with wide powers over the lives of Aboriginal people in their district.¹²⁹ In other cases a legislative injustice had been remedied but in practice discrimination continued as before. From 1959 social service benefits were theoretically extended to Aboriginal people, but in actuality they were paid to mission and station managers, not directly to those eligible.¹³⁰

Campaign officer Shirley Andrews had a clear knowledge of Aboriginal legislation. Her 'The Australian Aborigines: A Summary of their Situation in all States in 1962' showed vast differences between the various Aboriginal Protection Acts and Ordinances in force. The human significance of this situation was brought home to Andrews, and no doubt to others in the Macquarie Auditorium when the 1962 national petition campaign was launched. She found it 'a moving experience' to listen to Aboriginal representatives from all mainland states and the Northern Territory describe the 'chaotic and illogical' laws in each state. With wry irony Davis Daniels

¹²⁷ Evelyn Scott, FCAATSI Oral History Project, 17 October 1996.

¹²⁸ S. Andrews, 'Could legislation help instead of hindering the Aborigines?' *Smoke Signals* vol 2, number 3, 1963, pp 19-22.

¹²⁹ Federal Council for Aboriginal Advancement, Special Bulletin: 'Police Bashings', 8 May 1962, CAR MS 12913, box 8/4

¹³⁰ '...There is also a great racket going on with social service benefits', Andrews to

described how the authorities 'protected them from the evils of being paid award wages; ... from having a good education; ...from owning our own land or developing our own country.'¹³¹ And Ted Penny described his 'fantastic change of status as he crossed the state borders in his journey from Western Australia to Sydney.'¹³²

Those most active in driving Federal Council policy in the area of legislative reform argued that the fact that the states and not the Commonwealth had responsibility for legislating for Aboriginal people was wrong. This was an argument made more readily earlier in the campaign. The Preamble to the National Petition, designed by Shirley Andrews, posited the need for a constitutional amendment on the grounds that state governments would not give up their powers to the Commonwealth by any other route.¹³³ Gordon Bryant argued in 1962 that given the unequal distribution of Aboriginal people within the Australian state, the disadvantage was a national problem'. He pointed out that Victoria, by contrast, had 'a large white population and relatively greater resources [and] has only 2, 500 Aborigines'.¹³⁴ Bryant, publicising the National Petition campaign, urged strong support to 'give notice to all Governments that the conscience of Australia is stirred'.¹³⁵ We have seen that other influential executive members

¹³¹ Cullen, 15 February 1963, MS 12913, box 12/1, CAR, SLV
Report of a meeting held by Federal Council for Aboriginal Advancement to launch a national petition to amend the Federal Constitution, 23 October, 1962, MS 12913, box 11/3, CAR, SLV.

¹³² Ibid.

¹³³ National Petition: Towards Equal Citizenship for Aborigines, n.d., MS 7992, box 16 Christophers papers

¹³⁴ G. Bryant, 'National Campaign to remove discrimination from the Constitution', n.d., but October 1962. Bryant papers, MS 8256, box 175, NLA

¹³⁵ G. Bryant, 'A Referendum', *Smoke Signals*, vol 2, no. 1, October 1962, pp 2-3.

such as Lippmann and Pittock shared these views. We have also seen that arguments for federal responsibility were not central to either the national petition campaign or the vote 'yes' campaign. Throughout the latter campaign, however, references were made to 'our international reputation', or our 'dubious reputation' with regard to treatment of the Aborigines.¹³⁶

The campaigns both for a national petition in 1962-3, and for a massive 'yes' vote in 1967 were essentially practical strategies intended to make Aboriginal affairs a political issue. Aboriginal people represented about 1% of the population. In the populous east-coast cities they had a low profile; many other Australians living in such cities would not have had social or work contact with Aboriginal people. In country towns in particular discrimination based on race abounded. The 1965 freedom ride led by Charles Perkins through New South Wales towns exposed discriminatory behaviour against children at the local swimming pools, and against adults in hotels and cafes. Some of these freedom riders were media-conscious and their footage shocked city viewers and added to the mounting pressure on the Government.¹³⁷ In a similar way Federal Council campaigners saw the national petition campaign as an important opportunity for community education. Gordon Bryant, an early advocate of federal responsibility, took a pragmatic approach. He understood the petition as 'part of the public education campaign necessary to guarantee sufficient support for a YES vote at a referendum'. And what was

¹³⁶

Pittock to Holt, 18 February 1967, Pittock personal papers

¹³⁷

Australian, 16 February, 17 February, 18 February, 19 February, 25 February, 1965; *Melbourne Herald* 6 March 1965; *Courier-Mail* 18 February 1965; see also

'sufficient support'? Bryant argued that 'a vote approaching national unanimity on this question would give notice to all Governments that ... the public will brook no delay in tackling the other disabilities of the Aboriginal people'.¹³⁸ It was this broader concern that moved the executive and that spurred Stan Davey at the annual FCAATSI conference in March 1967 to make a 'call to the nation', 'calling upon citizens to vote YES massively, on 27 May'.¹³⁹

Why was a massive vote in favour of amendment of section 51 (xxvi) and repeal of section 127 necessary when a majority of votes in a majority of states was all that was legally required? The Federal Council was clear about this need. Even after the referendum had been called there was no evidence that the Commonwealth Government had plans to use its power to make laws for Aboriginal people 'as a people' if the referendum was successful. Menzies and various of his Ministers had argued that in keeping with the assimilation policy there was no need for 'special laws', even arguing that the removal of 'other than the aboriginal race in any state' would make possible the passage of laws which discriminated against Aboriginal people. The Federal Council rejected this argument, countering that the social climate by the mid 1960s was such that such a move would not be considered by any government as it would be seen as being electorally reprehensible. Rather the Federal Council

C. Perkins, *A Bastard Like Me*, Ure Smith, Sydney, 1975, P. Read, *Charles Perkins: A Biography*, Penguin, Ringwood, 1990, pp 108-9, 111-113, 117; C. D. Rowley, *Outcasts in White Australia*, Penguin, , Ringwood, 1972, p. 388

¹³⁸ G. Bryant, 'A Referendum', *Smoke Signals*, vol2, no. 1, October 1962, p. 3

¹³⁹ 'Minutes and short proceedings of the Annual General Meeting of the FCAA held in Albert Hall, Canberra, ACT on Sunday, March 26th 1967 at 2 pm.' FCAATSI Papers, MSS 2000, Y603, Mitchell Library, SLNSW, Sydney.

activists worked for the massive yes vote because that mandate could be used to pressure the Federal government – and future Federal governments – to legislate in the interests of Aboriginal people as a group.

By 1967 Federal Council activists were talking – among themselves and to like-minded reformers– about four propositions which might be put into effect if the Commonwealth had power under an amended section 51 to legislate for Aboriginal people. The most repeated proposition was the argument for compensatory assistance to Aboriginal people as a group. This argument was that due to decades of neglect, inadequate funding and paternalistic state laws special assistance was needed. Barrie Pittock argued, as did other FCAATSI campaigners, that ‘we recognise that it is as unjust to treat unequals equally as to treat equals unequally’.¹⁴⁰ Stan Davey believed that assistance was essential because ‘Aborigines as a race have been deprived of many advantages’ He called for legislation which expressed positive discrimination, ‘to express the indebtedness of other citizens to the Aborigines for the acquisition of their land, for past neglect, maltreatment and exploitation’.¹⁴¹ In 1962 Shirley Andrews in an article ‘Could legislation help instead of hindering the Aborigines?’ wrote of a ‘growing feeling among most Australians that proper compensation has not been given to the Aborigines to make up for their unjust treatment in the past’. She argued that the Australian community ‘owes them a debt just as it owes a debt to ex-service men and

¹⁴⁰

A. B. Pittock, ‘Aborigines and the referendum on May 27’, Pittock personal papers.

¹⁴¹

S. Davey, An Open Appeal to Members of the Senate and House of Representatives, 11 November 1964, Bryant papers, MS8256, box 172, NLA

women'.¹⁴² The Repatriation Act was the model most frequently given of legislation addressing the specific needs of a group of Australian citizens. Gordon Bryant, in setting out the case for amending section 51 in 1965 argued that for 'the foreseeable future, the Commonwealth would be expected to DISCRIMINATE IN FAVOUR of the Aborigines by special beneficial legislation'.¹⁴³ The Legislative Reform Committee in a 1966 publication pointed out to readers that Aboriginal people 'as a group have a higher death rate, higher incidence of disease, lower educational level, lower housing level than the European community'.¹⁴⁴ The Federal Council's community education program provided the facts of disadvantage, implying Commonwealth responsibility in a general way with only the occasional mention of special legislation such as the Repatriation Act.

The second proposition, also referred to by Andrews in her 1962 article, argued that the amendment of section 51 would make possible 'the passing of uniform Federal legislation which could take precedence over the existing state legislation'.¹⁴⁵ Much of Andrews' energy went into researching and documenting the inequities of competing state laws. In personal terms the need for federal action was brought home to campaigners when they listened to Ted Penny describe his changing legal status on crossing a state border. In a letter to all Liberal and Country Party Members of the House of

¹⁴² S. Andrews, 'Could legislation help instead of hindering the Aborigines?', *Smoke Signals*, vol 2, 1963, pp 19-22.

¹⁴³ G. Bryant, 'The case for changing 51 (section 26)', 18 April 1965, MS 12913, CAR, SLV

¹⁴⁴ Committee on Legislative Reform, 'Legislation for Aborigines and Torres Strait Islanders in Australia (new and revised edition), February 1966, MS 12913, box 4/1, CAR, SLV.

Representatives and Senators in 1965 Lippmann reminded politicians of this reality faced by Aboriginal travellers who crossed a border.¹⁴⁶

The third proposition, little mentioned in campaign literature, was that power to legislate under section 51 would make possible the passage of Commonwealth laws which under section 109 would override discriminatory state legislation, especially those operating in Queensland.¹⁴⁷ Campaigns for repeal of restrictive Queensland legislation conducted by QCAATSI, the Federal Council, trade unions and other organisations led to a Special Parliamentary Committee enquiry in that state. This in turn resulted in the passage of the Aborigines' and Torres Strait Islanders' Affairs Act, 1965, and amendment of the Electoral Act in February 1966 allowing Aborigines and Islanders to vote in local elections if they wished to enrol. The FCAATSI Legislative Reform Committee praised these reforms but warned readers that 'the heart of the Act will be in its regulations, which remove legislation from public debate and publicity'.¹⁴⁸ At the 1967 annual FCAATSI meeting the Committee reported that the regulations gazetted on 30 April 1966 'confirmed our fears that the new Act makes little difference to the deplorable legal status of so called "assisted" Aborigines and Islanders'.¹⁴⁹ The Legislative Reform

¹⁴⁵ S. Andrews, 'Could Legislation help instead of Hindering the Aborigines?', *Smoke Signals*, vol 2, no. 3,

¹⁴⁶ L. Lippmann to Liberal and Country Party MHRs and Senators and Mr Calwell, 1 May 1965, Pittock personal papers/

¹⁴⁷ 'When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.' Section 109, *The Constitution of the Commonwealth of Australia*.

¹⁴⁸ Committee on Legislative Reform, 'Legislation for Aborigines and Torres Strait Islanders in Australia, new and revised edition, February 1966, MS 12913, box 4/1, CAR, SLV.

¹⁴⁹ B. Pittock, Legislative Reform Committee Report, Easter 1967, MSS 2999, Y 603, FCAATSI Records- reports of conferences.

Committee planned to 'attack' these regulations which included arbitrary detention, trial without proper legal defence and lack of normal channels of appeal against convictions. Constitutional amendment would make possible Federal overriding of such legislation, though this was not expected under a Liberal-Country Party government. Rather, the amendment provided hope that a future ALP government might challenge the Queensland Government.

A fourth proposition which appears in Federal Council literature from the mid-1960s suggests that following successful amendment of section 51 Commonwealth power could recognise the integrity and distinctiveness of Indigenous cultures. This could be achieved by establishing bodies such as an Aboriginal education foundation or an Aboriginal arts and crafts board or more controversially by accepting the validity of Aboriginal law and custom. These ideas, acknowledged as coming from programs in existence in New Zealand and the United States, differed from the earlier mentioned compensatory assistance. They were based, not on awareness of disadvantage within mainstream society, but on awareness of a right to separate identity and cultural difference. The 1965 'Principles of Legislation for Aborigines and Torres Strait Islanders' referred to the fact that 'most other countries have already attempted and abandoned a policy of directed assimilation and have passed to a policy which recognises the right of indigenous people to maintain a separate identity'. The following year the revised version of the 'Principles of Legislation' made three points which suggested the Legislative Reform Committee's vision of a time when the Commonwealth accepted and used its power under section 51. This document suggested that where 'Aborigines or

Torres Strait Islanders retain tribal or semi-tribal cohesion, it should be important to avoid conflict between tribal law and European-Australian laws by making provision for evidence about tribal law to be admissible in courts'. A second point was that laws 'should be passed to preserve sacred and ceremonial grounds and objects'. And a third suggested that legislation 'to protect Aboriginal and Islander artists from exploitation should also provide that payment must be received by the individual artist concerned'.¹⁵⁰ This was the Legislative Reform Committee's vision of a future when the Commonwealth accepted responsibility for Aboriginal affairs and legislated positively for them as a group.

As is often the case in arguments for political change the reasons for the change and the arguments put to the electors during a campaign are not necessarily the same. Federal Council regarded the campaign for a referendum highly because, as already suggested, it saw the position of Indigenous Australians, regardless of where they lived, as a national responsibility. It would seek passage of laws of a compensatory and a supplementary nature once the law was changed. It would press future governments to pass overriding legislation such as South Australia's *Prohibition of Discrimination Act, 1966* which it saw a useful model for other governments. Following the success of the referendum Gordon Bryant acknowledged that 'in the ten years since 1957, laws in all States have been changed, ordinances in the territories have been modernised and now the Constitution, the greatest stumbling block

¹⁵⁰ Legislation for Aborigines and Torres Strait Islanders in Australia, 1966, MS 12913, box 4/1, CAR, SLV

to Commonwealth action has been amended'.¹⁵¹ As described earlier, the vote 'yes' campaign was based on a simplifying of the issue so that a 'yes' vote became associated in voters' minds with a vote for equal rights, for citizenship rights, for an end to discrimination, for justice, for 'righting wrongs'.¹⁵² The sense of what it meant to be Australian was drawn upon, a sense of fair play, in the singing of 'Vote "Yes" Australia' to the tune of 'Waltzing Matilda' and in doggerel such as Jack Horner's 'If to Aborigines you would be fair, put a YES in the bottom square'.¹⁵³ Folk singer, Gary Shearston, put Kath Walker's poem, 'We Are Going', to music and it was used to publicise the campaign. These were deliberate strategies. As Shirley Andrews had observed a decade earlier to Jessie Street 'it does seem fantastic that the laws affecting a mere 70 000 people should create such a complicated set up that it required months of close study to get a clear picture of it but it really is so'.¹⁵⁴ Nothing would be gained by providing the electorate with details of how these laws had changed or not changed. More effective was the promotion of the idea that a 'yes' vote was a vote for justice and fairness. The strategy worked.

In their work investigating the 1967 referendum and its significance Attwood and Markus argue that the Federal Council 'claimed a causal relationship between the amendment of section 51 (xxvi) and the granting of formal citizenship rights to Aborigines, a link which was no longer valid because these were already being restored or bestowed upon Aborigines by the

¹⁵¹ Statement by G. Bryant, members of Wills and senior vice-president, FCAATSI, 27 May 1967, Bryant papers, MS 8256, series 11, box 175.

¹⁵² See Attwood and Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, pp 32-43 for examples of some of the advertisements and slogans used.

¹⁵³ J. Horner, Radio Talk, FCAATSI papers, box V694.

states'.¹⁵⁵ I have seen no evidence of the Federal Council claiming this 'causal relationship'. Shirley Andrews had a detailed and up-to-date knowledge of relevant state and Federal legislation. Her 'The Australian Aborigines: A Summary of their Situation in all States in 1962', updated in 1964, shows that 53 400 Aboriginal people living in Queensland, Northern Territory and Western Australia were governed by the provisions of the relevant state Aboriginal Acts. All of these jurisdictions had the power to prevent Aboriginal people from moving freely around the state, prevent them from owning property and prevent them from being guardians of their own children. Queensland and Western Australia legislation still limited the rights of many thousands of Aboriginal and Islander 'theoretical citizens'. This reality seems to have been overlooked by Attwood and Markus. Federal Council activists did argue, however, no doubt with Queensland and Western Australia in mind, that 'as most State authorities are always very reluctant to surrender any of their powers to the Federal Government, the most practical procedure appears to be to amend the Federal constitution'.¹⁵⁶

A second line of argument with which I wish to take issue concerns what Attwood and Markus describe as the Federal Council's 'talking up' of the significance of amending section 51 (xxvi). This 'talking up', they write, included misrepresenting 'the Commonwealth's assumption of responsibility for Aboriginal affairs as the inevitable outcome of the referendum being

¹⁵⁴ Andrews to Street, 31 August 1957, Street papers, MS 2683, box 27, NLA.

¹⁵⁵ Ibid., p. 27.

¹⁵⁶ 'National Petition: Towards Equal Citizenship for Aborigines', n.d.

passed'.¹⁵⁷ Attwood and Markus argue that such misrepresentation was 'part deliberate strategy, part the result of misunderstanding'.¹⁵⁸ I find this part of their argument most unsatisfactory because they do not distinguish between the language of the soapbox as activists strove for an overwhelming 'yes' vote and the language of argument, reflection and assessment. The result in the Attwood/Markus account is a picture of Federal Council activists as propagandists prepared to mislead when they should be providing a balanced account. They state that the Federal Council publicity campaign 'failed to open to scrutiny the possibility that laws pertaining to civil rights and welfare benefits could change and yet have little impact on the lives of Aborigines, and so it failed to consider more complex explanations of the bases for the disadvantaged position of Aboriginal people'.¹⁵⁹ This appears to overlook the political strategist's task: it is not to consider complex explanations; it is to persuade, and simplification (and distortion) are an inevitable part of such persuasion. Andrews, Bryant, Davey, Christophers, Lippmann and Pittock all knew that constitutional reform was but a part of what Andrews called a 'vital step in a program of legislative reform'.¹⁶⁰ They also knew that scrutiny of complexity did not belong in a campaign for referendum change: what was needed was a simplified argument for a 'yes' vote which did not threaten the status quo. The writings of Andrews, Lippmann, Pittock and Bryant include

¹⁵⁷ Attwood and Markus, *The 1967 Referendum*, p. 38.

¹⁵⁸ Ibid.

¹⁵⁹ Attwood and Markus, *The 1967 Referendum*, p. 43.

¹⁶⁰ S. Andrews, 'Report on meeting held by Federal Council for Aboriginal Advancement to launch a national petition to amend the Federal Constitution', 23 October 1962, MS 12913, box 11/3.

material which is not propagandist, which questions and reflects on the issues at stake. These seem to have been overlooked by Attwood and Markus.

A third point of difference between Attwood and Markus' analysis of the referendum and mine in this chapter relates to expected outcomes. They maintain that FCAATSI saw the Commonwealth's intervention as 'a panacea'. My research does not support this conclusion. On referendum day Barry Pittock wrote in *The Australian* 'the proposal [regarding amendment of section 51 (xxvi)] merely empowers Federal Parliament to make laws in relation to Aborigines...The present Federal Government in fact has given no indication that it has any such legislation in mind...' ¹⁶¹ Directly after the referendum FCAATSI President Joe McGinness warned supporters that 'Winning the referendum is an important step forward— but it is only a first step. [underlining in original] The government is showing no hurry to legislate for us on education, housing, wages, trade training, land grants and many other things we need'. ¹⁶² In the six weeks following the referendum Federal Council activities show that the executive saw their work as continuing. New committee structures were discussed, a press release calling on the Federal Government to enact legislation to prohibit racial discrimination was drafted, a planning strategy was discussed and a submission was sent to the Federal Government 'proposing Commonwealth action on Aboriginal matters'. ¹⁶³

¹⁶¹ B. Pittock, Letter to *The Australian*, 27 May 1967.

¹⁶² J. McGinness, Letter to supporters, Cairns, June 1967, McGinness papers, MS 3718, box 1, folder 5, AIATSIS, Canberra.

¹⁶³ Gordon Bryant, 'Thoughts on Organisation', June 1967; Notes from FCAATSI executive meeting concerning proposed organisation and action, 24 June 1967, McGinness papers, MS 3718, box 1, folder 5, AIATSIS, Canberra; Stan Davey, Press release, 25 June 1967, Bryant papers, MS 8256, box 175, NLA, Canberra; Stan

These were hardly the actions of people who regarded the referendum as a panacea.

Changing laws and amending the Australian Constitution would not, by themselves, change the lives of Aboriginal and Islander Australians. Through the contacts made at annual conferences and the work of executive members in taking up cases of injustice, non-indigenous FCAATSI activists understood that racist attitudes, lack of access to services which others could take for granted, and the continuation of colonialist thinking meant that Indigenous Australians were severely disadvantaged. Federal Council executive members experienced discrimination in hotels, for example when an Aboriginal member of a group attempted to buy a round of drinks.¹⁶⁴ The Jim Jacko case at Hopevale – and others that followed – demonstrated that democratic rights did not belong in the authoritarian world of the mission and the government station. At government level, the findings of the Select Committee into Voting Rights of Aborigines that many Aboriginal people eligible to vote prior to 1962 were unaware of this right demonstrated the gap between the law and lived reality.¹⁶⁵ Cases involving the police and the courts providing evidence of police intimidation and violence were reported to the Federal Council from a number of states.¹⁶⁶ At the urging of the Victorian

Davey, 'Submission Regarding Commonwealth Action on Aboriginal Matters', July 1967, Pittock personal papers.

¹⁶⁴ Andrews to Street, 3 March 1963, Street papers, MS 2683, box 5, NLA; 'Colour Bar in Hotel Claim', *The Age*, 1 December 1962.

¹⁶⁵ Commonwealth Parliament, 'Report from the Select Committee on Voting Rights of Aborigines. Part One – Report and Minutes of Proceedings', *Commonwealth Parliamentary Papers*, 1961, p. 2.

¹⁶⁶ A case of assault by Mareeba police officers was reported to the FCAA by Cairns ATSIAL in June 1962. One officer was convicted on a charge of unlawful assault. Patrick O'Shane reported 'the penalty was really lousy but the effect on the "people"

Aborigines' Advancement League this issue was taken up in 1966 by the Council for Aboriginal Rights. This Council argued for 'a special Welfare Officer to be employed by the Welfare Board to assist Aborigines in predicaments involving the law'.¹⁶⁷ The work over a decade presenting the case for a referendum involved, as I have argued in this chapter, the need to change practices and attitudes as well as words in the Constitution. In particular the vote 'yes' campaign with its imagery of disadvantage, and its rhymes, songs and slogans encouraging those who saw themselves as fair-minded Australians to extend 'citizenship', 'rights', and 'justice' to the victims of discrimination. The campaigners fused the call for structural reform with a parallel call for attitudinal change.

The passage of the 1967 referendum did not, as Federal Councillors knew it would not, lead to immediate change. Two effects of the referendum are, however, worth noting at this point in the narrative: the response of Prime Minister Holt to the success of the referendum on the amendments of clauses 51 and 127, and the response of Aboriginal Australians. In September Holt announced the creation of a Council for Aboriginal Affairs to be supported by an Office of Aboriginal Affairs and reporting directly to the Prime Minister. He chose the highly respected H.C (Nugget) Coombs, Governor of the Reserve Bank, noted anthropologist, Professor Stanner, and Barrie Dexter, an

was terrific...The small Mareeba courtroom was full each day and I'm sure this had a profound effect on the magistrate' O'Shane to Pauline Pickford, 24 June 1962. And soon after he wrote: 'I think this is the first time the state has taken action against one of its servants on behalf of an aboriginal person. Could it be a sign of the time?' n.d. CAR, MS12913, box 3/3, SLV. Another case in Sydney involved Ken Brindle's suing of a police officer for unlawful forced entry to his home. This also succeeded and was the cause of much elation among the Redfern Aboriginal community.

experienced external affairs diplomat as the members of this new Council of Aboriginal Affairs. Such appointments indicate some commitment on Holt's part to a more serious Government involvement than had perhaps been contemplated before the vote. The year following the referendum Stanner coined the phrase 'the great Australian silence' in an ABC Boyer lecture in which he sought to explain why the implanted Australian culture appeared to ignore the prior occupants of the land made indigent by European incursion. This important lecture series spoke to non-Aboriginal Australians, challenging apathy on this question.¹⁶⁸ But for those who had been treated with disdain for so long, ignored or discounted by other Australians, the referendum offered hope of changing community attitudes and the prospect of legislative reform which would affirm their status as full citizens of Australia.

The referendum result shifted responsibility for Aboriginal affairs to the Commonwealth. Barrie Pittock, writing eight years after the referendum, argued that while the 'crescendo of activity and public support' was 'shallow and fleeting...it irrevocably shifted the focus of the Aboriginal movement away from the State capitals to Canberra and the sphere of federal politics'.¹⁶⁹ The Commonwealth was no longer able to avoid responsibility for Aboriginal Australians by claiming that it was a state responsibility. Charles Rowley thought that the referendum result probably indicated 'little more than a general view that something had been seriously wrong, that an issue of

¹⁶⁷ P. Pickford, Memo to Members, 11 March 1966, Barrie Pittock personal papers.

¹⁶⁸ W. E. H. Stanner, *After the Dreaming*, the 1968 Boyer lectures, Australian Broadcasting Commission, Sydney, 1968.

¹⁶⁹ A. B. Pittock, *Beyond White Australia: A Short History of Race Relations in*

national significance had remained too long neglected, that it is up to the Commonwealth government with its control of taxation to provide the solution'.¹⁷⁰ Ian Sinclair, the Minister for Social Services was reported as saying after the referendum that 'I can't see that, in the immediate future, the Commonwealth is likely in any way to replace the [State Welfare] boards'.¹⁷¹ Initially the Council of Aboriginal Affairs, then with the 1972 Labor Government, a Ministry of Aboriginal Affairs proved Sinclair to be wrong as Federal governments took up, albeit slowly at first, their responsibilities, both moral and financial, in Aboriginal affairs. From the perspective of the start of a new century, after the passage of Native Title legislation, after the establishment of the Aboriginal and Torres Strait Islander Commission, after the implementation of Commonwealth programs for Aboriginal and Islander people, the value of this shift to Commonwealth responsibility is clear.

Charles Perkins, a vice-president of FCAATSI, referred to the referendum as 'the moment of truth whether the white people really are interested in our welfare or rights'.¹⁷² The 90.77% 'yes' vote, signified a form of acceptance for Perkins and also for Doug Nicholls, Joe McGinness, Kath Walker, Bert Groves, Bill Onus and Chika Dixon – acceptance of Aboriginal people as Australians by the rest of the Australian community. Aboriginal and Islander activists, people with a lifetime of experience of disadvantage to themselves and in the communities they worked for, were moved by the size

Australia, Race Relations Committee of the Society of Friends, 1975, p. 22.

¹⁷⁰ C. Rowley, *Outcasts*, p. 384.

¹⁷¹ Reported in 'Post Referendum', *Smoke Signals* 6 (3), 1967, p. 28

¹⁷² Cited by Bill Onus, Director, Vote Yes Campaign Committee, 'Aboriginal Rights and the Referendum, n.d., Bryant papers, MS 8256, box 175, NLA.

of the vote. Harriet Ellis, Aboriginal convenor of the NSW Trades Hall Vote 'Yes' Subcommittee, considered that the referendum result 'would help to eliminate an inferiority complex. They particularly want to be counted as Australians'.¹⁷³ Burnum Burnum (formerly known as Harry Penrith, a FCAATSI committee convenor) speaking thirty years after the event, concurred: 'personally, it made me lose my inferiority complex'.¹⁷⁴ Aboriginal people have suggested that prior to 1967 they felt that there was no point in voting because political parties showed no interest in their concerns but that after the referendum they felt less ignored and more inclined to use their vote.¹⁷⁵ Doug Nicholls' fear that 'something [would] die inside the Aboriginal people if the referendum failed' suggests the importance of the vote as an affirmation of acceptance.¹⁷⁶

The confidence gained by Aboriginal and Islander activists in this campaign would soon be expressed in demands not only for the same rights as other Australians but for rights based on their unique position as the descendants of a dispossessed people. The Legislative Reform Committee's commitment to preserving 'sacred and ceremonial grounds and objects' and asserting the value of tribal laws signalled recognition of and support for such

¹⁷³ H. Ellis, *Sydney Morning Herald*, 27 May 1967.

¹⁷⁴ Attwood and Markus, *The 1967 Referendum*, p. 136

¹⁷⁵ Conversations with Len Fox, Josie Briggs and others. See also comments by Leisha May Eatts and Tjuka Pumpjack, 'Aboriginal Oral Sources' in Attwood and Markus, *The 1967 Referendum*, pp 138, 139. Such comments also help to explain why 1967 has often been remembered as the time when the right to vote was granted even though the Commonwealth Electoral Act extending the vote federally to all Aboriginal and Islander people was passed in 1962. See Heather Goodall, 'Aboriginal History and the Politics of Information Control', *Oral History Association of Australia Journal* 9, 1987 for an insightful discussion of how oral evidence might be read.

¹⁷⁶ *Australian*, 25 May 1967.

demands clearly indicated support for such demands. The referendum brought the position of Aboriginal and Islander people to the attention of the Australian public and though that attention may have been, as Pittock observed, 'shallow and fleeting', Aboriginal and Islander spokespeople learned much about political process in this campaign.¹⁷⁷ And in that process Indigenous activists gained the confidence to articulate ideas which were outside the civil rights tradition which the vote 'yes' campaign exploited so successfully.

¹⁷⁷ B. Pittock, *Beyond White Australia*, p. 22

Chapter 4 'Behind the White Man's Road': Campaigning to end economic discrimination

Introduction

Campaigning for the 1967 referendum extended over the Federal Council's first decade, but it was only one of the issues being pursued by the executive during these years. Following the 1963 annual Easter conference, the executive authorised the establishment of six committees which would be centred in the convenor's home state. Finance, to be convened by Jean Horner, and Education by Alan Duncan, were both based in Sydney. Publicity headed by Rodney Hall was centred in Brisbane. Legislative Reform, the work of which was described in the previous chapter, was headed by Dr Alistair Campbell. Aboriginal Reserves, (later called Land and Reserves) was convened by the Secretary, Stan Davey; and Wages and Employment was convened by Barry Christophers. These last three, all based in Melbourne, were the most politically active of Federal Council committees.¹

The Wages and Employment Committee, or 'Equal Wages for Aborigines Committee' (EWAC) as it called itself, was established to realise the third basic principle of FCAA: 'All Aborigines (and Torres Strait Islanders) to receive equal pay for equal work and the same industrial protection as for other Australians'. The 1963 annual conference had resolved that the main considerations of such a committee shall be 'equal wages, equal employment opportunities and social services to operate without

discrimination for Aborigines'.² In July of that year the interim Equal Wages for Aborigines Committee met with Shirley Andrews as the chairperson and Barry Christophers as the secretary.³ This committee operated as an active committee until September 1967 when it unanimously decided to disband, 'because the Committee felt that its functions were overlapping with those of the [Victorian] State Branch'.⁴ State branches were established as a pilot scheme following the referendum but the innovation failed within two years. Barry Christophers consequently remained a member of the executive as convener of the equal wages committee, but from 1968 onwards the work done was initiated by him as the spokesman for this area of Federal Council work, rather than by a committee.

The Federal Council's committees depended for their form of operation, style and output on the views, attitudes and work habits of its convenors and other active members. Work for equal wages had been an ongoing concern of Shirley Andrews, and Barry Christophers, secretary and president respectively of the Victorian Council for Aboriginal Rights who both believed strongly that Aboriginal 'advancement' was meaningless unless Aboriginal workers were protected by Commonwealth wage fixing legislation. The foundational ideals enshrined in the Harvester Judgement which ensured a

¹ Resolutions of the 6th annual general meeting of the Federal Council for Aboriginal Advancement, 12-14 April 1963, CAR, MS 12913, box 10/6, SLV

² Ibid.

³ Wages and Employment Committee annual report, 1964, CAR, MS 12913, box 10/6, SLV.

⁴ Wages and Employment Committee Report 1967-1968', ACSPA (Federal executive material) E 215/49, Noel Butlin Archives, ANU, Canberra.

'fair and reasonable' remuneration for white workers had to be extended to Aboriginal workers if the fact of their citizenship was to have any meaning.⁵

The focus of this chapter is on the work of the equal wages committee in its pursuit of the 'equal pay for equal work' principle in the broader context of the Federal Council's program for the just inclusion of Indigenous people in Australian society. I will do this by describing three campaigns— the first a specific campaign to remove the discriminations in the Tuberculosis Act which denied a specific sickness allowance to Indigenous sufferers; the second a broader campaign in support of union-initiated actions to remove discriminatory exclusions in their awards; and the third a campaign to assist those controlled by the Aboriginal and Torres Strait Islander Act, 1965 to control their own earnings. These campaigns for economic justice were the strongest expression of the civil rights approach to redressing injustice. Aboriginal workers— who were theoretically Australian citizens— denied access to social service benefits and to the machinery of wage fixing to which other workers could appeal, could not be expected to behave as citizens while they were discriminated against in this way.

'Citizens without rights' was how John Chesterman and Brian Galligan characterised the position of Indigenous Australians throughout most of the twentieth century. When EWAC was established in 1963 the phrase could be

⁵ This expression was used by Justice Higgins in his 8 November 1907 so called 'Harvester judgement' which established the principle of a 'fair and reasonable wage' based on an estimate of the minimum wage needed for a worker to support a family in frugal conditions. See extract from Commonwealth Arbitration Reports,

appropriately applied to those Aboriginal people controlled by Queensland, Western Australian and Northern Territory legislation. Chesterman and Galligan have argued convincingly that this paradoxical status demonstrated that Australian citizenship 'was empty and barren at its core and blatantly discriminatory in its parts'.⁶ They refer to the influential work of T. H. Marshall and his categorisation of citizenship into three main components which he argues have developed over the last three centuries. The civil element was the earliest, developing in the eighteenth century and including rights to individual freedoms such as freedom of speech and freedom to own property. The second, the political element, arose largely during the nineteenth century and included the right to vote. The third, the social element, was expressed as rights to education, health care, unemployment benefits.⁷

As applied to the position of Aboriginal Australians in the 1960s these categories are blurred. In 1963 Aboriginal Queenslanders under the *Aboriginals Preservation and Protection Acts, 1939-1946* could vote federally, but not in state elections and if they contracted tuberculosis they did not have the right to a Commonwealth sickness benefit available to others with this illness. For Andrews and Christophers the extension of these social rights was essential. Aboriginal Australians were citizens and they were workers, who had the right to the protection afforded workers. The Equal Wages

1906, Vol 11, pp 1-5 in Brian McKinlay, *A Documentary History of the Australian Labor Movement 1850-1975*, Drummond, Richmond Victoria, 1979, p. 407.

⁶ John Chesterman and Brian Galligan, *Citizens without Rights*, CUP, Cambridge, 1997, pp 1-5.

⁷ Ibid; T. H. Marshall, 'Citizenship and Social Class' in T. H. Marshall and Tom Bottomore, *Citizenship and Social Class*, 1992, pp8-10.

Committee argued that it was unrealistic to expect citizens to behave as citizens when they were not paid properly. How could they be expected to live in a house and educate their children when they were not treated with justice when it came to payment for work done, and when they were refused social service benefits when they were sick?

In a survey of citizenship theory, Will Kymlicka has observed that 'most people on the left...believe that the dependent are kept out of the mainstream of society because of a lack of opportunities, such as jobs, education and training'. According to this view 'rights to participate must, in a sense, precede the responsibilities'.⁸ This was the intellectual tradition which shaped the thinking of the members of the Equal Wages Committee particularly, and more generally of the Federal Council as a whole.

Whereas 'civil rights' or 'citizens' rights' were often used as slogans during the referendum campaign, the terms had a hard-edged reality in equal wages campaigning. As has been argued elsewhere the amendments to the Constitution did not deliver civil rights.⁹ Rather, throughout the 1960s, these were progressively extended with legislative reforms such as the 1962 *Electoral Act* and amendment of legislation which contained discriminatory clauses.¹⁰ But while there was a philosophical relationship between the

⁸ Will Kymlicka and Wayne Norman, 'Return of the Citizen: A Survey of Recent Work on Citizenship Theory', in *Ethics*, vol 104, January 1994, pp 354-358.

⁹ Attwood and Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, AIATSIS, Canberra, 1997.

¹⁰ *The Post and Telegraph Act 1901-1950* was amended to remove a section which discriminated against the employment of Aborigines. Cabinet by Decision No 1549 (GA) approved this submission and directed that 'the Department of External

campaigns for a referendum and for equal wages, tactically they were different. The referendum campaign involved all sectors of Australian society. Party politics played no part, with both sides of the parliament supporting the referendum cause. In contrast, the campaign for equal wages and social service benefits was overtly political from the outset. The Aboriginal worker could not expect the support of the whole community. The owners of pastoral properties, for example, who had benefited by cheap Aboriginal labour, could not be expected to support this campaign. Andrews believed that unionists should be appealed to, and that despite some past indifference of the union movement to include Aboriginal workers in awards, such support would be vital to the conduct of this campaign.¹¹ The strategies to be employed by the Equal Wages Committee were strategies which recognised class divisions, and which would call upon working class solidarity. This committee reminded unions of their responsibilities to their Aboriginal co-workers. The Equal Wages for Aborigines Committee would work with left-wing unions which had the political muscle to challenge exploitation so as to maximise the chances of Aboriginal inclusion in the wage fixing system. For those establishing the Equal Wages Committee there would be no compromise: the concept of equal wages for equal work was unchallengeable, as was equal

¹¹ Affairs and the Attorney-General's Department confer regarding other Commonwealth Acts which contain provisions discriminating against the employment of persons in whom there is Aboriginal blood' 'Australian Aborigines: External Affairs Interest', 29 August 1961, A1838/2, 557/1, part 2, NAA, Canberra. See S. Andrews, 'Wages and Employment of Aborigines: Report presented to the 5th National Conference on Aboriginal Affairs', 1962, CAR, MS 12913, box 10/5, SLV; Shirley Andrews, 'The Aborigines- Wages and Work', Council for Adult Education Summer School, 4-8 January 1965; B. Christophers, 'Government Policies and practices in Northern Territory' address to 1961 FCAA annual conference, Brisbane, Easter 1961, CAR, MS 12913, box 10/3, SLV.

access to social service benefits. Their thinking was not whether or how equal wages and access to social service benefits would help Indigenous Australians, but rather how these basic rights might be achieved.

The Equal Wages for Aborigines Committee

Shirley Andrews and Barry Christophers had been working together on the issues of access to social service benefits and equal wages in the Victorian Council for Aboriginal Rights since 1957. They shared a view that a key factor in Aboriginal status as second class citizens was that they provided cheap labour for the pastoral industry and in other rural industries, especially in Queensland, Western Australia and Northern Territory. Andrews argued that 'the whole effort to get equal civil rights for Aborigines is negated unless Aborigines get wages at the same standard as other Australians'.¹² Her presentation on 'Wages and Employment of Aborigines' to the 1962 annual FCAA conference explained her thinking. She explained to delegates: 'It is important to get this straight— that the pastoral industry in those states [Queensland, Western Australia and Northern Territory] just couldn't function if it weren't for the Aborigines'.¹³ She demonstrated the injustice of having two different wage systems operating in the Northern Territory, one on missions, another on government reserves and pastoral stations. She recounted personal stories, such as of the tractor driver working a 12 hour day and a

¹² S. Andrews, *Wages and Employment of Aborigines*, 1962.

¹³ She referred listeners to the report by 'Mr J. Kelly on the cattle industry of Northern Australia, published by the Bureau of Agricultural Economics in Canberra'. S. Andrews, 'Wages and Employment of Aborigines', 1962, p. 5. See also J. H. Kelly, *Struggle for the North*, Australasian Book Society, Sydney, 1966.

seven day week and being paid 35/- a week; of a young man on Lake Tyers station in Victoria being paid £4 a fortnight for slaughtering animals and cutting up the meat, when the work was covered by an award and under government regulations he should have been getting it. A third instance quoted by Andrews came from an Aboriginal Mission resident complaining about low and inconsistent wages. The resident expressed frustration at ongoing economic disadvantage:

They still make us poor this way, that the thing, we native peoples, we still behind of that road, of a white man's road or way of the white mans here in North Australia. But we want some men to help the native people ¹⁴

Andrews painted a picture of workers in Australia who were being treated in paternalistic, high-handed, manipulative ways, subject to capriciousness with regard to what was paid and demeaning treatment as to how it was paid. This behaviour was explained by Andrews in two ways. She argued that the economy of the pastoral industry in northern Australia actually depended on worker exploitation and that 'false assumptions of racial superiority' were deliberately encouraged to cover up injustice. She drew the analogy with the battle for equal wages still being fought by women at this time and reminded people that the campaign for equal wages for women didn't get under way until the Trades and Labour Councils in different states set up equal pay sub-committees which rallied the support of all unions, including those which didn't have women members. Overall, the picture she painted was of an insidious and enduring blot on the industrial relations landscape of a country which prided itself on its democratic traditions and on its system of wage

justice which had evolved over the last fifty years or so. She pointed out that 'part-Aborigines in the NT are now citizens, and as such are entitled to full award wages' and yet 'many of these people are not getting these wages, and very little is being done to get the correct rates for them'.¹⁵

How could this injustice be rectified? For Andrews hope lay in mobilising the entire trade union movement. She warned against getting bogged down in trade union bureaucracy. Andrews' vision was of trade unions affiliating with both state Aboriginal organisations and the Federal Council. 'Any unionist should be able to understand the principles involved in paying Aboriginal workers wages like £2 a week even if he has never met an Aborigine in his life.'¹⁶

The Equal Wages Committee's pursuit of equal wages and equal access to social service benefits was based on the proposition that economic equality was a necessary prerequisite for Aboriginal people to join mainstream society. 'Better health, housing and education for Aborigines will remain a pious wish unless wage equality for them prevails' wrote Christophers.¹⁷ Shirley Andrews gave examples of 'two very fine young Aboriginal stockmen... who were now skilled stockmen and should have had a considerable amount of money in their trust funds. The only cash money they had ever received regularly consisted of £5 at Christmas and £5 for the big

¹⁴ Andrews, 'Wages and Employment of Aborigines', p. 4.

¹⁵ Ibid., p. 8.

¹⁶ Ibid., p. 13.

¹⁷ B. Christophers, 'An invitation to "protest" and attend a court vigil on wage

local race meeting'.¹⁸ Equal pay, access to benefits, control of one's wages- these 'rights' had to be extended before Aboriginal workers could be expected to fulfil their duties as citizens. A second proposition which underlay the Committee's work concerned changes in the attitudes of the Australian community. When the Australian electorate saw Aboriginal people as workers, members of unions, people with the same need for workers' compensation, sickness and unemployment benefits and a just wage, the legacy of racist thinking which had led to Aboriginal people being seen as pariahs would be weakened.

In another presentation in 1965, later distributed as a part of the Equal Wages Committee's public education work, Andrews argued that economic discrimination was the basis 'from which the other forms of discrimination have arisen'.¹⁹ She suggested that in Australia, as elsewhere in the world, ideas of racial superiority have been used to excuse unjust behaviour. Such ideas, she argued, have impeded recognition of the economic discrimination experienced by Aboriginal people across Australia. Andrews described Aboriginal people as a national minority group to whom, as the former owners of the country, some compensation was due. She suggested the standards set out in the ILO's Convention 107, the 'Indigenous and Tribal Populations Convention, 1957' as presenting the most advanced standards of community behaviour. She quoted section two of this document - 'Each member shall do

discrimination against Aborigines', undated but probably June 1965. Barry Christophers' personal papers.

¹⁸ Shirley Andrews, 'The Aborigines- Wages and Work', 1965, p.7.

¹⁹ Ibid., p. 1.

everything possible to prevent all discrimination between workers belonging to the population concerned and other workers'— as a standard to which the Australian community should aspire. She reminded her audience, however, that Australia had refused to ratify this Convention. She remarked on how extraordinary it was that in a country 'like Australia with its highly organised trade union movement and high standard of living that there exists this one section of the Australian work force that is so far behind the rest of the community in wages and working conditions',²⁰

This was the analysis of the relationship between low Aboriginal wages and the Australian economy on which the work of the Equal Wages Committee would be based. How would this Committee achieve its goal of 'equal pay for equal work and the same industrial protection as for other Australians'? The nucleus of the Committee, prior to the call for nominees from trade unions and other organisations, was Barry Christophers who accepted nomination as secretary, Marjorie Broadbent who volunteered to be treasurer, Mrs Richey and Mrs Radic who accepted roles as assistant secretaries and Shirley Andrews who agreed to chair meetings 'for the time being'.²¹ Of these Marjorie Broadbent, a member of the Miscellaneous Workers Union was most likely the only unionist on the original core committee. Mrs Radic and Mrs Richey had both served on the committee of the Council for Aboriginal Rights, and had played an active part in National

²⁰ Ibid., p. 14.

²¹ Minutes of the Interim Committee, Equal Wages for Aborigines, 15 October 1963, Christophers papers, MS 7992, box 8, NLA

Petition Campaign work. By Easter 1964 Andrews reported that eleven other organisations were represented, six of which were unions.²²

The interim Equal Wages Committee recognised the value of winning the trade union movement to their cause. It saw its first task as 'to get as many trade unions as possible actively participating in the work of this committee'.²³ Taking advantage of the ACTU Congress being held in Melbourne in September committee members organised a team of people to 'bring the facts of Aboriginal wages and conditions of employment to Congress delegates'. They distributed 500 copies of a booklet which was based on Andrews 1962 presentation on 'Wages and Employment of Aborigines'. This was accompanied by a short leaflet which explained the work of the Equal Wages Committee.²⁴ Andrews reported that the information was 'very well received' and that people were 'obviously shocked to read the figures for wages'. She believed that the 'average trade union rep from the Eastern and Southern states hasn't got a clue about this subject and is likely to be genuinely alarmed to find out the true position'.²⁵ The interim committee co-operated with three trade unions. They raised matters relating to wages and working conditions with Actors Equity to ensure that Aboriginal dancers brought to Sydney by the Elizabethan Trust received award wages which were paid directly to them. Secondly, they contributed to union counter-arguments regarding a proposed

²² S. Andrews, Convenor, Equal Wages for Aborigines Committee, Wages and Employment Annual Report, Easter 1964, CAR, MS 12913, box 10/6, SLV

²³ Ibid.

²⁴ Andrews, Wages and Employment Committee Annual Report, 1964, CAR MS 12913, box 10/6, SLV.

²⁵ Andrews to Rodney Hall, 19 September 1963, CAR, MS 12913, box 9/9

addition to an aluminium industry award which would allow less than award payments to Aboriginal workers. This plan was not proceeded with; instead a general clause authorising payment of a lower wage because of 'age, infirmity, or for any other reason' was inserted. Thirdly, the Committee contacted the Western Australian branch of the AWU offering to assist them in 'pressing for deletion of the clauses of the Federal Pastoral Industry which discriminate against Aborigines'.²⁶ The Committee did not confine its wages work to making contact with unions. It prepared to challenge the Northern Territory Government. Following newspaper reports of proposed changes in Northern Territory legislation the Committee prepared a leaflet, 'Equal Wages for Aborigines: There Must Be An End to Wage Discrimination' which explained the relationship between present Northern Territory legislation and low Aboriginal wages.²⁷ Twenty thousand copies were printed and distributed, urging unions and other organisations to 'bring pressure to bear on members of the Northern Territory Legislative Council'.²⁸

Apart from these wage-related initiatives the interim

Committee took two actions on the issue of social service benefits. In response

SLV.

²⁶ See Wages and Employment Committee reports: 29-30 September 1963; 27-29 March 1964, CAR, MS 12913, boxes 12/1 and 10/6 respectively, SLV.

²⁷ This leaflet was paid for and sponsored by: Brick Tile and Pottery Union (Vic branch); Clothing Trades Union (Vic branch); Federated Engine Drivers' and Firemen's Association (Vic branch); Tramway and Motor Omnibus Employees Association; the Association of Architects, Engineers, Surveyors and Draughtsmen of Australia (Vic division); Miscellaneous Workers' Union; South Coast Aboriginal Advancement League, Council for Aboriginal Rights, Federal Council for Aboriginal Advancement. 'Equal Wages For Aborigines: There Must be an End to Wage Discrimination' (leaflet).

²⁸ Andrews, Wages and Employment Annual Report, 1964, MS 12913, box 10/6; 'Equal Wages for Aborigines: There Must be an End to

to a request from the Cairns Aboriginal and Torres Strait Islander Advancement League, Shirley Andrews and Rodney Hall had produced *A Yinjilli Leaflet: Social Services for Aborigines*. Andrews had provided the information to Hall, a member of QCAATSI, who had agreed to organise and edit the material. Hall, who had met Kath Walker through the left-wing Realist Writers group in Brisbane, convened the first Publications Committee and edited the Federal Council's first bulletin, *Yinjilli*. *A Yinjilli Leaflet: Social Services for Aborigines* addressed Aboriginal and Islander people directly. It set out to explain as straightforwardly as possible entitlements under the new legislation and how to go about getting them.²⁹

This four page guide provided information about applying for child endowment, maternity allowances, old age pensions, unemployment benefits, sickness benefits, widows and deserted wives pensions and funeral benefits. It addressed itself directly to its readers, telling them: 'You have the same rights as other Australians to claim social service benefits'.³⁰ The Equal Wages for Aborigines Committee undertook as one of its first tasks the distribution of 5 000 copies of the leaflet through Victoria, South Australia, Western Australia and Northern Territory.³¹

Discrimination', Christophers personal papers.

²⁹ 'We call upon the Federal Council for Aboriginal Advancement to prepare a national leaflet setting out the Social Services and Pension rights of Aboriginal and Torres Strait Islanders throughout Australia. This leaflet to be for distribution to Aboriginal and T. I. people' Report from Cairns Aboriginal and Torres Strait Islander Advancement League conference, 1-2 December 1962; *The Yinjilli Leaflet* was written by Shirley Andrews and edited and printed by Rodney Hall, FCAA Information Officer, published by the Federal Council for Aboriginal Advancement, 1963, CAR 12913, box 29/1, SLV.

³⁰ S. Andrews & R. Hall, *'A Yinjilli Leaflet'*, FCAA, 1963.

³¹ The St Francis Xavier Mission on the Daly River, Northern Territory thanked the

The second social services task the Interim Committee took on related to social service benefits. Again this was in response to a request from a Queensland delegate and concerned the non-payment of allowances to Aboriginal tuberculosis patients. This campaign began in August with the aim of identifying the source of the discrimination and then working to amend the discriminatory clauses in the Tuberculosis Act which effectively prevented Queensland Aboriginal and Islander tuberculosis patients from getting an allowance which was available to non-Indigenous patients. Three thousand copies of an article 'Discrimination in an Unexpected Quarter' originally published in *Smoke Signals* were distributed explaining the nature of this discrimination.³²

Such were the achievements of the interim Equal Wages for Aborigines Committee over its first eight months. The Committee wrote to affiliated bodies, all Victorian trade unions and to churches and other interested organisations.³³ Most of this core committee had been active members of the Victorian National Petition committee and had learned much about how to run an efficient campaign from this experience.³⁴ At the 1964

Secretary for a copy of the booklet but pointed out that few had received any education and were therefore unable to read it. They assured the Secretary that 'the mission would see that justice was done to the Aborigines at the Mission'. Illiteracy, which was common among Aboriginal populations in the north, would have limited the efficacy of this genuine attempt to communicate new rights to Aboriginal people who were ignorant of these changes Minutes, Equal Wages for Aborigines Committee, 4 May 1964, MS 7992, Box 8, Barry Christophers papers, National Library of Australia, Canberra.

³² Barry E. Christophers, 'Discrimination in an Unexpected Quarter', *Smoke Signals*, January 1964, p. 9.

³³ Andrews to Rodney Hall, 19 September 1963, CAR, MS 12913, box 9/9

³⁴ Shirley Andrews to Rodney Hall, 4 September 1963, CAR, MS 12913, box 9/9, SLV

annual FCAA conference the five interim committees were formally recognised when the constitution was amended to include 'convenors of standing committees required by A.G.M'. Barry Christophers, the convenor, represented the Equal Wages Committee on the FCAA executive.³⁵

Barry Christophers and the Tuberculosis Allowance Campaign

In July 1963 Stan Davey received a letter from Kath Walker, Queensland State Secretary, asking FCAA to take up the issue of tuberculosis allowances for Aboriginal patients in Queensland.³⁶ Walker had been in correspondence with the Federal Ministers for Health, Harry Wade, and Social Services, Hugh Robertson on behalf of an Aboriginal tuberculosis sufferer. Davey passed her request for Federal Council support to the newly constituted Equal Wages Committee which had established one of its three main considerations to be for 'social service benefits to operate without discrimination for Aborigines'.³⁷ As a medical practitioner, Christophers was well placed to investigate this question. He began by researching the Tuberculosis Act and practices with regard to its implementation, writing numerous letters to the relevant ministers and public servants as well as to leading medical professionals such as Dr Abrahams, Director of Tuberculosis in Queensland. By November Christophers had identified racially discriminatory clauses in the *Tuberculosis*

³⁵ Constitution of the Federal Council for Advancement of Aborigines and Torres Strait Islanders, as amended by the Annual General Meeting, Canberra, ACT, April 1964, McGinness papers, AIATSIS Library, Canberra.

³⁶ Kath Walker to Stan Davey, 1 July 1963, Christophers personal papers

³⁷ 'Wages and Employment- Recommendations' FCAA Annual Conference papers, 1963, MS 12913. The other two were for equal wages and for equal employment opportunities. The latter was not seriously pursued by the committee.

Act and Abrahams had acknowledged that Aboriginal sufferers had been refused benefits for 'social reasons'.³⁸

The Commonwealth government allowance under the *Tuberculosis Act* to assist patients recuperating from tuberculosis was a part of a national strategy to combat this treatable but highly contagious disease. Poverty, inadequate hygiene, poor nutrition and overcrowding put people at risk of contracting this illness. The allowance, significantly more than the sickness benefit, was almost as much as the basic wage; the developers of the program having argued that it needed to be enough for wage earning convalescents to be able to stay at home and have sufficient money for good quality food during the infectious period. Two clauses in the Act referred to 'aborigines' and 'people of mixed blood'.

52. Subject to paragraphs 51 [which stated that eligible applicants needed to be sixteen years of age] and 53, tuberculosis allowance is payable to an eligible applicant, *irrespective of nationality or racial origin*. In particular it is payable to —...
d) aborigines and people of mixed blood who prior to their illness supported themselves and their dependents (if any) from their earnings. [my italics]

53. Except to the extent decided by the Director-General of Health in an unusual individual case, tuberculosis allowance is not payable to—...
f) aborigines and people of mixed blood who, prior to their illness, did not support themselves and their dependants (if any) from their earnings.³⁹

The exclusion in clause 53 contradicted the clear statement in clause 52 that payment be made 'irrespective of nationality or racial origin'. Details of cases

³⁸ McGinness came across tuberculosis patients: a Mr M, 64 years, a tuberculosis patient from Yarrabah was not in receipt of an allowance. Neither was Mr C, formerly a butcher. Mr B, a boatbuilder, also eligible, got no allowance. Nor did Mr P from Mitchell River, nor Mrs E from Edgehill. Copies of letters from the Department of Social Services disallowing claims made for the tuberculosis allowance, Christophers personal papers.

³⁹ Scheme of Tuberculosis Allowances, determination under section 9, Tuberculosis Act, Canberra, 27 April 1961.

of people who were refused the award, apparently because they were Aboriginal, were passed to Barry Christophers. Working with this material, Christophers set out to get the racially-based exclusion removed from the Act and to ensure that those cases brought to his attention be considered for the allowance on grounds of medical eligibility only, without the decision being influenced by the racial background of the sufferer. Christophers pointed out that the apparently definitive 'irrespective of nationality or racial origin' was qualified with relation to only one nominated racial group who had not supported themselves 'prior to their illness'. 'Prior to their illness' was not the same thing as prior to diagnosis. As Christophers pointed out an Aboriginal sufferer might stop work because of the illness and thus at the time of diagnosis be not considered to be self-supporting, thus being ineligible for the allowance.

The £12/2/6 per week tuberculosis allowance highlighted the fact of economic discrimination in Queensland. The amount posed a problem for the Queensland Department of Native Affairs as it was far in excess of wages earned by Aboriginal people in that state. And the wages of the approximately 20 500 'under the Act' in Queensland, were not passed directly to the wage earner; instead they were paid into a trust fund. The Director-General of Social Services awarded aged, invalid and widows pensions to those not under the Act if he was satisfied that the granting was desirable 'by reason of character... intelligence and social development'.⁴⁰ The tuberculosis

⁴⁰ Social Services Consolidation ACT 1947-1950, sections 19 (2), 62 (2) and

allowance scheme was the responsibility of the Department of Health but it was administered by the Department of Social Services and the operating manual of that department guided officers whose task it was to assess eligibility. This manual advised that the tuberculosis allowance was not payable to

Aboriginal natives of Australia whatever their caste or whether they are under the control of the appropriate authorities and otherwise if—
1) they are unable to manage money or are likely to waste it;
2) they cannot be said to have reached an appropriate degree of social development in such things as character, intelligence, living conditions, needs, past earnings and discharge of family responsibilities.⁴¹

The instructions also pointed out that the possession of a certificate of exemption, releasing a person from the control of state Aboriginal welfare legislation, was irrelevant in this case. Here was one example of what Charles Rowley has called a 'farcical tangle of restrictive laws'.⁴² A person could be deemed not Aboriginal and therefore a citizen with the same rights as any other citizen, but if that person became ill with tuberculosis and was identifiable as an 'aboriginal native of Australia' his or her character, living conditions and so on could be used to prevent the issue of an allowance designed to assist in recovery and limit the spread of the disease.⁴³

The ability to manage money was used by Queensland public servants who had dealings with Aboriginal people in the 1960s to define – and

86 (3).

⁴¹ 'Instructions, Pensions and Associated Payments', Department of Social Services, Commonwealth of Australia, 1961.

⁴² See C. D. Rowley, *Outcasts in White Australia*, Pelican, Ringwood Victoria, 1972, pp 393-397 for a discussion of this 'tangle' of laws.

⁴³ See my article 'Health, the Law and Racism: the campaign to amend the discriminatory clauses in the Tuberculosis Act', *Labour History*, no 76,

withhold – citizenship. If you could manage money you could be considered eligible for the tuberculosis allowance. Conversely, if you lived on a mission, you were prevented from managing money, even if you were a wage earner as your pay went into the Queensland Trust Fund and the mission manager controlled your spending. In this situation it was impossible to establish the ability to manage money- a key criterion for receiving the benefit. This absurd catch-22 situation was used to refuse the tuberculosis allowance to Aboriginal and Islander people on missions and reserves. Christophers believed the case against the Commonwealth, based on racially discriminatory legislation, could be proved. The campaign focused on tuberculosis sufferers from Queensland because legislation controlling Aboriginal lives was most restrictive in that state. Essential to this campaign was the evidence collected by Walker and McGinness, as well as that provided by Queensland Director of Tuberculosis Dr E. W. Abrahams, to substantiate the case against the Commonwealth. In collecting this evidence, McGinness visited tuberculosis annexes in Cairns, Rockhampton, Townsville, Brisbane and Thursday Island gathering details from Aboriginal tuberculosis patients who were not in receipt of the tuberculosis allowance. He provided information for Christophers on twenty such patients. Christophers used this material to demonstrate that clause 53, determination 9 of the *Tuberculosis Act* was discriminatory, and that, in its administration, subjective ‘markers of citizenship’ were used to maintain the Aborigine/citizen divide.

The administration of the Tuberculosis Allowance scheme in Queensland highlighted the gap between the rhetoric of assimilation mouthed by the Commonwealth and the actual power over Aboriginal lives exercised by the states. The Commonwealth's official position, restated at a 1963 conference of ministers responsible for Aboriginal affairs, was that Aboriginal Australians would 'attain the same manner of living as other Australians and live as members of a single Australian community, enjoying the same rights and privileges as other Australians'.⁴⁴ In reality, the right to a Commonwealth tuberculosis allowance, however, was dependent on assessment by a department of Social Services public servant as to 'social development'. And because Queensland applications for the tuberculosis allowance were filtered through the state Department of Native Affairs which equated living on a mission with 'unable to manage money' Aboriginal tuberculosis sufferers were refused the Commonwealth allowance.

Waging a concerted, sophisticated campaign, Christophers wrote to departmental heads, ministers, other politicians and members of the Tuberculosis Advisory Council voicing his criticisms of this state of affairs. He used his connections through the Federal Council for Aboriginal Advancement and the Tuberculosis Advisory Council, to find out how the scheme operated in other states. He found that it was in Queensland that clear evidence existed of the allowance being withheld on the grounds that

⁴⁴ Conference of Ministers of Aboriginal Affairs, Darwin, 1963. Cited in 'Government and the Aborigines' a paper prepared for the Federal Council for Aboriginal Advancement by the Legislative Reform Subcommittee, February, 1964, p. 8, MS 12913, Council for Aboriginal Rights, State Library of Victoria.

Aboriginal claimants 'did not support themselves prior to their illness'.⁴⁵ He wrote letters to the Ministers for Health and Social Security, the Directors-General of those departments, the Directors of Tuberculosis in all states, state councils of the Australian Medical Association. He pointed out that the Federal Council considered that determinations under the *Tuberculosis Act* were discriminatory and that the instructions in the operating manual of the Department of Social Services also discriminated against Aborigines. He asked the Director-General of Health, Major-General W. D. Refshauge, and all members of the National Tuberculosis Advisory Council, to raise the matter at an Advisory Council meeting.⁴⁶

As with the equal wages issue which would follow, Christophers used the issue to educate the public. He outlined the injustice in articles in *Smoke Signals*, he wrote letters to the editors of daily newspapers. He kept the issue alive over a number of months in the *Medical Journal of Australia* and he wrote for union newspapers.⁴⁷ Christophers' suggestion that the Social Services instructions 'could be misunderstood overseas' implied his preparedness to publicise this fact widely if such a strategy seemed necessary.⁴⁸

⁴⁵ Letter from Gladys Elphick, SA State secretary, n.d.; C. J. Officer Brown, Victorian member of Tuberculosis Advisory Council, 28 April, 1964

⁴⁶ B. Christophers to members of the National Tuberculosis Advisory Council, 25 August, 1963.

⁴⁷ See B. Christophers, 'Tuberculosis Allowances' *Medical Journal of Australia*, 17 August, 7 September, 12 October, 1963; B. Christophers, 'Discrimination in an Unexpected Quarter', *Smoke Signals*, 1964,

⁴⁸ R. West, Administrative Officer, note to file, 23 September 1963, Series A1851/1, item 1962/847, National Australian Archives, Canberra.

In February 1965, after a 16 month campaign targetting members of parliament, bureaucrats, doctors and the Governor-General who was the patron of the Tuberculosis Association, the Director-General of Health announced that a decision had been taken to delete the specific reference to 'aborigines and people of mixed blood'. This was the first victory for the Equal Wages for Aborigines Committee.

Christophers continued over the following years in a watchdog role, checking eligibility of Queensland Aboriginal tuberculosis sufferers whose cases were brought to his attention and assisting people with their applications and the presentation of appeals against discriminatory rulings by government officials.⁴⁹ He acknowledged that the success of this campaign hinged on the clear evidence of discrimination collected by Joe McGinness and Kath Walker and the preparedness of Dr Abrahams to provide other documentary evidence. The Easter Conference that year moved that a telegram be sent to the Prime Minister expressing appreciation at his government's 'agreement to delete those sections of the determination ... which discriminate against Aborigines'. The congratulatory telegram was, however, used to point out that 'the full rights of Aborigines to social service benefits is marred by the retention of section 137A of the Social Services Act' and asked that the Government delete these sections.⁵⁰

⁴⁹ B. Christophers, 'EWAC, besides being concerned with equal wages, has a watchdog commission from the Federal Council in the sphere of social services. Every known case where Aborigines may not be receiving their full entitlement under law is followed up'. Information from Equal Wages for Aborigines Committee Newsletter, April 1966, CAR, MS 12913, box 10/7, SLV

⁵⁰ 'Minutes of the Wages and Employment session, Eighth FCAATSI annual

Campaigning for Equal Wages

During 1964 and 1965, the Equal Wages Committee strengthened its working relationship with the union movement. Dick Scott of the Sheetmetal Workers Union accepted presidency of the Committee and the Builders' Labourers' Federation made their rooms available gratis for meetings.⁵¹ Through these years union representation on the Committee continued to grow so that by mid 1965 17 organisations were represented, 11 of which were unions.⁵²

Christophers was in contact with ACTU officials and developed working relationships with union secretaries in those industries which employed Aboriginal labour, most notably the North Australian Workers Union (NAWU) and the Australian Workers Union (AWU). The Melbourne Trades Hall Council supported the work of the Equal Wages Committee and agreed to circularise all their affiliated unions requesting them to give donations for production of a leaflet on wage discrimination. The Equal Wages Committee placed articles in union newspapers as a part of their campaign to increase active union support in the push for equal wages.⁵³ Perhaps the strongest evidence of the Equal Wages Committee's wooing of the unions was the amount of money which came into the coffers of the Committee through

⁵¹ conference, Easter 1965, MS 7992, box 8, Christophers papers, NLA
Wages and Employment Committee Annual Report, 1965, MS 12913, box 10/7,
CAR, SLV

⁵² Ibid.

⁵³ Minutes of the Equal Wages for Aborigines Committee, 4 May 1964,
Christophers papers, MS 7992, box 8, NLA.

appeals for donations. In one year to March 1966 more than \$1 200 was received in donations to the Equal Wages Committee.⁵⁴

From late 1964 to February 1965 three applications were made for the removal of racially discriminatory clauses in awards relating to rural industries. The first of these was the 1956 Federal *Pastoral Industry Award* which covered those employed in the pastoral industry in New South Wales, Victoria, South Australia, and Western Australia. In this award Aboriginal workers were excluded from the definition of a station hand. A preliminary hearing of the log of claims which included removal of the exclusion, served by the Australian Workers Union (AWU) took place on 24 November 1964. The second was the Queensland *Station Hands Award*, number 80 of 1961 which excluded those who came under the *Queensland Aborigines Preservation and Protection Act*. This application was filed by the Queensland branch of the AWU on 3 December 1964. Because of the exclusion under this Award, 1 500 Aboriginal station hands who were under the Queensland Act were not legally entitled to the award wage. The third application was to vary the *Cattle Station Industry (Northern Territory) Award 1951* so as to include Aboriginal pastoral workers. Section 6 of this award read: 'This award shall not apply to station managers, overseers, members of the owner's family,

⁵⁴ During this year decimal currency was introduced. £578.6.0. was received from 1/4/65 to 14/2 66. \$408.71 was received from 15/2/66 to 31/3/66. Wages and Employment Committee Annual Report 1966, CAR, MS 12913, box 10/7, SLV. The previous year EWAC reported donations totalling £338.16.4, equivalent to \$679.36. This was from January 1964 to 31 March 1965. Agenda and Reports for the 8th Annual Conference on Aboriginal Affairs, 16-18 April 1965, CAR, MS 12913, box 10/7, SLV.

aboriginals or domestic servants'.⁵⁵ This action was initiated by the North Australian Workers' Union (NAWU)

Due to a large number of respondents and adjustments in the details of other demands being made on employers the first of these hearings was delayed.⁵⁶ The second application was also delayed because of alterations to the *Aboriginals' Preservation and Protection Act, 1939-1946* which controlled the wages of some 1 500 station hands under that Act. This meant that the application to vary the *Cattle Station Industry (Northern Territory) Act 1951*, was the first to be heard. The preliminary hearing began in Melbourne on 19 February 1965. Sir Richard Kirby in handing down the decision of the Arbitration Commission to proceed with the hearing of this case concluded that the matter was of 'obvious importance, not only to employers and Aborigines in the cattle industry of the Northern Territory, but also to the Australian community'.⁵⁷ He ruled that 'in the public interest' the matter be dealt with by a full bench.⁵⁸ Hearings held in Melbourne and Alice Springs would continue until 7 March 1966.

The period from first hearing to the Conciliation and Arbitration Commission's judgement provided a suitable focus for the Equal Wages Committee to run a campaign which could educate and raise awareness of

⁵⁵ Frank Stevens, *Equal Wages for Aborigines*, Aura press, Sydney, 1968, p10.

⁵⁶ Stevens, *Equal Wages for Aborigines*, p. 9 cites Sydney Morning Herald, 25 November 1964 as evidence for this postponement.

⁵⁷ Commonwealth Arbitration and Conciliation Commission, No 830, of 1965. Transcript of application, Melbourne, 19 February 1965, p. 20.

⁵⁸ Sir Richard Kirby in *ibid*, p 21, Rowley, *The Remote Aborigines*, first published by ANU Press 1970, this edition Pelican, Harmondsworth England, 1972, p. 211,

wage discrimination. The NAWU log of claims was of most significance for FCAATSI for a number of reasons. Firstly, the industry in the Northern Territory employed 2 500 Aboriginal pastoral workers on whom approximately another 3 500 people were dependent for housing and sustenance. These workers were all outside the award.⁵⁹ Secondly, due to the delay in the AWU applications, the NAWU application became a test case. And thirdly a challenge in the only part of Australia where the Federal Government had direct responsibility for Aboriginal affairs made for a clearer campaign than one waged against a number of jurisdictions. With the passage of the 1964 *Social Welfare Ordinance* all but two restrictions under the old *Welfare Ordinance* were removed from Aboriginal Territorians. The two still remaining related to the power of the NT Administration to control wages and to control access to reserves.⁶⁰

The pastoral industry at the time of the NAWU application to the Conciliation Commission still operated in a colonial context. As Charles Rowley observed, it was 'largely an industry which depended on paying less than the minimal economic cost of the worker'.⁶¹ Although conditions of employment for most Aboriginal workers in the Northern Territory were laid down in the *Wards Employment Ordinance*, actual conditions, both of work

⁵⁹ F. Stevens, *Black Australia*, Alternative Publishing Co-operative Limited, Sydney, 1981, p. 67.

⁶⁰ See C. Rowley, *The Remote Aborigines*, Penguin, Ringwood, Victoria, 1972, chapter 6 for a description and discussion of this; also F. Stevens, *Black Australia*, chapter 3,

⁶¹ Rowley, *The Remote Aborigines*, p. 220.

and rations, varied from station to station.⁶² For general work on cattle stations the award was £2.8.3 for adult males plus a clothing allowance of 15/- a week plus keep. F. H. Gruen an economist with research experience in the N. T. cattle industry, found that in 1965 of 27 cattle stations 3% of Aboriginal workers were paid less than £3.0.0 a week, 51% were paid between £3 and £4 a week, 34% between £4 and £6 a week and 11% received more than £6 a week. The award at this time was £11.5.10 to general station hands but non-Aboriginal workers were customarily paid more than the award.⁶³ The award for drovers was £17.9.4, with actual wages ranging from £17 to £23 a week. Aboriginal drovers, paid under the Wards Employment Ordinance received between £4.15.0 and £10.0.0 depending on age and experience.⁶⁴

This was not the first time this union had applied to the Arbitration Court for inclusion of Aboriginal workers in the award. In 1948, in keeping with Communist Party of Australia policy, the Communist-led NAWU made its first unsuccessful application for the inclusion of Aboriginal workers in the award. In 1950 a second attempt to vary the award failed with Conciliation Commissioner Portus rejecting the application, claiming 'I have no power to fix rates for Aboriginals as this is a matter covered by Regulations under a Northern Territory Ordinance'.⁶⁵ The 1965 application was made in a social

⁶² See R. M. and C. H. Berndt, *The End of an Era: Aboriginal Labour in the Northern Territory*, Aboriginal Studies Press, Canberra, 1987.

⁶³ F. Gruen, 'Aborigines and the Northern Territory Cattle Industry- an Economist's View', in I. Sharp and C. Tatz (eds) *Aborigines in the Economy*, Jacaranda, 1966, p. 196.

⁶⁴ 'Wage Discrimination Against Aborigines', n.d. but later months of 1964, Christophers personal papers.

⁶⁵ Conciliation and Arbitration Act, 1904-1950, in the matter of the North

climate which had changed in the intervening years. The pastoralists' representative in arguing during the preliminary hearing that the case should go to the full bench of the Commission recognised this.

The Equal Wages for Aborigines Committee used the application to vary the *Cattle Station Industry (Northern Territory) Award* to publicise the broader principle of equal wages and gain community support for economic reform. Another leaflet, 'The Facts on Wage Discrimination Against Aborigines' was planned. The committee, deciding that the campaign should be concurrent with the hearing, organised distribution to coincide with the initial hearing of the case.⁶⁶ This leaflet was a professionally produced four pages with an impressive photo of Aboriginal men walking, with dignity, in the May 1964 May day march in Darwin. It outlined the situation for Aboriginal pastoral workers, the main industry employing Aboriginal labour, in Northern Territory, Queensland and Western Australia. Other economic disabilities were described, such as the fact that in Queensland wages were paid into a trust fund which Aboriginal and Islander workers could only access with official permission. The pamphlet was addressed particularly to unionists and it suggested ways they could assist, including raising the matter of wage discrimination 'at the meeting of your own union', or helping 'our Committee with urgently needed finance'.⁶⁷ Thirty-two thousand copies were printed and

Australian Workers' Union v. Alcoota Pastoral Company Limited etc (No 397 of 1950), J. Portus, Conciliation Commissioner, p. 2, in Rowley, *The Remote Aborigines*, p. 220.

⁶⁶ Minutes of Equal Wages for Aborigines Committee meeting, 9 November, 1964, Christophers papers, MS 7992, box 8, NLA.

⁶⁷ 'The Facts on Wage Discrimination Against Aborigines', nd, but printed by early

distributed with the Melbourne Trades Hall Council donating £100 to help costs.⁶⁸ Five hundred letters were sent to unionists, church leaders, parliamentarians and affiliates asking them to write to the Conciliation Commissioner and to McEwan, the Leader of the Country Party supporting NAWU's application.⁶⁹ Newspaper coverage which explained the Aboriginal position was provided by sympathetic journalists.⁷⁰ The campaign intensified as the target was now more specific. The cattle industry in the Northern Territory which 'employed' 2 500 Aboriginal workers was required to pay £2.8.3 for an adult male working on a cattle station, plus a clothing allowance of 15/- a week plus keep.⁷¹ The Wards Employment Ordinance also laid down minimum standards with regard to housing, rations, clothing and working conditions but these were not enforced. According to Gruen there was evidence that 'the Administration has not – at least between 1959 and March 1964 – prosecuted any cattle station for failure to comply with any of the regulations' as to housing, wages, rations, clothing and working conditions.⁷²

The public education campaign was now of great importance.

Lectures, articles, reprints of articles which could be widely distributed as

February 1965.

⁶⁸ Minutes of the Equal Wages for Aborigines Committee, 8 February 1965, Christophers papers, MS 7992, box 8, NLA, Canberra.

⁶⁹ Wages and Employment Committee annual report, 1965.

⁷⁰ The 1965 EWAC Annual Report recognised the support given by press, radio and television, especially noting that 'Mr Douglas Lockwood of the *Herald* and Mr Dominic Nagle of the *Australian* merit special mention'. CAR, MS 12913, box 10/7, SLV

⁷¹ See F. H. Gruen, 'Aborigines and the Northern Territory Cattle Industry- An Economist's View', in Sharp and Tatz (eds), *Aborigines in the Economy*, p. 198

⁷² F. H. Gruen, 'Aborigines and the Northern Territory Cattle Industry- An Economist's View', in Sharp and Tatz (eds), *Aborigines in the*

hand bills were now boosted with form letters which urged affiliates to use on their own letterhead. A vigil in Sydney was held outside the court where the hearing was being conducted.⁷³ In July Marjorie Broadbent, EWAC treasurer, went to Alice Springs to observe a full bench hearing and gauge Aboriginal response. She reported Aboriginal anger at an assertion by John Kerr, the pastoralists' barrister, that Aboriginal stockmen were cruel to the horses. In September EWAC placed an advertisement in *The Australian* asking 'How Equal is an Aborigine on £3/3/3 a week?'⁷⁴ This was the start of a national petition campaign launched during the time when the full bench of the Arbitration and Conciliation Commission was still hearing evidence from around the countryside. Readers were asked to request the Commonwealth Government to 'repeal the Wards Employment Ordinance and legislate to provide at least the basic wage for all Aboriginal workers, in the Northern Territory'. The advertisement explained that 'Aborigines, now citizens, are still paid approximately one-fifth of the basic wage'. Forty-five thousand copies of the petition were printed and distributed. Apart from signing the petition supporters were asked to financially support the activities of the Equal Wages for Aborigines Committee. 'The response to this appeal was remarkable as one can gather from our financial report', the secretary later reported as \$1 7 07 flowed into the almost empty EWAC coffers in the twelve

Economy, p. 200.

⁷³ See EWAC minutes 8 February, 3 May 1965, EWAC annual report 1965 conference, Christophers papers MS 7992, Box 8, NLA; S. Andrews, 'The Aborigines- Wages and Work', 1965, distributed by EWAC, CAR MS 12913; Barry Christophers, 'An Invitation to "Protest and Attend a Court Vigil on Wage Discrimination Against Aborigines"', n.d., Christophers personal papers.

⁷⁴ *The Australian*, 25 September 1965, p. 5.

months prior to April 1966.⁷⁵ A further success at the same time was the ACTU's acceptance as policy of a series of EWAC recommendations regarding wage justice for Aboriginal workers. 'Now it is up to us', wrote the secretary of the Victorian Council for Aboriginal Rights optimistically, 'we must keep up the pressure until we have won the support of all Australians'.⁷⁶

The decision to hear the NAWU case before the full bench had implications for Government policy in the Northern Territory. In 1962 the system of wardship was abolished with the passage of the *Social Welfare Ordinance*. If the NAWU application was successful the 1 500 Aboriginal pastoral workers in the Territory would receive the award. Charles Barnes who had replaced Paul Hasluck as Minister for Territories at the end of 1963 recommended a Government position with regard to the wage claim. He reminded Cabinet that the Commonwealth's policy was to 'remove all provisions in legislation that provide for discriminatory treatment of Aborigines'. He argued that this meant that it was inevitable that arguments would be put to give Aboriginal workers award wages throughout the Territory. They now had the right to vote, both locally and federally and to drink in public, but the associated legislation, the *Wards Employment Ordinance* which had established wages for those people who prior to 1964

⁷⁵ Equal Wages for Aborigines Committee Annual Report, 1966 FCAATSI annual general meeting. £688.6.0 was received in donations in the period 1 April 1965 to 14/2/1966. From 15/2/66 to 31/3/66 a further \$4111.80 was received. (Decimal currency was introduced on 15 February 1966) Council for Aboriginal Rights, MS12913, Box 10/7, SLV, Melbourne.

⁷⁶ P. Pickford, CAR annual report, October 1965.

had been classed as 'wards', was essentially unchanged.⁷⁷ Barnes recommended that the Government reaffirm non-discrimination as its policy objective. Cabinet accepted his suggestions that the conditions of employment should be the same as for other workers but that a gradual or deferred application of the award, 'to cushion the effect of the payment on cattle station owners' should be sought.⁷⁸

Until March 1966 when the long-awaited decision was brought down, the case for equal wages was based on natural justice. 'How equal is an Aborigine on £3/3/3 a week?' the Federal Council petition asked, emphasising the difficulty for people to attain a comparable standard of living to that enjoyed by other Australians on such an amount. After the decision the situation seemed much less straightforward. The Conciliation and Arbitration Commission agreed to the deletion of the clauses which omitted Aboriginal pastoral workers from the award. It added, however, as a concession to employers, 'the order will operate from 1 December 1968'.⁷⁹ The Equal

⁷⁷ The passage of the Electoral Act in 1962 which extended the vote at Federal elections to Aboriginal people led to the need for new legislation in the Northern Territory. In insisting that legislation for Aboriginal people not be cast in racial terms, but rather on the need of individuals for state protection, Hasluck's approach was seen to threaten the civil liberties of European Territorians. Members of the Legislative Assembly were not prepared to pass legislation which could be used against one of them. The situation was resolved by writing into the legislation a clause which stated that one could only be declared a ward if one did not have the vote. With the passage of the Electoral Act this neatly separating, technically non-racial in terms device disappeared. See Rowley, *The Remote Aborigines* pp 311-315, Stevens, *Black Australia*, pp 57-58, 70-73; Rowse, *White Flour, White Power*, p. 172-175 for descriptions and analyses of the various intellectual contortions engaged in by government and administration in attempts to maintain wage fixing power for Aboriginal workers without being accused of racially discriminatory behaviour.

⁷⁸ Cabinet Submission no 741, and Decision no 948, 11 May 1965, A 5827/1, vol 23, NAA

⁷⁹ The Commonwealth Conciliation and Arbitration Commission, Cattle Station Industry (Northern Territory) Award 1951, 7 March 1966,

Wages Committee was concerned at a request in the judgement for a slow worker's clause to be considered. If such a clause were to be accepted by the Arbitration and Conciliation Commission as applicable to the industry it could be used on cultural grounds, thus discriminating against Aboriginal pastoral workers.⁸⁰

Over the following months responses to this judgement suggest that for the pastoral workers themselves money was only a part of the grievances felt. The Northern Territory Council for Aboriginal Rights, previously inactive over the preceding two years drew up an 11 point 'Program for Improved Living Standards for Northern Territory Aborigines'. Three points concerned money, five working conditions, one was to do with respectful treatment and one asked for 'full control and ownership of reserves'.⁸¹ Stan Davey visited the Northern Territory in September and reported noticing 'astonishing resentment'. He saw that the people were 'beginning to learn that they can stand up and walk as men and they are determined to do so'.⁸² In April 19 stockmen went on strike at Newcastle Waters in response to the delay in application of the award. In August a further 88 stockmen from Wave Hill, the vast Northern Territory station owned by the wealthy Vestey family followed suit. The pastoral manager at Vestey's sacked the striking workers. The meatworkers union placed a black ban on meat from Wave Hill and Newcastle

⁸⁰ B. Christophers, 'Aborigines Should Receive at Least the Basic Wage Now', press release, 29 August 1966, Christophers personal papers.

⁸¹ Northern Territory Council for Aboriginal Rights, 'Program for Improved Living Standards for Northern Territory Aborigines', adopted at Rapid Creek, Darwin, 24 July 1966, Christophers personal papers.

⁸² 'Aboriginal Strike Near Crisis Point', *The Age*, 24 September 1966.

Waters and the secretary of the ACTU condemned the meatworkers' actions. On 13 September agreement reached between the Arbitration Commission, the Northern Territories Producers' Council, the NAWU, the ACTU, the Department of Territories and the Department of Labor and National Service agreed to provide \$35.70 per week for employees classed as 'fully efficient'. This offer was rejected.⁸³

The case, which began as a claim to remove a racially discriminatory exclusion from the award covering the cattle station industry in the Northern Territory had by the end of 1966 broadened. Unionists were offering support to Northern Territory strikers. In May unions in the south sent an additional \$400.00 to NAWU to support the strikers.⁸⁴ Dexter Daniels, president of the Northern Territory Council for Aboriginal Rights, and Captain Major, head stockman at Newcastle Waters, were sponsored by Actors Equity and the Building Workers Industrial Union to come south on a five week speaking tour in October. 'We have come here to ask Victorian trade unionists to help our people in their critical hour' Daniels was reported as saying. 'They just want equality of wages and living standards. Is that unreasonable?' he asked.⁸⁵ *Rights and Advancement*, the Federal Council's monthly newsletter, predicted that in the five weeks 'thousands of trade unionists and others will have heard Dexter and Captain tell their simple, heartbreaking story of life in the Territory

⁸³ Northern Territory Council for Aboriginal Rights, Newsletter, 28 October 1966, Christophers personal papers.

⁸⁴ *Rights and Advancement*, number 2, September 1966.

⁸⁵ 'N.T. Aborigines Put Case', *The Age*, 29 October 1966, p. 5.

on \$4.00 a week'.⁸⁶ 'Progress for Aborigines is taking on a new urgency', *The Australian* editorialised.⁸⁷

The Federal Council provided material support and political pressure. It rejected 'outright' the September agreement, arguing instead for 'equal wages with white stockmen NOW'⁸⁸. Clothes and blankets as well as money for food were sent up to the striking workers. A letter writing campaign was started with correspondents asking: 'Should Aborigines have to suffer wage inequality when legislation could rectify this? Your support to a Bill amending the *Wards' Employment Ordinance* to a basic wage minimum would be appreciated'.⁸⁹ All the while the clear definitions of a claim for equal wages was becoming blurred by a number of related issues. While the Equal Wages Committee supported the Wave Hill people in their claims the issue was clearly no longer about wages as such.

In September 1967 the Committee decided to disband as it 'felt that its functions were overlapping with those of the State Branch'. The Committee's bank account was closed, marking the end of an active productive four years. In 1968 Shirley Andrews retired from her executive position on the Federal Council bringing to an end her sixteen years of active work with the Council for Aboriginal Rights and the Federal Council. Dr Barry Christophers remained on the executive of the Federal Council officially as the convenor of

⁸⁶ *Rights and Advancement*, no 3, October 1966.

⁸⁷ 'Progress for the Aborigines' *Australian*, 3 November 1966.

⁸⁸ *Rights and Advancement*, no 2, September 1966.

⁸⁹ B. Christophers, form letter on EWAC letterhead, 6 September 1966, McGinness papers, ALATSIS, Canberra.

the Wages and Employment Committee, until 1974. From 1968 onwards, however, work in this area was initiated by Christophers, without the support of a committee, as he continued to agitate for the removal of discriminatory clauses in legislation and awards.

Campaign against the Queensland Trust Fund

From 1968, when both the principle of equal wages and by the end of the year the practice in the Northern Territory cattle industry had been established, the Equal Wages Committee was no longer an active committee meeting every two months as it had in the mid 1960s. A third campaign for economic reform which illustrates the same philosophical adherence to the view that citizenship must have an economic basis was waged from 1969 to 1973 against the Queensland Trust Fund. As with the first campaign discussed in this chapter, Christophers was the organiser working again with Joe McGinness, and assisted by Daisy Marchisotti of the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders and Ruth Kaplan, a hard working activist who preferred to operate as an individual. Kaplan provided essential on-the ground research in Queensland.

While I am detailing only three campaigns conducted during the life of this committee, concurrent with these campaigns activities ranging from investigations of individual wage and welfare payments to a scrutinising of discriminatory wage awards and agreements continued. The Gurindji action, initially over wages, was becoming a much broader dispute over land and

attracting public attention, especially among politically active student groups. FCAATSI hoped that a future Federal government would use the power conferred by the amendment of section 51 (xxvi) of the Constitution to challenge Queensland Aboriginal and Torres Strait Islander legislation, but there was no evidence that this occurrence was imminent. FCAATSI by this time was a large complex federation of more than 67 organisations some with emerging Aboriginal leaders who no longer saw 'the struggle' in the same terms as their European fellow activists. As Aboriginal spokespeople concerned themselves more with issues of land and leadership, the committee system provided a mechanism for Christophers to continue his form of contribution to the work for economic justice: exposure of structural injustice, development of tactics to challenge the status quo and the preparation of a detailed case against government.

The time seemed appropriate to educate the electorate about the limitations still experienced by more than 20 000 Indigenous Queenslanders with regard to managing their own money. Under section 27 of the *Aborigines and Torres Strait Islander Affairs Act 1965* a district officer of the Queensland Department of Aboriginal and Island Affairs could 'undertake and maintain the management of the property of any assisted Aborigines who usually resides within the district of such officer'. Section 20 of the same Act empowered an officer to 'take possession of, retain, sell or otherwise dispose

of any such property' if satisfied that 'the best interests of such assisted Aborigines... require it'.⁹⁰

The inability to manage money, as seen in the description of the tuberculosis allowance campaign, had been used to justify the withholding of social service benefits. As with the tuberculosis allowance campaign the initial request for support came from north Queensland. In 1969 McGinness wrote to Dulcie Flower, the first Aboriginal Secretary of FCAATSI, asking the Council to 'take up the wages and trust account campaign'.⁹¹ Flower referred the request on to the Equal Wages Committee. McGinness briefed Christophers as to the operation of the Queensland Trust Fund, explaining that money earned by those 'under the Act' was compulsorily paid into the Fund and that individuals had to apply to the Clerk of Petty Sessions in their nearest town to withdraw from their account.⁹² Employers paid wages directly to the Department of Aboriginal and Islander Affairs (DAIA) and social service benefits were paid into the same trust account. The Cairns Aborigines and Torres Strait Islanders Advancement League had conducted some initial research into the operation of this system and reported that accounts examined at random from Aboriginal visitors to Cairns 'have discrepancies that would

⁹⁰ The Aborigines' and Torres Strait Islanders' Affairs Act of 1965, *The Queensland Statutes*, 1965, pp 291-330

⁹¹ Extract from letter J. McGinness to D. Flower, 20 January 1969, Christophers personal papers; *Newsletter*, monthly bulletin of the Queensland Council for the Advancement of Aborigines and Torres Islanders, Jan./Feb. 1969, pp 1-3.

⁹² Christophers to McGinness, 18 February 1969, McGinness to Christophers [n.d.] Christophers personal papers. McGinness explained that withdrawals could only be made by a Department of Aboriginal or Island Affairs agent who is 'usually Clerk of Petty Sessions at the district Court House'.

not occur in normal banking practice'.⁹³ In Cairns, as in other places there was a limit on how much could be withdrawn and the League reported that at Normanton 'married couples had to be content with \$4.00 weekly'. 'If the Aboriginal and Islanders Affairs Department wishes for normal community development in its settlements as is often claimed, then there have to be some dramatic changes made,' the League report in *Newsletter* stated.⁹⁴ This report concluded:

The present system of banking Aboriginal funds will have to be revised to provide normal banking procedure and not to be given to some department such as the Clerks of Court who, due to their other public duties, can give insufficient time to looking after the financial interests of Aboriginals.⁹⁵

In Queensland members of the Cairns and Townsville Advancement Leagues continued to gather information on accounts and the operation of this system which could be used as evidence of malpractice, and wrote to Queensland parliamentarians, requesting that the issue be investigated. Meanwhile in Melbourne Christophers, after researching the issue, released a press statement Australia-wide to newspapers and television stations.⁹⁶ 'Natives' Wages Withheld: Claim' the *Herald* told readers and 'Missing Pay Probe Urged' reported *The Age*. A further letter to newspaper editors later in the year quoted a Queensland district officer as writing in an official memo:

D... D... of Chillagoe is travelling to both Cairns and Mareeba and is expected back in Chillagoe in approximately 6 weeks' time.

⁹³ *Newsletter*, no 63, January/February 1969.

⁹⁴ *Ibid*

⁹⁵ *Ibid*.

⁹⁶ S. Waia, Secretary Townsville ATSIAL to A. R. Fletcher, Minister for Lands, Queensland, 7th March 1969; B. Christophers, FCAATSI press release, 17 March 1969, BC personal papers.

D... is a waster and it would be appreciated if only small amounts were given for pocket money.⁹⁷

Christophers used this example of the paternalistic undemocratic Queensland system to awaken public concern over what he described as 'one of the most iniquitous and blatant remnants of white power in Australia'. He used proven strategies of personalising the issue with anecdotal evidence with which readers could sympathise. But the campaign needed a specific goal to focus public attention.⁹⁸

A threat by the Federal Council, published just before the 1969 Federal election, that 'Aboriginals would challenge the legislation in the Queensland Supreme Court' brought a response from the Minister responsible for Aboriginal Affairs, William Wentworth, that the Federal Government 'intended to remove all discriminatory legislation against Aboriginals within the next three years'.⁹⁹ Meanwhile activists in Queensland were travelling over the state, often on rough waterlogged four wheel drive tracks, seeking documentary evidence from people who were illiterate and thus unlikely to have the pay slips and other documentary evidence which would be needed to challenge the *Aboriginal and Torres Strait Islander Affairs Act*. The breakthrough came when McGinness met John Belia, a Mt Isa stockman who had a record of his trust fund transactions and pay slips for the period of entries shown in his pass book and wanted to apply to the DAIA to be released

⁹⁷ Memorandum to district officers, Cairns and Mareeba, 16 April 1969; B. Christophers, letter to the editor, *The Age*, 3 October 1969, *The Australian*, 6 October 1969, *The Launceston Examiner*, 8 October 1969.

⁹⁸ Ibid. See also B. Christophers, 'Trust Fund Should End Now', December

from the Act so that he could manage his own affairs. In September 1971, following lengthy unsuccessful representations by Senator Jim Keefe to the DAIA on behalf of Belia, the Federal Council decided to use this case to mount a challenge against the Queensland Act. Publicity for the campaign was based on an idea of Christophers endorsed by Bandler, vice-president of FCAATSI at this time, to organise a boycott of the Commonwealth Bank, which was responsible for the operation of the Queensland Trust Fund.¹⁰⁰

'Should a Queensland Aborigine still beg for his own wages? readers of *The Australian* were asked on 7th November 1970. Following a brief outline of the operation of the trust fund system and its potential for abuse, readers were invited to show their support for the campaign against it by closing their Commonwealth bank accounts and transferring to another bank. In March 1971 Christophers contributed an article to *Smoke Signals* 'Queensland "Trust Fund" Campaign Continues'. He included extracts from seven letters to the Secretary of the Cairns Advancement League asking for help in getting what the writers referred to as their 'clearance' from the Department of Aboriginal and Islander Affairs. In arguing for a boycott of the Commonwealth Bank Christophers used an analogy with Nazism.

Suppose there had been an organisation in Australia in the 1930s whose function it was to collect money to subsidize the concentration camps in Nazi Germany. Would it have been correct for a bank in Australia to accept an account on behalf of that organisation?¹⁰¹

1970; 'Queensland "Trust Fund" Campaign Continues', March 1971, 'A Promise Dishonoured', June 1971, *Smoke Signals*.

⁹⁹ *The Australian*, 11 November 1969.

¹⁰⁰ F. Bandler to B. Christophers 18 October 1969, Christophers personal papers.

¹⁰¹ B. Christophers, 'Queensland "Trust Fund" Campaign Continues', *Smoke*

This was a national campaign, but apart from a very successful demonstration by Aboriginal students outside the Armidale branch of the Commonwealth Bank which was given national television coverage, the campaign showed a grave misunderstanding of what the public was prepared to do.¹⁰² The earlier Equal Wages Campaign had appealed to people's sense of the injustice of discriminatory wages, and to show support people had only to sign a petition in support of equal wages and add a donation if they wished. Now Christophers was asking individuals and organisations to change their banking arrangements. Letters flowed in: 'the membership was unanimous...we cannot support the suggested action', 'no action be taken', 'I fully agree with you sentiments, however...', 'the NSW division of this society is unable to proceed...'¹⁰³ Reasons given were to do with constitutional requirements of organisations. A further advertisement was placed in August 1971, but by this time strategy had changed. The 1971 conference debated the boycott strategy with outspoken Aboriginal activists, Denis Walker and Bruce McGuinness, rejecting the continuation of the boycott of the Commonwealth Bank, arguing instead for more direct confrontation.¹⁰⁴

Signals, March 1971, p. 33.

¹⁰² 'Armidale action in Commonwealth Bank boycott', *Smoke Signals*, March 1971, p. 31.

¹⁰³ See Barry Christophers papers, MS 7992, Box 12, NLA, Canberra.

¹⁰⁴ Suggestions were made that the boycott may have been harmful to FCAATSI in its attempts to get sponsorships for delegates to travel to conferences. As well Frances Lovejoy reporting on the 1971 conference to Barry Christophers suggested that another reason for the failure of support for the Commonwealth Bank boycott was that one delegate had made a speech in which she suggested that the Queensland Government wanted to shift its accounts to private enterprise banks and that their boycott was 'playing into their hands'. F. Lovejoy to B. Christophers, 7 June 1971, Christophers papers, MS 7992, Box 12, NLA, Canberra.

Christophers' energy was now directed to preparation of a challenge to the Queensland Act. Garth Nettheim from the University of New South Wales' Law Faculty and Professor Hal Wootton, president of the newly formed Aboriginal Legal Service advised on the proposed challenge. The case was to dispute DALA's assessment of Belia's classification as 'assisted' and therefore unable to manage his own affairs. Throughout 1971 Christophers prepared documentation for the case, negotiated with lawyers, collected further information from Ruth Kaplan from Mt Isa who was the first person to respond to Belia's request to manage his own affairs. Christophers continued writing to the newspapers, and to *Smoke Signals* using his own sense of moral outrage at 'the intolerable arrogance of this evil system' in an attempt to puncture the layers of public indifference concerning the Queensland state of affairs.¹⁰⁵

On 9 October 1972 the Cloncurry court in north-west Queensland found in favour of John Belia. He had won the right, through the courts, to manage his own affairs.¹⁰⁶ This was a victory for the small hardworking team of lawyers, accountants and other activists, led by Christophers, who had been working for four years for this result. This was a test case: the first time an Aboriginal Queenslander had successfully challenged the legislation which deprived people of civil rights such as management of personal finances. Apart from the obvious euphoria at the victory, and the value for the recipient, what did this victory mean for Aboriginal Queenslanders? More generally,

¹⁰⁵ B. Christophers, draft letter to newspaper editors, October 1970, MS 7992, Box 10,

what were the results of the activities of the Equal Wages for Aborigines Committee in the 1960s?

An Assessment of the work of the Equal Wages for Aborigines Committee

Before considering the effect of the work of this very active Committee in the 1960s two factors in particular need to be considered. Firstly, it seems that Andrews and Christophers, as the driving forces behind this Committee, were operating from assumptions about how Indigenous workers would behave when they were included into the mainstream of the economy through having access to award wages and social service benefits. Secondly, despite the inclusion of Aboriginal pastoral workers in the *Cattle Station Industry (Northern Territory) Award*, Aboriginal pastoral workers were not all employed at award rates from December 1968 as expected.

I have argued earlier in this chapter that Andrews and Christophers saw the achievement of equal wages and equal access to social service benefits as a necessary precondition before Aboriginal Australians could realistically be expected to accept the responsibilities of citizenship. Underlying this reasoning was an unstated expectation that such money would be used in ways which mainstream Australian society found acceptable. The first four of the Federal Council's five principles stressed reforms to Australian society – of laws, of access to health, education and housing services, of Indigenous inclusion in the economy on equal terms. In this sense members of the Federal

Council executive would seem to have little quarrel with the views expressed by Paul Hasluck years earlier when he began the work of persuading Federal parliamentarians to accept the idea of the need to develop a policy of assimilation. In referring to Indigenous Australians Hasluck had argued in 1950:

Their future lies in association with us, and they must either associate with us on standards that will give them full opportunity to live worthily and happily or be reduced to the social status of pariahs and outcasts living without a firm place in the community.¹⁰⁷

While strategies varied, the goals expressed by Hasluck when he was the Minister for Territories and the Equal Wages Committee working for economic justice assumed Aboriginal acceptance of European Australian culture, including attitudes to earning and spending money. These assumptions were not well-founded.

In a detailed study of the social and economic consequences of the shift on the government settlements from rations to cash in Central Australia, Tim Rowse discusses some Aboriginal cultural responses to the steps to include them in the cash economy. In contextualising the later effects of the move towards equal wages and access to social service benefits he cites a recommendation by the Director of Welfare in the Northern Territory, Harry Giese, to the Administrator of the Northern Territory in 1959.

We should adopt a rather conservative attitude to this question of social service benefits. If we do not do this, I am afraid that we could find ourselves in the position

¹⁰⁶

'Aboriginal wins test case over right', *The Australian*, 10 October 1972.

¹⁰⁷

P. Hasluck, Speech from the House of Representatives, 8 June 1950, in S. Stone (ed) *A Documentary History of the Attitudes Affecting Official Policy and the Australian Aborigine 1697-1973*, Heinemann, South Yarra, 1974, p. 191.

where we develop a group of mendicants who will progressively look to the State to provide them with the means of livelihood.¹⁰⁸

Giese's comment suggests that Aboriginal Territorians had not internalised European attitudes to work and the value of money in improving material circumstances.

The Arbitration and Conciliation Commission's judgment in accepting the principle of equal wages had an impact on wages and social service benefits across the Territory, not just in the pastoral industry. In a submission to Cabinet in April 1965 anticipating this impact, Charles Barnes, the Minister for Territories, acknowledged that the NAWU application put pressure on the Government to re-examine its policy with regard to wages and the payment of benefits to unemployed Aboriginal pastoral workers.¹⁰⁹ In preparing for the phased introduction of equal wages for pastoral workers in December 1968 the Department of Labour and National Service argued that Indigenous applicants had to be 'employable', 'able to be employed at the WEO minimum rates or at an established market rate of pay'.¹¹⁰ Both the Barnes' Cabinet document and the Department of Labour and National Service's attempt to define 'unemployed' suggest a recognition of the very different attitudes to work and to money expressed by Aboriginal Territorians. The testimony of one station owner in the hearings of the NAWU case summarised these different cultural assumptions:

¹⁰⁸ T. Rowse, *White Flower, White Power: from Rations to Citizenship in Central Australia*, CUP, Cambridge, 1998, p. 176.

¹⁰⁹ C. Barnes, 'Northern Territory- Aboriginal Wage Policy, Cabinet submission 741, 6 May 1965, A5827/1, vol. 23, NAA.

¹¹⁰ Rowse, *White Flower, White Power*, p. 177.

I think basically it is a matter of economic need. They do not need the money. Couple this with the fact that they have been brought up in a way of life which is not at all a lazy way of life, but it is entirely out of tune to work consistently at a time. They go out hunting and they might do a very hard day's work, they might have to walk thirty miles to get one kangaroo and bring it home. It would be a hard day's work for them, but it would be a pleasure for them.¹¹¹

The replacement of rations with cash on the Territory cattle stations implied 'the fulfilment of "assimilationist" expectations about parental behaviour', Rowse argues; expectations of 'the prudent budgeting of cash incomes to feed spouse and children'. He explains that the 'particular responsibility to support a nuclear family unit had yet to impress itself upon a man as the husband/breadwinner. His traditional obligations to his wife's parents and to his brothers-in-law would have seemed more compelling'¹¹²

Writing about working relationships in the cattle industry before the introduction of the cash economy Ann McGrath shows that for Aboriginal workers there were cultural advantages in the ration system. She reminds us that assimilationist frameworks overlook the fact that 'equality does not necessarily mean uniformity or similitude'.¹¹³ For many Aboriginal cattle workers a good boss was one who provided enough food and goods to satisfy employees, but this was not the only criterion. Evidence of an awareness of reciprocal obligations, conveying respect to Aboriginal workers and a preparedness to communicate were also valued. As McGrath reminds us a travelling people did not value material possessions but they were excellent improvisers, using flattened tin and hessian bags to complement natural

¹¹¹ Ibid., p. 126.

¹¹² Ibid, p. 179.

¹¹³ A. McGrath, *Born in the Cattle*, Allen & Unwin, North Sydney, 1987, p. 122.

materials such as bark in constructing shelters. Such shelters were shocking to non-Indigenous people who saw them but not necessarily to the people themselves.¹¹⁴

In such a system earlier provision of cash payments would have provided experience in handling money but it would not have improved living or health standards. With regard to material culture these employees were impoverished but they were with their kin and they were still living on their traditional land. These factors were overlooked by the Equal Wages Committee and by the union movement generally as they pushed for the extension of equal wages to Aboriginal citizen/workers. It would seem that those who were so committed to the principle of wage equality as a necessary prerequisite for improved living conditions failed to recognise adequately the cultural differences separating the colonising culture which valued work and material advancement from the colonised still engaged in the long process of cultural adaptation to a dominant culture with such vastly different values.

The second factor which influenced the effect of the equal wages implementation concerns changes within the cattle industry in the 1960s. Economic historian, Frank Stevens, in surveying the decade 1965 to 1975 concluded that 'only a slight improvement has been witnessed in Aboriginal economic circumstances. The removal of legal discrimination and the inclusion of Aboriginal workers in industrial awards meant that wages had been increased for some while for others the coming of equal wages had

meant unemployment. Stevens supports this conclusion by citing the results of a Department of Aboriginal Affairs survey of all non-metropolitan Aboriginal communities conducted in 1977. It found that '435 (64 per cent) of the communities, containing 56 per cent of the non-metropolitan Aboriginal and Torres Strait Islander population, were described as having few employment opportunities, or none.'¹¹⁵

In the Territory settlements a training allowance was paid from February 1969 to adults engaged in minimally supervised work. This was a substitute for making unemployment benefits widely available to residents of settlements and missions. The final exclusionary reference to 'nomadic' and 'primitive' Aboriginal people had been removed from the *Social Services Act* in 1966 but the Department was reluctant to grant the benefit to Aboriginal people in remote areas. Rather than unemployed it regarded them as outside the workforce.¹¹⁶ Will Sanders, in a study of the of the Community Development Employment Projects Scheme (CDEP), charts the dilemma for government regarding unemployment benefits and Indigenous eligibility. On the one hand the Federal Government wanted to demonstrate through legislative reform that no discrimination existed; on the other it recognised

¹¹⁴ Ibid, chapter 6 'Workin' Longa Tucka'.

¹¹⁵ Stevens, *Black Australia* p. viii.

¹¹⁶ See W. Sanders, 'Citizenship and the Community Development Employment Projects Scheme: Equal Rights, Difference and Appropriateness' in N. Peterson & W. Sanders (eds) *Citizenship and Indigenous Australians*, CUP, Oakleigh, Vic, 1998, for a discussion of the CDEP Scheme, a response to the irrationality of paying individual benefits to members of a community to be idle when socially valuable work needed to be done, pp 141-152.

that in remote communities the benefit would become the norm rather than the exception.¹¹⁷

Rowse has shown in a detailed analysis of Northern Territory records that the extension of training allowances, based on a claim by the Minister that they were now 'ready' for cash initially 'plunged thousands of settlement residents into poverty'.¹¹⁸ On cattle stations the full phasing in of equal wages by 1 December 1968 did not mean that all Aboriginal pastoral workers were being paid the same rates as other workers. Use of the slow worker clause, reduction of larger amounts for 'keep' (food and lodging) for Aboriginal than non-Aboriginal workers, sackings – these were frequent responses to award wages.¹¹⁹ More importantly, the new conditions while appearing to be the extension of a system which had been effective in safeguarding the working conditions of other Australian workers, meant the end of an understandable relationship. H. C. Coombs, chairman of the Council for Aboriginal Affairs and a member of the Gibb Committee of Inquiry into the status of Aborigines on cattle properties investigated at first hand the effect of the equal wages decision. He saw the pastoralist-Aboriginal relationship as 'one of mutually understood obligations and interdependence'. He concluded:

The 'equal wage' decision had had the effect therefore of replacing an ill-defined (but usually understood) obligation on the pastoralist to provide modest support for a whole Aboriginal group in return for the labour of a few, with a precise and larger,

¹¹⁷ Ibid, p. 142-143.

¹¹⁸ T. Rowse, Chapter 9 'Settlements and Families', *White Flour, White Power*, p. 183.

¹¹⁹ See Rowse, *White Flour, White Power*, and Stevens, *Black Australia, The Politics of Prejudice* as well as Rowley, *The Remote Aborigines*.

but limited, obligation towards the individuals actually employed. Generally speaking the effect for Aboriginal communities as a whole was adverse.¹²⁰

Unemployment benefits or 'sit down money' as Aboriginal people often called it, while extending the same, and thus equal, benefits to Aboriginal people who were out of work, had quite a different effect in a community where there was little if any opportunity to earn money. With different cultural traditions of sharing added to this, the extension of unemployment benefits did not have a positive effect on communities.¹²¹

These factors limited the effect of the structural reforms – deleting exclusionary clauses from awards and from legislation – taken throughout the 1960s to include Indigenous workers in the Australian economy. With these limitations in mind, I will conclude this chapter by evaluating the work of the Equal Wages Committee from three perspectives: the development of a community awareness of Indigenous circumstances; structural reforms of Australian society, and evidence of a growth of expression of Indigenous demands.

Throughout the decade in articles, speeches, leaflets and letters Andrews and Christophers and others on the Equal Wages Committee told non-Indigenous Australians of the economic conditions experienced by Indigenous Australians. They told stories of people being underpaid, refused benefits and refused the right to handle their own money because of their race.

¹²⁰ H. C. Coombs, *Kulinma*, ANUP, Canberra, 1978, p. 10.

¹²¹ See Will Sanders, 'The politics of unemployment benefits for Aborigines:

The indignity for a young girl of having to ask a policeman for some of the money she had earned to buy a petticoat and being refused remained with Andrews as a strong image of the inhumanity of this system.¹²² The arrogance of a district inspector telling his colleague in Cairns not to allow a man access to his money because he was a 'waster': such stories were used as a part of the campaign to inform Australians about the nature of life on a mission.

Tracking the Equal Wages Committee's public education campaign through their leaflets and information sheets, while impossible to quantify the effect, gives some idea of the information being provided to the community. In September 1963 they distributed 500 copies of an abridged version of Andrews' 'Wages and Employment of Aborigines' to delegates to the ACTU Congress.¹²³ Early the next year they distributed to 'all unions and members' 3 000 copies of Christophers' article, 'Discrimination in an Unexpected Quarter' on the discriminatory clauses in the Tuberculosis Act.¹²⁴ By July 1964 the Committee had distributed 20 000 copies of a one-page leaflet 'Equal Wages For Aborigines: There Must Be an End to Wage Discrimination'.¹²⁵ Early in 1965, released at the time of the first hearing of the NAWU case, they distributed the glossy four-page leaflet 'The Facts on Wage Discrimination

some consequences of economic marginalisation' in *Employment and Unemployment: A Collection of Papers*, eds D. Wade-Marshall and P. Loveday, Darwin, NARU, pp 137-62.

¹²² S. Andrews, FCAATSI Oral History Project, 26 September 1996, p. ?

¹²³ S. Andrews, 'Wages and Employment Committee Annual Report, Easter 1964, MS 12913, box 10/6, CAR, SLV.

¹²⁴ B. Christophers, 'Discrimination in an Unexpected Quarter', *Smoke Signals*, January 1964; Minutes of the Interim Committee for Equal Wages for Aborigines, 3 March 1964, Christophers papers, MS 7992, box 8, NLA.

¹²⁵ Minutes of the Equal Wages for Aborigines Committee, 13 July 1964, Christophers papers, MS 7992, box 8, NLA

Against Aborigines'.¹²⁶ Thirty-two thousand copies were printed. In September 1965 the petition form 'How Equal is an Aborigine on £3/3/3 a Week?' appeared in the *Australian*, and 45 000 copies were printed and mailed to organisations and individuals throughout Australia.¹²⁷ This prodigious output for a small committee ran parallel with an increased union support for the equal wages issue. These publications were funded by donations from unions.

The trade union movement targeted by the Equal Wages Committee as natural allies in the struggle for equal wages warmed to the Committee's campaigns over the years. The 1963 ACTU Congress declaration that it was 'the natural right of the Aboriginal people of Australia to enjoy a social and legal equality with other Australians' gave hope of support. There must be an end to wage discrimination' this declaration announced.¹²⁸ The 1965 ACTU Statement of Policy on Aborigines, almost twice as long was a more considered document which contained suggestions as to how improvements might be made. Unlike the 1963 document this later policy statement suggested action in areas not directly related to work. For example it proposed that the Commonwealth, through a Premiers' Conference, should introduce legislation to provide special assistance 'in respect of housing, employment, education, apprenticeship, trades and other training, tribal and reservation land

¹²⁶ Minutes of the Equal Wages for Aborigines Committee, 8 February 1965, Christophers papers, MS 7992, box 8, NLA

¹²⁷ Wages and Employment Annual Report, Easter 1966, CAR MS 12913, box 10/7.

¹²⁸ Executive Recommendations on Aboriginal People, ACTU Congress, 1963, CAR, MS12913, SLV, Melbourne.

rights and other special needs'.¹²⁹ The Equal Wages Committee considered that the 1965 ACTU policy statement revealed 'a deeper understanding of the problem' compared to the earlier document, noting particularly ACTU support for the NAWU equal wages claim, a demand on governments to repeal legislation permitting wage discrimination and a request that award wages be paid to all Aboriginal and Islander workers.¹³⁰ Actions as well as words came from a number of unions in support of the striking pastoral workers. Some active supporters were Actors Equity, the Seamen's Union, the Meatworkers' Union, the Melbourne Trades Hall Council and the Builders Labourers' Federation providing financial and in-kind support.¹³¹

Another indicator of growing community support for the Equal Wages Committee's campaigns for economic justice is the increase from 1963 to 1966 in donations received. The first letter seeking contributions to the work of the Committee resulted in £66/18/4 (\$135. 68 equivalent) by May 1964.¹³² Two years later this had increased to \$1 269 00, noted in the annual report as

¹²⁹ 'Aborigines: Submitted as a Recommendation by the Executive to Congress', September 1965, CAR, MS 12913, 10/4, SLV.74110/520*

¹³⁰ 'Wages and Employment Committee annual report, 1966, CAR, MS 12913, box 10/7, SLV

¹³¹ Actors Equity sponsored the trip south made by Dexter Daniels and Captain Major in October, *Rights and Advancement*, October 1966; the Seamen's Union contributed generously to EWAC funds, treasurer's report, EWAC minutes 4 May 1964, MS 7992, box 8, Christophers papers, NLA; the Meatworkers Union placed a ban on the handling of beef from Wave Hill and Newcastle Waters stations, *Rights and Advancement*, September, 1966; the Melbourne Trades Hall Council circularised all their affiliated unions asking them to make donations to the cost of the leaflet, 'The facts on wage discrimination against Aborigines'; the Builders' Labourers provided their meeting rooms free of charge for EWAC bi-monthly meetings.
¹³² This letter was drafted in October 1963, see minutes of the interim Committee for Equal Wages for Aborigines, 15 October 1963, Christophers papers, MS 7992, box 8, NLA.

'remarkable'.¹³³ As far I have been able to establish this was the only FCAA committee with a separate account and independent funds established through donations, mainly from unions. It was able to increase the size of the print runs for leaflets and petitions over the years because it had the financial backing of the unions.

Other organisations, such as the Queensland Trades and Labour Council and the North Australian Workers Union also produced leaflets in support of equal wages but it was the Equal Wages Committee which produced an on-going stream of information. Leaflets, letters to trade unions, articles in trade union publications, vigils, public addresses, letters to parliamentarians: from late 1963 through to 1966 the Equal Wages Committee continued to put the argument for economic inclusion of Aboriginal workers in the economy.

Turning from community education to structural changes such as laws and awards, despite the disappointments already noted when the 1966 Cattle Station Industry decision was implemented, this decision did mark the end of discriminatory clauses in industrial awards. The 1966 decision had a flow-on effect to other states. On 15 September 1967 the Commission extended award coverage to Aboriginal workers under the Pastoral Industry Award, in New South Wales, South Australia, Western Australia and Victoria, adopting the same date— 1 December 1968 — for full implementation. In an article charting

¹³³ Minutes of Equal Wages for Aborigines Committee, 4 May 1964, Christophers papers, MS 7992, box 8, NLA; Wages and Employment Committee Annual Report, Easter 1966, CAR, MS 12913, box 10/7, SLV.

1960s civil rights reforms John Chesterman has argued that domestic agitation was one of the factors leading to the amendments to these awards, and as I have shown above the Federal Council, specifically the Equal Wages for Aborigines Committee, was responsible for organising and co-ordinating much of this agitation.¹³⁴

The Equal Wages Committee continued to draw attention to necessary structural reforms. At the 1969 FCAATSI Easter conference Christophers explained to delegates that although Aboriginal pastoral workers should now be receiving full award wages the Northern Territory Wards Employment Ordinance was still in place, authorising wages between \$4.60 and \$7.20 a week for Aboriginal workers in industries not covered by an award. While this ordinance did not operate when an award was in place, no awards existed in the pearling and domestic industries both of which employed Aboriginal labour. The Federal Council 'respectfully' submitted that the Wards Employment Ordinance was 'improper and illegal in that all the categories of work were covered by an award except the "Domestic" and "Pearling" industries'.¹³⁵

In Queensland, despite repeal of the 1965 *Aboriginal and Torres Strait Islander Act* and the eventual gazettal of the *Queensland Aborigines Act 1971* and *Torres Strait Islanders Act 1971* in 1973 the trust fund system still

¹³⁴ J. Chesterman, *Defending Australia's Reputation: How Indigenous Australians Won Civil Rights, Part Two*, *Australian Historical Studies*, in press.

¹³⁵ Wages and Employment Committee Report, FCAATSI Annual Conference, 1969, RS 24/1, AIATSIS Library, Canberra

existed.¹³⁶ Elizabeth Wynhausen, in a *Bulletin* feature on the Belia case, described the trust fund legislation as 'only one of many scandals', asserting 'the Queensland Government... has not yet introduced equal pay for Aborigines'. Citing the Gibb Report she told readers that of 81 employers surveyed, 41 'were providing wages and/or accommodation at a standard below that determined by the award'.¹³⁷ The Gibb Report had pointed out that Department of Labour and National Service inspectors had power to demand observance of the award only in the case of union members few of whom were Aboriginal.¹³⁸

The Federal Government continued to expunge discriminatory clauses from its statute books, and FCAATSI continued to point out legislation and awards where discrimination remained. In the Northern Territory the *Social Welfare Ordinance 1964* changed the terminology by which Aboriginal people were categorised. The 'register of Wards' which Christophers had publicly criticised at the 1961 annual FCAA conference was abandoned. Instead the new Ordinance gave the Director of Social Welfare power over 'persons who in the opinion of the Director are socially or economically in need of assistance'.¹³⁹ Christophers continued to alert Federal Council delegates and union members of discriminations remaining. In 1967 he wrote to the 21 organisations which were party to the Aircraft Industries Award which

¹³⁶ Wages and Employment Committee Report, 1972-1973, FCAATSI papers, Reports of Conferences, Y603, Mitchell Library, Sydney

¹³⁷ E. Wynhausen, 'John Belia's Banker' *The Bulletin*, October 14, 1972, p. 20.

¹³⁸ Ibid. In 1970, under the chairmanship of Professor Gibb, Professor of Psychology, ANU, a committee of inquiry was established to report on the status of Aboriginal people on cattle properties.

contained a clause which discriminated against Aboriginal workers seeking their support in gaining a variation to delete the discriminatory section of this award.¹⁴⁰

The battle was by no means over but award and legislative structures had been changed. The Equal Wages for Aborigines Committee contributed both directly, as in the case of the tuberculosis allowance, and indirectly, in the case of such changes as the cattle industry awards and the Northern Territory *Welfare Ordinance* in reforming industrial awards and laws which tacitly accepted racial discrimination. Once highlighted, such discriminations, formerly respectable because they were law, were unsupportable in a society becoming conscious and critical of racial discrimination in Australian society.

Perhaps the most profound value flowing from the work of this Committee, though the least tangible, was the development of confidence among Indigenous people, in beginning to articulate their own demands. When the committee was set up in 1963 the goal of economic inclusion and the extension of full social service benefits was shared by black and white FCAATSI delegates as a desirable one. The Aboriginal-only meeting at the 1963 FCAA Conference recommended that Aboriginal organisations call on AWU branches to take stronger action to delete the discriminatory clauses in

¹³⁹

Chesterman and Galligan, *Citizens without Rights*, p. 176.

¹⁴⁰

Christophers noted that only one union replied. He urged Aboriginal people to 'assert themselves by raising this matter directly with all parties to this Award'. Barry Christophers, Wages and Employment Committee Report, 1967-68, ACSPA Federal Executive material, E 215/49, Noel Butlin Archives.

the award.¹⁴¹ In 1964 Gladys O'Shane, president and Joe McGinness, secretary of the Cairns League wrote to the secretary of the Queensland branch of the AWU telling him that 'members [of the Cairns Aboriginal and Torres Strait Islander Advancement League] re-iterated their complaint that among the many discriminations against Aborigines, that of lower wage scales and conditions in comparison with white workers is the most damaging and humiliating'.¹⁴² Aboriginal member of the NSW Builders' Labourers Federation, Ray Peckham, reminded delegates at the 1965 FCAATSI Easter Conference that the 400 Aborigines who marched on May Day in Darwin 'did so as Australian workers'.¹⁴³ And in 1966 the eleven point plan 'Program for Improved Living Standards for Aboriginal Rights' signed by Dexter and Davis Daniels', President and Secretary of the Northern Territory Council for Aboriginal Rights, nominated wages, working conditions and social service benefits as the first six items of concern.¹⁴⁴ Aboriginal support among FCAA delegates for action on equal wage seemed strong.

Christophers' Queensland campaigns saw an increased confidence in the Federal Council among Aboriginal and Islander people from that state. Work to get the regulations under the Tuberculosis Act amended provided evidence to Aboriginal people that the Federal Council were actively working

¹⁴¹ Recommendations from the Aboriginal Conference regarding wages and employment, Council for Aboriginal Rights, MS 12913, box 10/6, SLV, Melbourne

¹⁴² G. O'Shane and J. McGinness to E. Williams, 16 November 1964, Christophers' personal papers.

¹⁴³ Ray Peckham reported in annual conference minutes of the wages and employment session, 16-18 April 1965, Christophers papers, MS 7992, Box 8, NLA, Canberra.

¹⁴⁴ D. and D. Daniels, 'Program for Improved Living Standards for Aboriginal Rights (Inc), 24 July 1966, Northern Territory Council for Aboriginal

to help them, and that their endeavours did make a difference to people's lives. Earlier administrative decisions to refuse tuberculosis allowances were overturned as a result of Christophers' representations on behalf of about twenty people. Christophers continued to assist Queensland tuberculosis patients to get the allowance due to them and as he commented 'news spreads, especially in an Aboriginal community'.¹⁴⁵ Aboriginal representation at FCAATSI conferences grew significantly: at the 1966 conference there were a total of 76 Aboriginal and Islander delegates and observers, compared to 32 in 1963 when the committee system began.¹⁴⁶

The success of the campaign to release John Belia from the control of the Queensland *Aboriginal and Torres Strait Islander Affairs Act 1965*, like the earlier success of the tuberculosis allowance campaign, provided evidence both of the active goodwill of many non-Aboriginal people in FCAATSI and of the success of their methods. While Belia was an unusual case, having kept records which could be used to challenge the Department of Aboriginal and Islander's argument that he needed the protection of the Act, it was hoped that the publicity generated by the case would weaken the Queensland administration's paternalistic approach to Indigenous Queenslanders. It is, of course, impossible to quantify the effect of these campaigns, but such victories, for people living in Queensland where the law had invaded the most personal aspects of their lives, where people's spirits had been broken on

Rights, CAR, MS 12913, CAR, SLV, Melbourne.

¹⁴⁵ B. Christophers, personal communication, 24 November 1997.

¹⁴⁶ 56 were delegates representing organisations, 20 observers. Council for Aboriginal Rights, MS 12913, Box 10/9, SLV

places like Palm Island which had become prisons, must have provided beacons of hope. It is perhaps no coincidence that Queensland Aboriginal and Islanders remained committed to FCAATSI when other Indigenous activists left the organisation in the early 1970s.

Following the walk-off at Wave Hill station in August 1966 and the subsequent re-articulation of the striking Gurindji cattle workers demands from wages to land, with some valuable non-Indigenous support, it was clear that equal wages was not the only goal for these Aboriginal pastoral workers and their families.¹⁴⁷ Politically this was the beginning of a fundamental shift in thinking in the Federal Council movement in which the idea of difference, and thus of different rights, was beginning to be argued. In challenging the status quo for a share in the society the politically weak and their supporters used the argument that rights should be extended because the oppressed group shared essential features with the ruling group. This 'equal rights' argument, emphasising similarity, necessarily preceded campaigns which would later assert the right to difference. The latter is a more developed confident position which would have a chance of succeeding only when the powerful had acknowledged the similarity, and therefore the 'rights' of the challengers. For FCAATSI and the Equal Wages Committee the same wages, the same working conditions, the same social service benefits indicated acceptance.

¹⁴⁷ See B. Attwood, 'The Articulation of "Land Rights" in Australia: The Case of Wave Hill', *Social Analysis*, vol 44 (1), 2000; L. Riddett, 'The Strike that Became a Land Rights Movement: a Southern "Do-Goode" Reflects on Wattie Creek 1966-74', *Labour History*, no. 72, May 1997; F. Hardy, *The Unlucky Australians*, Nelson, London, 1968.

It would be easy to argue that the committee did not move with the times or that it was blinkered by its left-wing ideology. I would suggest instead that the structural gains, despite the fact that these weren't translated into action everywhere, were necessary. They demonstrated to emerging Aboriginal leaders that when you knew how to use the system for your own ends you had a chance to win sometimes. For the non-Aboriginal majority who were listening, those working on the Equal Wages for Aborigines Committee were able to point to the damage to the affected individual when inequality on racial grounds was sanctioned and rouse their consciences in support of action to remove discriminatory clauses in legislation and awards. The determinations under the Tuberculosis Act or the threat to democracy posed by the Queensland Trust Fund in which there were 'widespread rackets in the handling of Aboriginal trust funds in North Queensland' were cases in point.¹⁴⁸

¹⁴⁸ F. Stevens, 'Aboriginal Wages and the Trust System in Queensland, 18 February 1969, CAR, Ms 12913, SLV

Chapter 5 Recognising Rights to Land

Introduction

In mid 1963, Stan Davey sent an article to all church newspapers and magazines, in the hope that it would be published at about the time of National Aborigines Day, 12 July. Davey acknowledged his position as honorary general secretary of the Federal Council for Aboriginal Advancement but explained that he was not prompted to write by suggestions from members of that organisation. Rather it was 'the rush of closures, or threatened closures, of Aboriginal Reserves in different parts of Australia without any apparent consideration being given to the rights and wishes of the original inhabitants' which prompted this action.¹

Davey suggested in the letter accompanying the article that 'our Christian communities are silent about the issues involved due to ignorance concerning the situation'. His article included a plea from Narratjin, a 'headman of the dua moiety' who lived at Yirrkala on the Gove Peninsula, Northern Territory to Mr Harry Giese, the Director of Welfare, Darwin. Narratjin asked Giese, 'You are going to help us Mr Gise, or no. These mining people will be chasing us to other places, we don't like that please sir. We like Yirrkala best. We want Yirrkala open country. So we may go hunting for meat'.² Davey also drew attention to the different attitudes of Government to the indigenous peoples of New Guinea and Australia. He quoted from a Government publication which referred to 'respect for native land

¹ Stan Davey to editors of church newspapers and magazines, 3 July 1963, Box 3076 M 'Aboriginal Affairs', Uniting Church Archives, Elsternwick, Victoria.

² Quoted by Stan Davey in above letter, 3 July 1963.

ownership...as a basic principle of Australian administration in Papua' and asked why a similar respect was not shown for Aboriginal lands?³ Davey was concerned about loss of Aboriginal reserve lands, and it was specifically these lands which the Federal Council mentioned in its charter.

'The absolute retention of all remaining native reserves, with native communal or individual ownership' was the last of the five guiding principles which provided the philosophical basis for Federal Council activities. Five years after this letter was sent, the Federal Council petitioned the Government to grant 'special land rights'. The petition made three requests: firstly, that legal provision be made 'for Aboriginal residents on existing reserves...to obtain ownership of the reserves'; secondly that Aboriginal ownership of traditional land leased by the Crown be recognised; and thirdly that the development of mining, pastoral and other enterprises on all Aboriginal land to be 'subject to the consent of Aboriginal owners'.⁴ These requests were for more than native reserves as stated in the original fifth principle. What had happened in the intervening years which led to the claims not only for reserve lands but leased Crown lands for those Aboriginal people resident on them? What did the Federal Council mean by 'rights to land' in 1963? How had understandings about land changed by 1968 and how can these changed understandings be explained? This chapter considers these questions.

Background to the Land Question

Unlike the referendum issue, or even the question of equal wages, the politics of rights to land originated in Indigenous communities rather than in the ideas

³ Ibid.

held by non-Indigenous Federal Council members. It is likely that within Indigenous communities concern about losses of reserve land and plans to regain these lands were expressed through the nineteenth and twentieth centuries. Extant evidence, however, is mainly of various 'official' requests by Aboriginal people, especially in the longer settled south, to those in authority over them, whether missionaries or government officials. I will consider the nature of this Indigenous concern prior to it being recognised by members of the Federal Council executive in the 1960s.

Assertion of a right to land by Aboriginal people in the south-east of the continent can be traced back to the nineteenth century, but it is an assertion which is tentative, even defensive, in tone. Works by Diane Barwick, Henry Reynolds, Heather Goodall, and more recently a document collection edited by Bain Attwood and Andrew Markus have all demonstrated that, at least among those Aboriginal people able to communicate their views in written English, a sense of injustice regarding their dispossession and a preparedness to agitate for some redress were present.⁵ In 1894, for example, residents of the Poonindie Reserve petitioned the South Australian Minister for Education. 'It is very hard to be turned away from what has been our home', they explained. They asked 'that the whole of the land on the south side of the Tod [sic] River, comprising, we believe about 3 000 acres more or less of the

⁴ FCAATSI, Petition concerning land rights, n.d., Pittock personal papers
⁵ D. Barwick, *Rebellion at Coranderrk*, Aboriginal History Inc., Canberra 1998 (this work was published posthumously, edited by Laura E. Barwick and Richard E. Barwick); H. Reynolds, *Dispossession*, Allen & Unwin, Sydney, 1989; H. Goodall, *Invasion to Embassy*, Allen & Unwin, Sydney, 1996; B. Attwood and A. Markus, *The Struggle for Aboriginal Rights*, Allen & Unwin, Sydney, 1999.

poorest land on the whole run should be given to us'.⁶ In the same year William Adams, Robert Wanganeen and Henry Angic wrote to the South Australian Commissioner of Public Works 'We, as children of the original owners of the land, presume that we have a right to be considered in the disposal of the land'.⁷ Further east similar views were being expressed. Martin Brennan, representing Aboriginal people on the New South Wales Braidwood goldfields in 1872 quoted Jack Bawn, a leader of the deputation: 'Everyone objects to our hunting on his land, and we think the blacks are entitled to live in their own country'.⁸ On the bank of the Murray River, the people of Maloga Mission Station petitioned in 1887 for 'sections of land not less than 100 acres per family in fee simple, or else as a small nominal rent annually, with the option of purchase at such prices as shall be deemed reasonable for them under the circumstances'. The petitioners added 'bearing in mind that that the Aborigines were the former occupiers of the land'.⁹ These petitioners put an argument for their right to land which was firmly based in a view that they had lost their homes, their land, their own country. Their claims were based on restitution, and sought a recognition of their natural right to land as 'children of the original owners'.¹⁰

Almost sixty years later, in March 1930, Shadrach James adopted a more confident, even accusatory, tone in addressing Melbourne *Herald* newspaper readers. 'We are the descendants of the people you have unjustly

⁶ Poonindie Petition, 2 February 1893 in Attwood and Markus, *The Struggle for Aboriginal Rights*, p. 55.

⁷ Document 21, *ibid.*

⁸ Cited in Goodall, *Invasion to Embassy*, p. 79.

⁹ 'Maloga Petition' in Attwood and Markus, *Struggle for Aboriginal Rights*, p. 52.

¹⁰ William Adams, Robert Wanganeen and Henry Angic to the Commissioner of

disinherited of their land', he wrote. 'We are at present – shame on the Governments of this land – landless and homeless wanderers'.¹¹ Three years later William Cooper, in the same newspaper, reminded readers that 'it was not only a moral duty, but also a strict injunction included in the commission issued to those who came to people Australia that the original occupants and we, their heirs and successors, should be adequately cared for'. Instead, he pointed out, 'our lands have been expropriated'.¹² 'Everywhere we find them being thrown out, fenced out of the homes that have long been theirs', wrote Elizabeth McKenzie-Hatton, secretary of the Australian Aboriginal Progressive Association in 1925.¹³ The Australian Aborigines' League, an all-Aboriginal body, stated its policy for 'primitive Aborigines' 'to secure unalienable [sic] and adequate reserves for these natives and no white people to have access except by the authority of the Chief Protector of Aboriginal Natives'.¹⁴

Even by the early 1960s, however, such points of view were far from mainstream cultural consciousness. As W. E. H. Stanner remarked in his oft-quoted Boyer lecture in which he noted the absence of Aboriginal people in twentieth century Australian writing 'inattention on such a scale cannot possibly be explained by absent-mindedness'. He argued:

Public Works, South Australia, 19 February 1894, Attwood and Markus, *Struggle for Aboriginal Rights*, p. 55, document 22.

¹¹ Shadrach L. James, 'Help My People' 24 March 1930, in Attwood and Markus, *The Struggle for Aboriginal Rights*, p. 142.

¹² William Cooper, Petition to the King, *Herald*, 15 September 1933, in Attwood and Markus, *Struggle for Aboriginal Rights*, p. 144.

¹³ 'Voice of the North', 12 June 1925, in Attwood and Markus, *The Struggle for Aboriginal Rights*, p. 65.

¹⁴ W. Onus, President, 'Policy of the Australian Aborigines League', B408, item 6, NAA, Melbourne

It is a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may well have begun as a simple forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practised on a national scale.¹⁵

Those who worked with Aboriginal people had a wider view than that gained from the window in Stanner's metaphor, but by 1960 in Australia there was little evidence among non-Indigenous Australians of an awareness of Aboriginal response to their dispossession, or even a public recognition that what had taken place was dispossession.¹⁶ And for Indigenous people themselves, with varied experiences of being dispossessed, and at different stages of adaptation to the dominant colonising culture, the demoralisation which came from generations of defeat and loss and the control—both de jure and de facto—on stations and on fringe settlements meant that political action without mainstream support was futile.

At the annual conferences of the Federal Council for Aboriginal Advancement from 1960 onwards delegates heard Aboriginal people express their feelings about the importance of land to them but this issue was overshadowed by calls for reforms in such areas as housing and health.¹⁷ During 1963, however, these priorities were questioned when conflicts

¹⁵ W. E. H. Stanner, 'The Great Australian Silence', *After the Dreaming*, Sydney, ABC, 1968, pp 24-25.

¹⁶ Three collections of cultural commentary from the period are offered as typical of the absence of recognition of Aboriginal people in Australian life in the 1950s and early 1960s: W. V Aughterson (ed.) *Taking Stock: Aspects of Mid-Century Life in Australia*, Melbourne, Cheshire, 1953; A. A. Phillips, *The Australian Tradition: Studies in a Colonial Culture*, Melbourne, Cheshire-Lansdowne, 1958; P. Coleman (ed.), *Australian Civilization*, Melbourne, Cheshire, 1962. These works, representing together 25 Australians giving their views on aspects of Australian life and culture, make not even a passing reference to the fact of an indigenous Australian population. Aboriginal people and their views were irrelevant in a discussion of 'Australian life'.

¹⁷ Jack Horner recalled Alex Vesper speaking of land at the 1960 conference, FCAATSI Oral History project, 5 December 1996, pp 3-4; Stan Davey spoke of Jacob Oberdoo, representing Nomads Limited from the Pilbara at the 4th conference in Brisbane 1961, FCAATSI Oral History Project, 29 November 1996, p.10 AIATSIS, Canberra

between Aboriginal and mining interests over land primarily in Queensland and Northern Territory came to the attention of the Federal Council. Activists were becoming aware of the fact that over the previous six years hundreds of thousands of acres of what had been Aboriginal reserve land had been lost when such lands were leased to mining companies.¹⁸ Two factors—publicity surrounding government policy regarding mining on Aboriginal reserve lands, and the questioning of this policy especially by some religious organisations—acted as stimuli within the Federal Council. For this reason they need to be examined before considering the issue within the ranks of FCAA.

Government Policy in the Northern Territory

On 18 February 1963 Prime Minister Menzies announced Government approval for leases to be signed with Gove Bauxite Corporation Limited, a subsidiary of Pechiney Aluminium Company of France (later Nabalco) to mine in the vicinity of the Yirrkala Methodist Mission. The following month a lease was signed with this corporation and in April the Minister for Territories, Paul Hasluck, announced that 140 square miles would be excised from the Arnhem Land reserve on the Gove Peninsula.

¹⁸ See, for example, Stan Davey's letter to the editors of Church newspapers and magazines which included a listing from 1956 to 1963 of land which had been used by Aboriginal communities and which had been lost or was under threat of being lost. 3 July 1963, box 3076 M 'Aboriginal Affairs', Uniting Church Archives, Elsternwick, Victoria. In 1965 Jack Horner, secretary of the Aboriginal-Australian Fellowship, compiled a record of the NSW Welfare Board's use of reserve land between 1938 and 1964. He found that in 1938 around 15 000 acres had still been held as reserve and station. Since then 13 534 acres had been revoked or leased to whites, leaving barely 1 500 acres accessible to Aboriginal residents. See Goodall, *Invasion to Embassy*, p. 321.

This reserve had been proclaimed in 1920 with the Government intending that it be used solely by Aborigines.¹⁹ The policy in northern Australia at this time was protection and the purpose of the reserve was to provide Aborigines with adequate land to meet their hunting and other requirements.²⁰ In 1934 a Methodist mission had been established at Yirrkala, and in the post-war period the facilities at the mission were developed and the number of regular residents increased.²¹ With the implementation of Hasluck's policy of assimilation in the Northern Territory in the 1950s, reserves and missions were seen as training institutions preparing people to join the mainstream society rather than as protected places where traditional culture and lifestyle could be maintained.²² Hasluck argued in presenting his report on the 1951 Native Welfare Conference to the House of Representatives that it was inevitable that remnant Aboriginal culture would diminish as people had more contact with European ways.²³

As the Minister for Territories, Hasluck had direct responsibility for the Northern Territories. When he took up this position in 1951 the Northern Territory Legislative Council comprised an Administrator, seven members of

¹⁹ See R. L. Dean, Chairman, *Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, Part 1—Report and Minutes of Proceedings*, Commonwealth of Australia, Canberra, 29 October 1963, for a summary history of the proclamation of this reserve.

²⁰ See D. Thomson, *Recommendations of Policy in Native Affairs in Northern Territory of Australia*, Commonwealth of Australia, Melbourne, December 1937 for the argument for protection and segregation. Thomson argues that 'it should be the policy to maintain these inviolable reserves for the natives who are still in possession of their culture...if you mean to save these people there is only one way, and that is by segregation'.

²¹ See *Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, Part One* for a table which illustrates this growth. In 1958 269 were regular residents at the reserve. By 1963 this had increased to 501. Commonwealth of Australia, Canberra, 29th October 1963.

²² P. M. C. Hasluck, 'The Record in the Northern Territory' 1952 in P. M. C. Hasluck, *Native Welfare in Australia*, Paterson Brokensha, Perth, 1953, pp 26-27

the public service and six elected members. They were responsible to the Department of Territories in Canberra and thus reflected the desires of the Federal Government. Hasluck's ministerial responsibilities were in three main categories. Firstly he was responsible for the formulation of policy direction for the Territory. Secondly, he controlled the form and method of constitutional and political development in the Territory. Thirdly he was responsible for implementing the Government's policy on Aboriginal affairs.²⁴ Pressure from the Ministers for Supply and National Development in 1952 for the exploitation of bauxite deposits on the Gove Peninsula tested the compatibility of the first and third of these responsibilities. The Director of Native Affairs, F. H. Moy, considered his Minister's position to be 'invidious'. He wrote:

He is charged on the one hand with the welfare of the natives and on the other he must be concerned with the development of the Territory. I doubt if he could satisfactorily combat pressure from his fellow Ministers by an insistence that reserves be held inviolate.²⁵

Within Cabinet the Ministers for Supply and for National Development presented a strong case for having local supplies of bauxite. Hasluck recalled that he 'could not resist a case, made in the national interest, to allow mining on reserves'²⁶ The Northern Territory Administrator could recommend revocation of mineral-rich reserve land, which would, with the Minister's approval, be enacted. Hasluck succeeded in gaining Cabinet support for a submission designed to encourage consideration of the position of Aboriginal reserve dwellers. In every case where prospecting and mining was being

²³ Hasluck, 'The Native Welfare Conference, 1951' in Hasluck, *Native Welfare in Australia*, p. 17

²⁴ R. Porter, *Paul Hasluck: A Political Biography*, University of Western Australia Press, Nedlands W. A., 1993, pp 168-170.

considered 'the effect of revocation [of reserve land] on native welfare [would] have to be examined before consideration is given to any other aspect'.²⁷ Privately, Hasluck appeared to favour the retention of reserves as lands that 'be dedicated and kept inviolate for the use and benefit of the native'.²⁸ Publicly, he argued that it was the Commonwealth's policy 'to maintain reserves so long as they will be of benefit to the natives'.²⁹ The interpretation of 'use and benefit' would take place within the assimilationist framework based on Hasluck's assumption that 'the native people will grow into the society in which, by force of history they are bound to live'.³⁰

Government policy on land development in the Northern Territory could be seen, conveniently, as consistent with its policy on Aboriginal advancement. The agreed definition of the assimilation policy, accepted in principle by all Australian governments, was that 'all aborigines and part-aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community ... observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians'.³¹ This statement was vague and general with regard to timing, as people were 'expected eventually to attain the same manner of living'. 'Eventually' they would observe the 'same customs' and presumably when this state of affairs came to be, so the argument ran, they

²⁵ F. H. Moy to the Administrator, 4 March 1952, cited in Porter, *Paul Hasluck*, p. 211.

²⁶ P. Hasluck, *Shade of Darkness*, Collingwood, Victoria, MUP, 1988, p. 112.

²⁷ Hasluck, 'The Record in the Northern Territory, Native Welfare Conference, Canberra, 1952, in Hasluck, *Native Welfare in Australia*, p. 20.

²⁸ Hasluck to W. H. Spooner, 23 March 1953 in Porter, *Paul Hasluck: A Political Biography*, p. 212.

²⁹ Hasluck, 'The Record in the Northern Territory', p. 28.

³⁰ Hasluck, 'The Native Welfare Conference', 1951, p. 17.

³¹ P. Hasluck, Native Welfare Conference, Statement by leave in the House of Representatives, 20th April 1961, Series A1838, 557/1 part 2, NAA.

would not need the land that they had previously needed for hunting and ceremonial purposes. Who would be the judge of when this eventuality came to pass? And how would Aboriginal acceptance of the culture of other Australians be decided?

In his 1952 Native Welfare Conference address Hasluck suggested answers to these questions. He reasoned that of the less than 6 000 Aboriginal people living on Territory reserves, 'only 600 of these are living a fully tribalised life'. 'Large reserves will still be needed for many years to come and it is our policy to maintain reserves so long as they will be of benefit to the natives' Hasluck assured his audience. 'At the same time', he added, 'the Government believes that reserved land which is not in fact being used by the natives should not be closed for ever to exploration and development'.³² In Arnhem Land in the Northern Territory, just one decade after Hasluck had argued that large reserves would be necessary 'for many years to come', plans were in place to excise thousands of acres from the Arnhem Land Reserve.

By 1963 the Yirrkala Mission was an instrument of the Government's assimilation policy, but by no means an unquestioning one. A school had been in existence for nine years, so that a small number of younger people had acquired basic literacy. Hunting continued but more for enjoyment than necessity. Languages, ritual, belief systems and the centrality of land to the people's views of themselves, their relationships with each other and with their spirit ancestors were still intact. At the same time, petrol sniffing had been reported, indicating the fears expressed by anthropologist Donald

³² Hasluck, 'The Record in the Northern Territory', p. 28.

Thompson in his 1930s report that contact with Europeans was damaging to Aboriginal people.³³

In 1962 when Reverend Edgar Wells took up his appointment as Superintendent at Yirrkala the people lived a settled, rationed life, with both benign and deleterious influences of European society in evidence. Wells had been at Milingimbi Mission when mining exploration began on Wessel Islands and so he was aware of the stresses and the consequent breakdown of society which accompanied the establishment of this industry. He arrived at Yirrkala with firmly developed ideas about the value of encouraging a 'sense of belonging to the old order'.³⁴ Wells had studied anthropology under Professor Elkin and had a more informed understanding of the culture of the people for whom he would be responsible than missionaries without any formal anthropological training. On arriving at Yirrkala Mission he found anxiety and unrest about how the exploratory mining work within the area might affect the life of the people and their relationship with the land. With his wife, Ann, and Doug Tuffin, teacher at the mission, Wells saw the task ahead as 'assisting the Aborigines of Yirrkala ... to assert and reaffirm their traditional association with the land of their fathers'.³⁵ This work involved the encouragement of artistic expression of traditional beliefs on the one hand, and on the other the urgent need to 'assist the Aboriginal people into an awareness of what it meant to be a citizen and to express an opinion on matters of public concern'.³⁶

³³ See E. Wells, chronological table of events, *Reward and Punishment in Arnhem Land*, AIAS, Canberra, 1982 for the reference to petrol sniffing; Thomson, *Recommendations of Policy in Native Affairs in Northern Territory of Australia-December 1937*, p. 8.

³⁴ Wells, *Reward and Punishment in Arnhem Land*, p. 5.

³⁵ *Ibid.*, p. 18.

³⁶ *Ibid.*, p. 16.

While he was aware of plans to develop bauxite mining in the vicinity of the Yirrkala Methodist Mission, Edgar Wells had been excluded from discussions concerning the area to be excised from the Arnhem Land Reserve and the establishment of a base for the company. When at Milingimbi in the 1950s he had written to Paul Hasluck objecting to the mining of bauxite on the Wessels. The telegram was acknowledged but the mining proceeded.³⁷ Now on the Gove Peninsula, negotiations preceding the signing of leases with Gove Bauxite Corporation took place between the Minister for Territories, representatives of the Company, and Reverend Gribble, Secretary of the Methodist Overseas Mission in February 1963.³⁸ A Department of Territories directive to the Administrator of the Northern Territory instructed that 'it is considered inadvisable for the asst. director of welfare to have further discussions with the mission authorities at Yirrkala at this stage', suggesting Departmental recognition that Wells would be likely to oppose the proposed mining development on reserve land.³⁹ This meant that although Wells knew unofficially, he was not informed of the plans to sign leases with Gove Bauxite Corporation and, consequently; and neither were the residents at Yirrkala.

Locked out of the decision-making process Wells resorted to political action. He wrote to *The Spectator* to alert Methodists of the 'serious issues for Aboriginal welfare which are raised by negotiations to establish bauxite mining close to the Mission'. He explained to readers that:

³⁷ Ibid., p. 6

³⁸ Cecil F. Gribble to John Jago, 20 March 1963, box 30761M 'Aboriginal Affairs' Uniting Church Archives, Melbourne.

The very possibility of losing his land has brought perplexity and unsteadiness as the invaders' survey lines criss-crossed the country. Are the aboriginal people to be defrauded again in the name of progress? Such progress of course is always spelt out in the terms of advantage to the person who covets what the aboriginal was credulous enough to believe was his own.⁴⁰

He sent telegrams to senior Methodists, east-coast newspaper editors and Stan Davey, General Secretary of the Federal Council for Aboriginal Advancement informing them that.

583 semi-nomads now squeezed by the bauxite land grab into half a square mile. Original holding 200 square miles. Impossible to house population in approved homes within area. Loss of cultivated and grazing lands means we must eat the cattle before miners arrive and import basic food crops afterwards.⁴¹

The issue was debated at some length at the 1963 annual FCAA conference, held in Canberra, where, for the first time, proceedings were observed by representatives of diplomatic missions. A decision was taken to send the vice-president to Yirrkala to seek the views of the residents and in July, Gordon Bryant, accompanied by fellow ALP parliamentarian, Kim Beazley went to Yirrkala.⁴² Concerned at the complete exclusion of residents from discussions about the mining leases, Beazley suggested that they write to the Prime

³⁹ Department of Territories memo C220, 30 January 1963, series A452, NT1963/767, NAA, Darwin.

⁴⁰ E. A. Wells, 'Yirrkala Methodist Mission', in *The Spectator*, 13 February 1963, p. 4.

⁴¹ This was sent to Rev. Professor Trigge, President-General, Methodist Church of Australasia; Rev. C. F. Gribble, General Secretary, Methodist Overseas Mission; Rev. Allen Walker, Central Methodist Mission, Sydney; Rev. Ralph Sutton, Central Methodist Mission, Perth; Rev. Irwin Vogt, Central Methodist Mission, Adelaide; The Hon. Calwell, MP, Leader of the Opposition, Canberra; The Editor, *Courier-Mail*, Brisbane; The Editor, *Sydney Morning Herald*, Sydney, Mr S. Davey, Secretary, Federal Council for Advancement of Aborigines and Torres Strait Islanders, Melbourne. Wells, *Reward and Punishment in Arnhem Land*, p. 42. Cecil Holmes, editor of *The Territorian* also wrote to Barry Christophers with information about what was happening at Yirrkala. 'What about your council writing to Wells and offering him some aid, giving him some addresses to write to?', Holmes suggested to Christophers. C. Holmes to B. Christophers, 27 February 1963, Barry Christophers papers MS 7992, box 16, NLA.

⁴² Resolutions of the 6th Annual General Meeting of the Federal Council for Aboriginal Advancement, Canberra, 14 April 1963, MS 12913, box 10/6, SLV

Minister and petition the House of Representatives.⁴³ Such advice fitted with Wells' support for the development of awareness of citizenship. Some mission staff assisted in the formulation of Yolngu grievances into acceptable parliamentary form.⁴⁴ In August a petition written in Gupapungu, accompanied by an English translation and pasted onto bark, surrounded by beautifully crafted traditional designs, was presented to the House of Representatives.⁴⁵

The petitioners objected to the fact that the 'proceedings of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them'. They objected to the fact that welfare officers and Government officials 'did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people'.⁴⁶ They described the land as 'the hunting and food gathering land for the Yirrkala tribes from time immemorial' which included places sacred to the Yirrkala people and requested that a Committee be appointed 'accompanied by competent interpreters, to hear the views of the Yirrkala people before

⁴³ See K. Beazley, *Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, part two: minutes of evidence*, Government of the Commonwealth of Australia, Canberra, 29 October 1963, p. 10.

⁴⁴ Wells, *Reward and Punishment*, p. 80; Nancy Williams explains: In all the dialects of northeastern Arnhem Land the word for Aboriginal human being is *yolngu*, and linguists have adopted the convention of referring to the *Yolngu* dialects as comprising the *Yolngu* language, and of their speakers as *Yolngu*-speaking peoples'. N. Williams, *The Yolngu and their Land: a system of land tenure and the fight for its recognition*, Stanford University press, California, 1986, p. xv.

⁴⁵ Mr Nelson, a Northern Territory MP presented the petition on 14th August. A similar petition was presented by William Wentworth, House of Representatives, 24th parliament, 1st session, 14 August 1963, p. 81.

⁴⁶ Petition to the Honourable the Speaker and Members of the Representatives in Parliament Assembled, *Report from the Select Committee on Grievances of Yirrkala Aborigines. Arnhem Land Reserve, part one- report and minutes of proceedings*. 29 October 1963.

permitting the excision of this land'.⁴⁷ Parliament agreed to this request and, in early October, the seven-member Select Committee on Grievances of Yirrkala Aborigines visited Yirrkala to speak to residents, missionaries, a welfare officer from the Northern Territory administration and the technical advisor of the Gove Mining Corporation.

The clash of Aboriginal and mining interests at Gove brought the assimilation policy and Government policy with regard to Aboriginal reserve lands to public scrutiny. The Select Committee report referred to Yolngu hunting lands as being 'essential from the point of view of the dignity and self respect of the Aborigines'. It acknowledged the existence of sacred places. While recognising 'that the Aborigines have no legal tenure of *their* tribal lands' [my italics] the Committee considered that 'some compensation is due in the form of land grants'. At the same time the report saw the 'development of land at Gove Peninsula and the development of a town' as giving the Commonwealth the opportunity, for the first time in history, to demonstrate 'that urban development by Europeans does not automatically reduce Aborigines to the state of fringe dwellers, and that land development does not reduce them to the status of a dispossessed people'.⁴⁸ The report, tabled in Parliament in October, came to public notice at a time when those following Government initiatives in Aboriginal affairs were increasingly coming to question whether the assimilation policy was soundly based.

⁴⁷ Ibid. This petition was presented to Parliament on 14 August. A week later Hasluck moved a motion rejecting the authority of the signatories on the grounds that they were all young, and that in Aboriginal society it was the views of the old, not the young, which carried weight. *Commonwealth Parliamentary Debates*, 24th parliament, 1st session, 1963.

Questioning Government Policy- outside the Federal Council

Criticisms of Government policy in Aboriginal affairs were not new, inside or outside the Federal Council, but in the 1960s critics began commenting on the lack of an economic base to the policy given the loss of land experienced by Aboriginal communities all over the country.⁴⁹ The 1961 ANZAAS presidential address, 'Maori and Aborigine: A Comparison of Attitudes and Policies' by Bill Geddes, Professor of Social Anthropology at the University of Sydney, was one such. In comparing New South Wales, 'the State with the best record', with New Zealand, Geddes pointed out that 'only about one-third of the sum which the New Zealand Government is spending on Maori housing' on a proportional basis, is spent in NSW. He argued:

Economic aid is even more necessary and merited in the case of the Aborigines than in the case of the Maoris because, unlike the Maoris, the Aborigines have lost possession of all the best part of the land, have received no monetary compensation for what they have lost, and have no secure title to any part of the continent.⁵⁰

This fact, and its effects seem not to have been taken account of in Government pronouncements of the policy. Geddes commented on some apparent contradictions. 'To survive and prosper, Aborigines must live and work and think as white Australians' yet Government publications suggest otherwise:

The Governments concerned regard the problem primarily as social and not racial. It is one of enabling people to live together on equal terms in the same society with

⁴⁸ R. L. Dean, *Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, part one- report and minutes of proceedings*, Canberra, 29 October 1963, pp 7-8.

⁴⁹ W. E. H. Stanner's Presidential address to Section F (Anthropology) ANZAAS, Adelaide, 1958 was critical of the policy. 'Continuity and Change among the Aborigines' in W. E. H. Stanner, *White Man Got No Dreaming*, ANUP, Canberra, 1979.

⁵⁰ W. R. Geddes, 'Maori and Aborigine: A Comparison of Attitudes and Policies', Brisbane, 1961, reprinted as *Aboriginal Affairs Information Paper*, number 1, April 1962.

benefit to themselves and to each other. It does not concern the way in which two groups of people of different race may live in the same community while maintaining their racial separateness⁵¹

Geddes asked 'If such groupings are a reality why are they paid no regard in policy'? He wondered if this is a 'saving clause to disarm possible criticism' or whether it is a recognition of a social reality. If it is the latter a policy of admonishing Aboriginal people to 'live, work and think like Europeans' is unrealistic. The word itself, he concluded, suggests a lack of tolerance of ethnic differences. Would it not be better, he suggested 'to leave the Aborigine free, without discouragement, to form such associations and groupings as he wishes, and through them, or otherwise if he wills, take his place in the wider Australian society under the rule of the one law?'⁵²

Charles Rowley, the Principal of the Australian School of Pacific Administration, which prepared Australian Government officers for service in New Guinea and the Northern Territory, took these criticisms further in an important address in 1962. 'Aborigines and Other Australians' put the case for a system of land tenure for Aboriginal Australians. Rowley began by reminding readers of the gulf in understanding about land and the value attached to it when a materialist invading culture met a non-material culture spiritually attached to the land. In writing about assimilation he acknowledged the fact that policies are 'based on the enlightened assumption that there are no proven inherent differences in capacity between the races of mankind', but commented on the fact that implementation of the policy seems to assume the

⁵¹ *Assimilation of Our Aborigines*, Department of Territories, Commonwealth of Australia, 1958, cited by Geddes, 'Maori and Aborigine'.

⁵² Geddes, 'Maori and Aborigine' pp 6-7.

superiority of the dominant culture.⁵³ He observed the failure of a similar approach in the USA thirty years earlier and the evident failure of the Australian Government to take account of this, or even more basically to be aware of it. In practice, he argued, assimilation meant interference in 'the details of personal life on the ground that to be like white men Aborigines must behave differently'. He considered that 'fixed and inflexible ideas and arrogant notions about our own power to direct the course of social change' were impediments to the work of those engaged in 'native welfare'.⁵⁴ Rowley suggested that the poverty of Aboriginal Australians and their resentment and hatred of other Australians lay in the fact that 'all property rights in Australia derive from the historical context of total occupation by whites'. He reminded readers that, in Australia, all legal rights of inheritance grow from white occupation.

No legal claim stems from the relationship of Aboriginal communities to the land... He needs the confidence which comes from a firmly based community to compete for a stake in the Australian community; yet until either as a member of his group, or as an individual, he has such a stake, there seems no way in which he may acquire the confidence, or even the incentive.⁵⁵

Rowley made what he called some 'bald general proposals' for consideration as alternatives to the current approach. He suggested that control and the assets of the welfare settlements could be 'transferred to the group for whose benefit it had been set apart'. He visualised the possibility of councils being established when a particular group requested such transfer and that machinery to establish such councils should be decided by the people themselves. 'For the first time in the history of settled areas', he argued, 'Aborigines would be

⁵³ C. D. Rowley, 'Aborigines and Other Australians', *Oceania*, vol XXXII, no 4, p. 250.

⁵⁴ *Ibid.*, p. 252.

⁵⁵ *Ibid.*, p. 253.

in a position to meet unfair prejudice with contempt, turn their backs on the offenders, and go home to their own place'.⁵⁶ Such moves, according to Rowley, would address two realities: that Aboriginal groups in white Australia have been 'almost by definition pauper groups' and 'within democratic Australia, without representation'.⁵⁷ These ideas highlighted the weaknesses in a policy which underplayed the value of community and in which decision-making excluded the people who the policy was designed to help. At the 1964 FCAATSI Easter Conference Edgar Wells reminded delegates that in Australia's past enormous tracts of land were signed away by signature. 'Why can't these people be given land in the same way— by a signature?' he asked.⁵⁸ Such questions and the ideas of Geddes, Rowley and others provided another vision of the future, at the same time as highlighting the inconsistencies of the Hasluck vision.

Debate within the Federal Parliament following the signing of the leases with Gove Bauxite Company showed the hypocrisy of Government policy. On the one hand Hasluck argued that 'under the policy of assimilation the intention is that the aboriginal people should have the opportunity of living without any limit on the exercise of their Australian citizenship'.⁵⁹ On the other these 'citizens' had not been informed of the development of a large mining venture on their customary land before the lease arrangements were signed. The Department of Territories had told the Welfare Branch in the Northern Territory that discussions with those living at Yirrkala were

⁵⁶ Ibid., p. 264

⁵⁷ Ibid., p. 262.

⁵⁸ Quoted by Pauline Pickford, 'Summary of the 7th annual conference of the Federal Council for Aboriginal Advancement', 13 April 1964, CAR, MS 12913, box 10/6

'considered inadvisable', presumably wishing to avoid involving Wells.⁶⁰ Furthermore, some months later, when the Yirrkala 'citizens' petitioned parliament, Hasluck cast doubt on the representativeness of the petition by questioning the authority of the signatories. He argued that as none of the signatories was over the age of 30 years 'one could not regard this petition as having been signed by twelve persons who were in a position to speak on behalf of the whole of the people of Yirrkala'.⁶¹ He neglected to acknowledge that the opportunity for literacy had only been provided since 1954 and that it was only the younger members of the community who were able to read and sign the document.⁶² He also failed to acknowledge that these twelve men represented the different clan and tribal groupings living at Yirrkala. It is difficult to imagine these two occurrences – citizens not being informed of a large scale mining venture on their doorstep, and a calling into question the validity of a petition to the Federal Parliament – taking place when those concerned were anyone but Indigenous Australians.

In his April 1963 speech in the House of Representatives Hasluck spoke about the transition 'to a full life in the general Australian community',

⁵⁹ P. Hasluck, 'The Welfare of the Aborigines of Gove Peninsula', statement by leave in the House of Representatives, April 9, 1963.

⁶⁰ Memo to Administrator, Darwin from Territories 30 January 1963. Series A 452, NT/1963/767, NAA, Canberra. Ted Egan explained that in defending Northern Territory officials, in the 'post-mortem' which followed the tabling of the Parliamentary Select Committee Report, the Administrator wrote: 'It must be appreciated that, having regard to this instruction, no visit could be made, as it would have been impossible to discuss developments with the Aborigines without either bringing the Mission authorities into the discussion, or without the Mission authorities knowing what was said to the Aborigines'. N.T. Administration file 63/2650/70, 27 November 1963, cited in E. J. Egan, unpublished essay, Uniting Church Archives, box 30761M, Aboriginal Affairs.

⁶¹ P. Hasluck, *Commonwealth Parliamentary Debates, House of Representatives*, 24th parliament, 1st session, 20 August 1963, p. 226-227.

⁶² Following this criticism the petition was represented with the thumb prints of clan representatives. Petition presented by Mr Calwell, *Commonwealth Parliamentary*

or what he often referred to as 'a single Australian community'.⁶³ Stan Davey would later argue that it was 'the height of racial arrogance to suggest that the only hope for Aborigines is that they become subject to the same customs, beliefs and hopes as European Australians'. Davey asked 'who, by the way, are European Australians? Geelong Grammar Anglo-Saxons or State School Maltese and Germans?', pointing to an existing cultural diversity which the policy ignored.⁶⁴ Hasluck did not publicly engage with such views. Instead he spoke of the needs of the Aboriginal community as two mutually exclusive categories: those of the older generation who 'shall not lose access to their totemic sites or spirit centres' and the younger generation who 'shall obtain the greatest possible benefit from any new opportunities of employment and training that may be created'. As Edgar Wells and the other missionaries knew the social reality was more complex than this.

In contrast to Hasluck's vision of a 'single Australian community' Kim Beazley envisaged a different future. 'We should now define,' he argued, 'so late in our history, what rights in land and property— when so much has been alienated— should be given to the Aborigines in areas where the Commonwealth has constitutional responsibility'.⁶⁵ The time had come 'to create an Aboriginal title to the land of the reserves of the Northern Territory', he told members of the House of Representatives. Beazley argued that the proclamation of large reserves for Aboriginal use meant nothing if,

Debates, House of Representatives, 24th parliament, 1st session, 28 August 1963, p. 561.

⁶³ P. Hasluck, 'The Welfare of the Aborigines of Gove Peninsula', statement by leave in the House of Representatives, April 9, 1963.

⁶⁴ S. Davey, 'The Arrogance of the Complete Assimilationist', *The N. T. News*, 29 November 1966,

⁶⁵ *Ibid.*, p. 5.

'systematically, when anything of any value is discovered in them, areas become excised from the Aboriginal reserves'.⁶⁶

Although this speech seems, with hindsight, to be significant, at the time it was not reported in *The Age*, *The Sydney Morning Herald* or other major daily newspapers. Interest in Aboriginal affairs in the early 1960s was limited to a small group of people, but with the help of a periodical, *On Aboriginal Affairs*, interested readers were informed of the views of Beazley, Rowley, Geddes and others. The editor, Ian Spalding, was in contact with Shirley Andrews and other FCAA executive members. This publication, which began in 1962, was distributed by Aboriginal Affairs, a group formed by six University of Melbourne graduates with the goals of facilitating 'exchanges of information among those concerned with Aboriginal welfare and advancement'.⁶⁷ The periodical was distributed to 'politicians, welfare bodies working with Aboriginal communities, teachers and education department heads, churches and significant individuals'.⁶⁸ In 1962 *Aboriginal Affairs* printed and distributed 12 000 copies of Bill Geddes' 'Maori and Aborigine' as an information paper, thus making it available to a far wider readership than just the anthropological community. In 1964 an abridged form of Rowley's 'Aborigines and Other Australians' was similarly disseminated and the group printed Beazley's 23rd May speech in full, adding 'we believe that Mr Beazley's speech, which was not reported by the daily press...is of

⁶⁶ K. Beazley, *Commonwealth Parliamentary Debates, House of Representatives*, 24th parliament, 1st session, pp 1795-1803, 23 May 1962, reproduced in *On Aboriginal Affairs*, no 8, May-June 1963, pp 4-6.

⁶⁷ *On Aboriginal Affairs*, no 2, April-May 1962, p. 1.

⁶⁸ Conversation with Ian Spalding, 4th July 2000. Spalding described this as a 'rational distribution list' explaining that the Aboriginal Affairs Committee decided who

outstanding significance.⁶⁹ In the March-April 1963 edition of this periodical arguments put by three reformist religious groups— the National Missionary Council, the Methodist Commission on Aboriginal Affairs and the Society of Friends— were synthesised by the editor.

The National Missionary Council (NMC) under the chairmanship the General Secretary, Frank Engel, rewrote its policy with regard to assimilation, in two leaflets which were released in June 1963. 'The Meaning of Assimilation' stated that Aboriginal people had rights 'as a responsible people', that 'assimilation of Aborigines into the life of the community must be subject to their consent' and that they must have the 'opportunity to participate freely in drawing up plans and executing policies which concern their welfare'.⁷⁰ 'Four Major Issues in Assimilation' identified land, language, law and political education as issues requiring 'urgent development'.⁷¹ More attention was paid in the leaflet to the first issue than the other three combined. 'It must never be forgotten', the leaflet stated, 'that, for the most part, Australia was taken from the Aborigines by force without payment or compensation, or recognition of their inherent title to the land'. On the basis of this understanding the National Missionary Council argued that a 'moral responsibility' rested upon 'the white people and their governments' to 'set right in some measure the wrong that was done'. Three ways to achieve this

should receive it. By April 1962 2 000 people and organisations were on the mailing list.

⁶⁹ See *On Aboriginal Affairs*, Information Paper no 1, April 1962; see *On Aboriginal Affairs*, no 6, Jan-Feb 1963 for circulation numbers of 'Maori and Aborigine'; C. D. Rowley, 'Aborigines and Other Australians', no 6, June 1964; K. Beazley, 'Land Issues Raised in the Parliament', *On Aboriginal Affairs*, no 8, May-June 1963.

⁷⁰ 'The Meaning of Assimilation', National Missionary Council of Australia, Sydney, June 1963

⁷¹ 'Four Major Issues in Assimilation', National Missionary Council of Australia, Sydney, June 1963.

were suggested. The first was to guarantee 'corporate freehold ownership of remaining reserves as the rightful heritage of certain tribes'. The second was for Federal and State governments to assist 'families, groups or tribes' to purchase land. The third was by the 'development of schemes of land settlement under Federal and State Governments, with appropriate agricultural training'.⁷²

These principles were endorsed the following month by the Methodist Commission on Aboriginal Affairs (MCAA), established in October 1962 to 'gather information on any aspect of Aboriginal affairs, study the issues involved and where needed make statements' to members of the Methodist Church and the wider community.⁷³ John Jago, a layman, at the suggestion of Arthur Ellemor, a much respected Methodist missionary, convened this Commission which affiliated with FCAA in 1962. In an article 'The Australian Aboriginal: Is Assimilation the Answer?' published in *The Spectator* in July the MCAA printed and endorsed the principles of the National Missionary Council and argued that the 1961 definition of assimilation accepted by all governments meant 'that the Aborigines must give up their way of life, their culture, their law, their language'.⁷⁴ Both the National Missionary Council and the Methodist Commission on Aboriginal Affairs held that if assimilation were to occur it had to be a voluntary process.

⁷² Ibid.

⁷³ J. Jago to Rev C. Gribble, General Secretary, Methodist Overseas Mission, 20 March 1963, Box 30761M 'Aboriginal Affairs', Uniting Church Archives, Elsternwick Melbourne. This Commission grew out of the earlier Committee on Part-Europeans of the Methodist Church, as its name suggests having a narrower concern than the 1962 Commission.

⁷⁴ 'The Australian Aboriginal: Is Assimilation the Answer?', *The Spectator*, 3rd July 1963, p. 10.

A third reformist religious group, the Friends Service Council of Australia (FSCA), was a small but committed group of Quaker representatives in all mainland states engaged either in welfare activities assisting individuals or in political activism seeking political reforms.⁷⁵ Barrie Pittock, convenor of the FSCA Seminar Committee organised a seminar in April 1963 on 'Aborigines'. Most of the discussion on this day concerned the issue of land but as well the seminar 'roundly condemned' the policy of assimilation 'in as much as it assumes our cultural superiority and invites or attempts to force others to conform to our patterns'.⁷⁶ Pittock was to become a key contributor in the debates over land entitlement.

Since membership of Abschol, when a student at Melbourne University in the late 1950s, Pittock had been questioning government approaches to the problems created in Aboriginal communities as a result of dispossession. A hitch-hiking tour of NSW Aboriginal settlements in 1958 'impressed him with the seriousness of Aboriginal poverty and white discrimination and apathy'.⁷⁷ In 1959, Pittock joined the Society of Friends, an organisation with a record of active opposition to slavery and racial discrimination, where his thinking about issues of race was further stimulated

⁷⁵ In the Society of Friends, as in other organisations a diversity of opinion existed regarding possible action in Aboriginal affairs. As discussed in chapter two many linked political action in Aboriginal affairs with the Communist Party of Australia. Within the Society of Friends the issue was brought up for discussion by Iris Schulz, a member of the South Australian AAL, who opposed working with the Federal Council because she believed its policies were driven by Communists engaged in propaganda against the Government. See Iris Schultz, 'Friends Role in Aboriginal Affairs', Quaker Service Council of Australia Seminar, 11-12 June 1966, Pittock personal papers.

⁷⁶ Friends Service Council of Australia, Report of Third Quaker Seminar: Aborigines, 20th April 1963, Melbourne.

⁷⁷ A. Barrie Pittock, 'About the author', *Toward A Multi-Racial Society*, the 1969 James Backhouse lecture, Religious Society of Friends (Quakers), Toorak, Melbourne, 1969; personal communication, 18 June 1994.

by readings from the United States and elsewhere. In 1963, as a Fulbright scholar, Pittock researched atmospheric ozone at the National Center for Atmospheric Research in Colorado, but he explained that he was drawn to Colorado not so much by the Atmospheric Research Center but because it was the home of D'Arcy McNickle, an American Indian sociologist and co-author of *Indians and Other Americans*.⁷⁸ During this year Pittock's thinking about policy regarding colonised peoples in societies such as the USA and Australia was deepened by discussions with D'Arcy McNickle and John Collier, former Commissioner for Indian Affairs in the Roosevelt administration and responsible for the American Indian New Deal. He maintained an active correspondence with Frank Engel and Ian Spalding on political developments with regard to Aboriginal Australians and returned to Australia questioning the basis of the assimilationist approach to Aboriginal advancement, the idea that absorption into the mainstream of Australian social and economic life was desirable for all. His energy, academic training and contacts with religious and student groups as well as Aboriginal affairs administrators and politicians put him in a good position to take up the Federal Council work on land.

These three groups – the National Missionary Council, led by Frank Engel, the Methodist Commission on Aboriginal Affairs, represented in FCAA by John Jago and the Society of Friends in which Barrie Pittock played an active part – despite their different religious traditions, were in agreement

⁷⁸ Pittock worked in atmospheric physics. He chose to go to Colorado because of his desire to meet Darcy McNickle. Personal communication, 18 June 1994.

as to the failure of the policy of assimilation and were exploring the question of rights to land.⁷⁹

As faith in the assimilationist doctrine of inclusion dissipated, the idea of an Aboriginal land tenure was being seriously debated in these three associations.⁸⁰ At the Quakers' April 1963 seminar land tenure was the main issue of debate. A statement of policy on land resulted in which notice was drawn to the complete lack of Aboriginal land tenure, the individualist approach to assimilation which effectively worked against the development of Aboriginal pressure groups and the moral and economic bases of arguments for land. Recommendations included a statement that trained personnel 'should be involved in making future plans with Aboriginal people, rather than for them', and that 'group self-determination must be encouraged and recognised'.⁸¹ Arthur Ellemor, writing in *The Spectator*, at about the same time reported that the Methodist General Conference had resolved to recommend to the Commonwealth Government that an Aboriginal Lands Commission be set up to provide:

⁷⁹ Articles critical of assimilationism in Aboriginal affairs policy continued to appear in religious journals, for example *The Advocate*, a periodical of the Catholic Church, 23 May 1963, and *Crux*, the journal of the Australian Student Christian Movement, June/July 1965; leftist publications such as *Outlook*, August 1962 and *Nation*, 7 October 1967, advancement organisations such as *Smoke Signals*, see S. Andrews, 'Assimilation- Economy Size', September 1964 and in the letters to the editor of daily newspapers: I. Spalding, *The Age*, 16 September 1964, W. Stanner, *Sydney Morning Herald*, 2 May 1964 and S. Davey, *Northern Territory News*, 29 November 1966.

⁸⁰ Arthur Ellemor, Ron Croxford and John Jago (Methodist Commission on Aboriginal Affairs), Barrie Pittock, Society of Friends) and Frank Engel (National Missionary Council and later the Australian Council of Churches) were the main contributors throughout the 1960s. See *The Spectator* for articles by the Methodists, *Towards A Multi-Racial Society*, the 1969 James Backhouse lecture by Barrie Pittock, *Turning Land into Hope*, the published address by Frank Engel to the 1968 FCAATSI annual conference as some examples of the many publications by these men on Aboriginal land rights. Australian Council of Churches submissions to Government, such as the submission on Aboriginal Land Rights to the Ministerial Committee on Aboriginal Affairs were in a significant part, the work of Frank Engel.

- (a) a program of training in regard to land tenure
- (b) a scheme for the vesting of land in Aboriginal control and ownership, or, where necessary the provision of just compensation for the alienation of tribal lands.⁸²

These public pronouncements, especially from the normally socially conservative Protestant churches which had earlier backed the Government's policy of assimilation, and many of whose members continued to do so, suggested a change which was mirrored in press coverage and debate within interested organisations. In Victoria, for example, the threatened closure of Lake Tyers resulted in a debate on the issue in the letters to the editor which ran for an unprecedented three weeks.⁸³ In *Yinjilli*, the FCAA news bulletin and those of its affiliates, *Smoke Signals*, *Newsletter* and *Fellowship News* as well as in the independent *On Aboriginal Affairs*, ideas were circulated about the land question. Ian Spalding summarised and commented on the debate during 1963 under the heading of 'Aboriginal Land Rights', identifying three points of view 'in this new interest in land rights'.

To some it is a key moral issue. It is felt that our attitude to Aboriginal land-holdings reflects upon the sincerity of any stand taken on vital issues such as restricted immigration, human rights, and the treatment of minorities. Others see it as the factor which will finally determine whether or not official welfare policies will be effective. To this school of thought dispossession is synonymous with disrespect. Their argument suggests that most people of Aboriginal inheritance will lack the personal confidence necessary to deal with the problems of adjustment forced upon them and that this condition will remain until land alienation without compensation has been pronounced as wrong, and has been reversed. The third group believes that all growing communities require land. They say that apart from being a source of emotional security, land is essential to independence, the fundamental asset for significant programmes of economic development. All this suggests that the Aboriginal land question has moral, emotional, and economic aspects which cannot lightly be disregarded.[emphasis in original]⁸⁴

⁸¹ Friends Service Council of Australia, Report of Third Quaker Seminar: Aborigines, 20th April 1963, Melbourne.

⁸² A. F. Ellemor, 'Landless-- In Their Own Land' *The Spectator*, 3rd July 1963, p. 11.

⁸³ Letters to the Editor, *The Age*, Melbourne, In the period 7 May to 30 May 1963 18 letters on the issue of the threatened closure of Lake Tyers were published.

⁸⁴ 'Aboriginal Land Rights', *On Aboriginal Affairs*, no 7, March-April 1963, p. 3. This is the earliest usage of the term 'Aboriginal land rights' which I have come across in the period under study.

This was the social and intellectual environment in which the Federal Council came to consider the interpretation of its fifth principle. Those individuals and organisations which had presented statements criticising the assimilation policy and presenting arguments for Indigenous rights to land agreed on a number of points. The rights of a people to their culture, including their language, as being necessary for the social health of the group was a major objection against the assimilation policy. An Indigenous right to land was seen as the corollary of recognizing the injustice of dispossession without compensation. The solution, proposed by Beazley, Rowley and the National Missionary Council, was for a title to land to be granted. At this stage in the debate the details of land tenure were not worked out, but there was a growing view that land would need to be secured for Aboriginal people.

I have written about these contributors to the debate because their ideas were circulated, in part through *On Aboriginal Affairs* and in part through the informal network which connected these thinkers. As a result of the views which these people aired, I would argue that an environment was created in which for twenty to thirty people— intellectuals, politicians, church people and members of the Federal Council, though the categories are not mutually exclusive— new possibilities could be pursued. These included the idea of an Aboriginal title to land and the idea of compensation for lands lost.⁸⁵ Through

⁸⁵ The following, though the list is not exhaustive, would be included in this number: Diane Barwick, Kim Beazley, Jeremy Beckett, Gordon Bryant, Manfred Cross, Davis Daniels, Stan Davey Don Dunstan, Arthur Ellemor, Frank Engel, Bill Geddes, John Jago, Jean Jimmy, Jim Keefe, Joe McGinness, Charles Perkins, Pauline Pickford, Barrie Pittock, Charles Rowley, Ian Spalding, Bill Stanner, Frank Stevens, Gordon Symons, Colin Tatz, Alex Vesper, Kath Walker, Edgar Wells. FCAA(TSI) annual conferences provided a common meeting place where the views of these people were expressed and debated

both formal and informal channels these views had a direct bearing on the Federal Council. John Jago was a member of the FCAA executive from 1963 to 1964. Barrie Pittock would join the Legislative Reform Committee on his return from the United States in 1965, and be responsible for launching the Land Rights Campaign three years later. Beazley was a member of the Labor Party's Aboriginal Affairs Committee and an early proponent of an Aboriginal land title. Frank Engel and Ian Spalding were in regular communication with Barrie Pittock and other members of the FCAA executive. And in 1968 Frank Engel's gave a powerful address on land rights which argued for compensation for lands taken at the FCAATSI annual conference.

The Federal Council and the land issue 1960-1967

How did the Federal Council executive respond to reports of threats to remove people from their traditional lands? Prior to 1963, while well-intentioned, action was sporadic and ineffective. At the 1960 conference, Alex Vesper, a dignified white-haired representative of the Bandjalang people from Woodenbong Reserve, spoke, Bible in hand as if invoking its moral authority, of his feelings for his lost land. Vesper rebuked himself for allowing the land at Kyogle to be taken away. He explained to delegates: 'I was responsible for that land'.⁸⁶ His emotional appeal resulted in a Federal Council resolution to petition State Governments demanding that reserves 'be granted unconditionally to the aboriginal residents, for communal or individual

⁸⁶ Cited in H. Goodall, *Invasion to Embassy*, p. 302. See also Jack Horner, FCAATSI Oral History Project.

development and that provisions for further suitable land be made available for their use as required'.⁸⁷

The good will of the executive in taking up this resolution foundered when faced with the different nature of reserves in the north and south of the continent.⁸⁸ The executive planned a three-month campaign to demand that specified Aboriginal settlements be granted unconditionally to Aboriginal residents.⁸⁹ Recognition of the inherent differences in the reserves in southern Australia for 'detribalised' people, and those in the north where culture and language had not been lost led executive members to argue that reserves for the latter group should be secured for the residents by an Act of Parliament.⁹⁰ With regard to reserves in the south they worried that the state governments might embarrass Aboriginal residents and their supporters by agreeing to hand over reserve land and at the same time withdrawing all assistance.⁹¹ I have not found any evidence that the proposed three-month campaign took place. It is likely that differences in state laws and the conceptual challenge of drawing up a petition which could be applied to all states showed up the impracticality of

⁸⁷ Resolutions of the 3rd annual conference on Aboriginal advancement, *Smoke Signals*, April 1960, p. 45.

⁸⁸ The notes on minutes of the 4 December 1960 executive meeting reports: 'Some difficulty was experienced in outlining suggested petition. (a) It was considered a different approach had to be taken to see that reserves established for tribal aborigines were "secured" for them, from that which would apply to detribalised people. For tribal aborigines it is suggested these reserves be set aside by Acts of Parliament to require the necessity of the passing of another Act and its consequent publicity for the alienation of any section of such declared reserves. For detribalised, the possibility of Government Aboriginal Authorities embarrassing both the aborigines and the organisations working with them by suggesting the immediate handing over of reserves which are invariably inadequate to provide a livelihood for present residents and withdrawing any further assistance the petition seeks the transfer to be made within ten years. (b) Paragraphs on tribal aborigines would not be applicable in Victoria or New South Wales.' Council for Aboriginal Rights, MS 12913, box 10/4, SLV.

⁸⁹ Resolutions of the 3rd annual conference on Aboriginal advancement, *Smoke Signals*, April 1960, p. 45.

⁹⁰ Memo [nd, but November 1960], CAR, MS 12913, box 10/4.

this plan. The following year, further well-meaning resolutions were passed to little effect.⁹²

At the 1963 Easter conference delegates heard of two moves against Aboriginal reserve lands: one at Mapoon in far north Queensland; the other at Yirrkala on the Gove Peninsula in the Northern Territory. In both places finds of rich deposits of bauxite on Aboriginal reserve lands resulted in negotiations between governments and mining interests.

In 1958 Comalco was granted an 84-year lease over 2 270 square miles (5 800 square kilometres) of land which had been 'officially reserved since the nineteenth century for the Aborigines of Mapoon, Aurukun and Weipa'.⁹³ Research by Roslyn Kidd into Queensland Department of Native Affairs files has uncovered a deliberate government policy of allowing Mapoon Mission to run down so that the Queensland government could argue that conditions were 'deplorable' and that mission stations had 'failed miserably'.⁹⁴ With the passage of the Commonwealth Aluminium Corporation Pty Limited Agreement Bill she reports that 'both missions [Weipa and Mapoon] were swallowed by the mining lease'. The 'total bonanza to the state' from the deal

⁹¹ Minutes of executive meeting, 4 December 1960, CAR, MS 12913, box 10/4, SLV

⁹² The 1961 Easter conference in Brisbane moved that 'existing reserves should be granted to the Aboriginal residents; that residence on the reserves be voluntary; that the present restrictive regulations be repealed; and that the management of the reserves be by an elected committee of the Aboriginal residents of the reserve' The 4th National Conference on Aboriginal Advancement: Resolutions Arising from the Conference, University of Queensland, Easter 1961, CPA (Qld.) box 7, UQFL 234, Fryer Library, University of Queensland. As with the resolutions the year before there was no evidence of follow-up actions though plans to develop a standing committee on tribal reserves suggest that the executive recognised that the time had come to do more than pass resolutions. Mr Strehlow and Dr Duguid had been approached to develop a standing committee but had declined. The meeting resolved to invite Reverend Wells to take on the position. The evidence suggests that he also declined. Minutes of executive meeting 1st September 1961, CAR, MS 12913, box 10/4

⁹³ R. Kidd, *The Way We Civilize*, UQP, St Lucia, 1997, p 204.

with Comalco, Kidd reports, 'was estimated by Minister Henry Noble at around £250 000 000'.⁹⁵ Little wonder that deputy director, Patrick Killoran, argued for mass relocation from Mapoon to Bamaga. Some residents of Mapoon, however, did not want to leave their homes. Killoran used economic inducement, strategies to divide the community, intimidation, the bypassing of Mission authorities in favour of the General Secretary of the Board of Missions, and finally force to move residents.⁹⁶ Director O'Leary argued that large deposits of valuable minerals which might exist on Aboriginal reserves 'cannot be held by the Mission against development in the interests of the State'.⁹⁷

The Cairns Aboriginal and Torres Strait Islander Advancement

League initially took responsibility for publicising these events and in 1963 Queensland State Secretary, Kath Walker reported to the Federal Council on the Mapoon situation.⁹⁸ She told delegates that Mapoon residents had been 'granted exemption from the Acts (against their will)', which meant the Queensland Government could avoid responsibility to provide food or shelter for them. She told of threats to use police to move those residents remaining at Mapoon. The Cairns League asked for resident 'ownership of and control over all the existing centres of Aboriginal and Torres Strait Islander settlement' and the Federal Council reaffirmed this request. Publicity about land alienation, deputations, protests and telegrams to the Queensland Governments were the

⁹⁴ Ibid., p. 217.

⁹⁵ Ibid., p. 206.

⁹⁶ See Kidd, chapter 7, 'Besieged' *The Way We Civilise* for a detailed account of the state-led machinations employed to forcibly close down Mapoon mission.

⁹⁷ Ibid., p. 207.

⁹⁸ Aboriginal and Torres Strait Islander Advancement League, Cairns, 'They Have Made Our Rights Wrong', 6 November, 1962.

recommended forms of action.⁹⁹ The Cairns League urged 'public outcry to halt dispossession of Mapoon people'.¹⁰⁰ The public outcry, however, apparently wasn't strong enough. Stan Davey confessed at the 1964 annual conference that 'none of our efforts have been effective in preventing the forced abandonment of Mapoon settlement'.¹⁰¹ On 15 November 1963 the remaining Mapoon residents were forcibly moved to Bamaga despite earlier undertaking from the Department of Native Affairs that they would not be moved against their will.¹⁰²

Action in the Northern Territory, where the Federal Government was the adversary, was more successful. The Federal Conference suggested two responses. Delegates were requested to send telegrams to the Minister for Territories, Paul Hasluck, presenting the view that 'Aborigines on proclaimed Reserves should have an inalienable right to land tenure which may not be superseded by any mineral rights' and that the Aboriginal people at Yirrkala had a 'basic human right to be consulted in the use of the land in their area and not to be informed afterwards of decisions made in their absence without their consent'.¹⁰³ The Conference also agreed that the reactions of the Yirrkala people to the proposed mining venture should be sought and suggested that Vice-President, Gordon Bryant be requested to interview the people.¹⁰⁴ As described earlier Bryant and Beazley visited Yirrkala in July. A petition was

⁹⁹ Resolution of the 6th annual general meeting of the Federal Council for Aboriginal Advancement, 12-14 April 1963, CAR, MS 12913, box 10/6, SLV.

¹⁰⁰ Aboriginal and Torres Strait Islander Advancement League, 'They Have Made Our Rights Wrong', 6 November 1962.

¹⁰¹ S. Davey, Supplementary reports for the 7th annual conference, 1964, CAR, MS 12913, box 10/6, SLV.

¹⁰² Federal Council for Aboriginal Advancement, 'Cape York Aborigines Exiled by Police', 9 December 1963, CAR, MS 12913, box 10/1, SLV.

¹⁰³ Resolutions of the 6th annual general meeting, 12-14 April 1963, CAR, MS 12913, box 10/6, SLV.

received from the people in Federal Parliament in August with the result that a Select Committee to 'inquire into the grievances' of the petitioners was established. In October the seven-member Committee visited Yirrkala Mission and spoke to eight Aboriginal residents, missionaries and Department of Welfare employees. The report which followed made eleven recommendations which can be divided into three categories: to safeguard sacred places; to safeguard and improve conditions for residents living at Yirrkala; and 'that compensation for loss of traditional occupancy be made by way of land grant... capital grant... monetary compensation'.¹⁰⁵ The Committee agreed with Reverend Ellemor, Victorian State Secretary of the Methodist Overseas Mission, that the bauxite development on the Gove Peninsula posed 'a challenge to the whole policy of assimilation' a challenge which would include possible losses to Aboriginal people and adjustments. The Committee accepted this challenge and recommended that 'for the next ten years there shall be a Standing Committee of the House of Representatives to examine, from time to time, the conditions of the Yirrkala people and the carrying out of this Committee's recommendations'.¹⁰⁶

By Easter 1964 action on what was now described as 'the right to land ownership' and 'land rights' was reported in three states but it was in the Northern Territory that the case for an Aboriginal title to land appeared to have some chance. From Victoria, representatives from Lake Tyers reiterated

¹⁰⁴

Ibid.

¹⁰⁵

R. L. Dean, Chairman, *Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve*, part I—Report and Minutes of Proceedings, Commonwealth Government, Canberra, 29 October 1963.

¹⁰⁶

Ibid..

their demand to be allowed to remain on the Reserve.¹⁰⁷ A 'Save Lake Tyers' Committee had been formed and petitions, a march through Melbourne, and deputations to Parliament pressed for the maintenance of Lake Tyers as an Aboriginal Reserve. At Cummeragunja, on the New South Wales side of the Murray River, the VAAL was leading a campaign to enable Aboriginal residents to lay a claim to 1700 acres which were leased to local farmers.¹⁰⁸ Together with the NSW Aboriginal-Australian Fellowship they represented the residents on Cummeragunga Reserve in asking the New South Wales Aborigines Welfare Board to give residents title to their homes on the Reserve.¹⁰⁹ In Queensland the Department of Native Affairs continued to relocate mission residents in the interests of mining developments. Jean Jimmy, from Mapoon, provided a first hand account of the forced removal of those opposing the eviction to delegates at the 1964 FCAA Easter Conference. Pauline Pickford from the Victorian Council for Aboriginal Rights found it 'very sobering, and deeply disturbing to hear at first hand of this terrible tragedy, from a most capable, dignified Aboriginal woman'.¹¹⁰

In the Northern Territory, however, the situation was somewhat different. In recommending that 'compensation for loss of traditional occupancy' should be made by way of land, a capital grant or monetary compensation the Select Committee had acknowledged a right to these

¹⁰⁷ P. Pickford, 'Summary of the 7th annual conference of the Federal Council for Aboriginal Advancement', 13 April 1964, CAR, MS 12913, box 10/6.

¹⁰⁸ While under NSW control, many former Cummeragunga residents lived in Victoria and were actively involved in the campaign to return the 1700 acres to its traditional owners. In 1960 the Land Committee, AAL Kew branch, launched this campaign. Doug Nicholls with Kevin Atkinson and Colin Walker had been negotiating with the NSW Chief Secretary. See VAAL, *Victims or Victors?*, Hyland House, South Yarra, 1985, pp 62-64.

¹⁰⁹ F. Bandler, NSW state secretary's report, Easter 1964, CAR, MS 12913, box 10/4, SLV.

traditional lands in a way that had not happened anywhere else.¹¹¹ Reverend Edgar Wells, the outspoken Superintendent who had been transferred away from Yirrkala following his advocacy on behalf of Mission residents, told delegates that this recommendation was of 'very great significance as it implies a type of occupational Land Right'. He suggested that the time was 'politically right to seek "Title in perpetuity" which', he argued, 'was what most Australian people understood to be inherent in the purpose of the making of the Arnhem Land Reserve'.¹¹²

Unlike the Wages and Employment Committee which had coordinated campaigns for wages and social service benefits so efficiently the Land and Reserves Committee never seemed in control of its task. In 1963 Stan Davey developed a Melbourne-based committee with Gordon Bryant, Jim Davidson from VAAL and John Jago from the Methodist Commission on Aboriginal Affairs. Other representatives were Don Dunstan from South Australia and Joe McGinness and Kathie Cochrane from Queensland but I have no evidence that the committee met.¹¹³ Davey worked on publicising the Yirrkala issue.¹¹⁴ In 1964 the Land and Reserves Committee resolved to 'explore ways of establishing an Aboriginal title to all remaining reservations in each State and Territory', but it seems that this resolution was not acted

¹¹⁰ Pickford, 'Summary of the 7th annual conference', CAR, MS 12913, box 10/6, SLV.

¹¹¹ R. L. Dean, *Recommendations, Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, Part 1 - Report and Minutes of Proceedings*.

¹¹² E. Wells, 'General report on the findings of the Select Committee held at Yirrkala, Arnhem Land, CAR, MS 12913, box 10/6, SLV.

¹¹³ The 1965 Land and Reserves Committee Report stated that 'no committee meetings, not campaigns on a national scale have been held'. CAR, MS 12913, box 10/7, SLV.

¹¹⁴ S. Davey, 'Yirrkala- N. T. Mineral Leases- Court Action', 28 August 1963. This newsletter alerted people to the revoking of 140 square miles of Arnhem Land, the

upon during the following year.¹¹⁵ The 1964 convener, Ray Adams, resigned as he was 'a prime mover for the Cumnera project' and was presumably putting all of his energies into that work.¹¹⁶ Davey, already overworked as the General Secretary of FCAA and Secretary of the VAAL, took responsibility for the committee again. In 1965 John Keats accepted the convener's job, but he too resigned 'due to pressure of taking over a new position at the University'. Doris Blackburn took over but no report was lodged at the 1967 annual meeting.

Apart from the work of Stan Davey supporting actions at Cummeragunga, Lake Tyers, Yirrkala and later at Wattie Creek, this committee seemed fairly ineffectual in the necessary rethinking required if the issue of Aboriginal rights to land was to be substantially based. This failure may give some clues to the challenges posed by the land issue. Firstly, the resignation of Aboriginal member, Ray Adams, so that he could concentrate on the campaign to gain some form of tenure at Cummeragunga indicates the understandable priority for Indigenous people at this time to fight for their own land, rather than for a broader principle. Secondly, compared, for example to the Equal Wages Committee which could draw on an established union power base, no similar power base existed for those working on the

¹¹⁵ lease signed by the Minister for Territories granting Gove Bauxite Corporation Limited a lease of bauxite deposits on the Gove Peninsula. It included a letter to Gordon Bryant signed by representatives of the people asking for his intercession Annual Report of the Aboriginal Reserves Committee, Reports and Resolutions of the 7th annual conference of the Federal Council for Aboriginal Advancement, Canberra, 27-29 March 1964, CAR, MS 12913, box 10/6, SLV.

¹¹⁶ 'Mr Adams, who was elected convener of the Land and Reserves Committee last Conference, is one of the prime movers in the negotiations and fund raising for the Cumnera project so that his resignation from this position to enable him to concentrate on the above issues can be fully appreciated.' S. Davey, Land and Reserves Report, Reports and Resolutions of the 8th Conference on Aboriginal Affairs, 1965, CAR, MS 12913, box 10/7, SLV.

Land and Reserves Committee. Thirdly, rights to land, even when Aboriginal reserve land, threatened fundamental assumptions about the rights of the colonising power over the dispossessed which could be seen as potentially destabilising for the nation in its assumed right to pursue resource development in the interests of national wealth. Fourthly, a consideration of an Indigenous right to land required radical thinking about the conflicting rights of two groups of people, thinking which led to questioning the moral basis of the Australian state. The Federal Council's fifth principle, which until 1967 referred to 'native reserves' was in a category of its own, outside the civil rights paradigm within which the other four principles made sense. When the Federal Council did become active in pursuit of its fifth principle it would be the Legislative Reform Committee, not the Land and Reserves Committee, which would assume responsibility.

At the 1965 annual conference the issue of a right to land and compensation for land lost dominated proceedings. On Good Friday evening a Key Issue Discussion on 'The Place of Indigenous Populations in Australia' began with an address by Dr Barrie Pittock. Pittock, recently returned from the United States of America, considered the Australian situation within the broader historical context of colonialism and considered the legal principles developed to recognise the rights of those dispossessed as a result of colonialism. This added a new dimension to the debate, linking the Australian situation to those in other parts of the colonised world. He began by tracing US law with regard to the rights to land of the indigenous populations back to a sixteenth century Spanish theologian who argued for the proposition that property rights of the original inhabitants of Central and South America

should be respected. This principle, Pittock explained, was incorporated into Spanish law in 1594 and the same principle— 'that the original occupiers did have rights— was incorporated in U. S. law in 1787'.¹¹⁷ Pittock then demonstrated the value of such laws, telling his attentive audience that by 1945 up to \$800 million had been paid to Indians as compensation for land which the American Claims Commission had established as not having been lawfully acquired. He observed: 'Here in Australia we haven't even got to the point where one single piece of land has been declared to be the property of the original owners and occupiers of this country'.¹¹⁸ He provided, as an example of what might be achievable for Aboriginal people, information about the Navajo who had title to a 25 000 square mile reserve, about the size of Arnhem Land, and the right to make their own laws and develop the resources of the land. Royalties from oil and uranium had allowed them to develop a timber milling industry and set up a fund for the education of their young people. Pittock stressed that such decisions were made by the Navajo people themselves. Relating this to the Australian situation he argued that title to reservations would provide something for Aboriginal people to start with so that 'progress comes on the terms that they want, rather than progress on the terms of whites'.¹¹⁹

The next morning Aboriginal delegates told the Land and Reserves session of a motion concerning ownership of Crown Land which had been

¹¹⁷ A. B. Pittock, 'The place of indigenous populations in Australia', 16 April 1965, 'Key Issues Discussion', OH417/3, J. D. Somerville Oral History Collection, Mortlock Library of South Australia.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

passed by the Aboriginal and Torres Strait Islander meeting which preceded the Conference. They moved that:

This Council requests that the respective Australian Government and/or Governments return to the Aboriginal people all that Crown Land now not serving any particular purpose and sufficient for the reasonable welfare and development of the Aboriginal people and that in addition the respective Government and/or Governments pay to the Aboriginal people a just price for the land already taken there from. This just price could be assessed at not less than 150 million pounds to be paid over a nine year period and to be paid to nominees of the Aboriginal people for the advancement and welfare of the Aboriginal people and that in the event of the said Government and/or Governments refusing our request this Council should take such legal and/or constitutional steps to achieve these objectives.¹²⁰

This motion and differing views on the political wisdom of it shaped the discussion for the rest of the session¹²¹ Political strategy collided with other heartfelt arguments put especially by Aboriginal speakers expressing a sense of anger and grievance as they spoke of being robbed of their land. Jim Davidson a member of the Victorian Aborigines Advancement League who was in contact with Aboriginal artists in Arnhem Land, argued that ownership of land would lead to an increase in a pride in being Aboriginal, a necessary attribute if a people were to gain control of their lives.¹²² Following a lively debate about how much compensation should be asked for, how long should be given for it to be paid and whether this motion was the most effective strategy at this stage, Barrie Pittock reminded people that firstly 'the principle of Aboriginal land' needed to be established and accepted.¹²³

¹²⁰ Reports and Resolutions of the 8th Annual Conference on Aboriginal Affairs, 16-18 April 1965, Canberra, Council for Aboriginal Rights, MS 12913, box 10/7, SLV.

¹²¹ Ibid.

¹²² Audiotape of Land and Reserves Session 17 April 1965, OH417/4, J. D. Somerville Oral History Collection, Mortlock Library of South Australia, Adelaide. I have been able to identify speakers with the help of notes taken at the 1965 meeting by Vivienne Abraham, who attended as a representative of the Women's International League of Peace and Freedom. Vivienne Abraham papers, MS 6222, box 3, Mitchell Library, Sydney.

¹²³ Ibid. It went on to detail land tax, mortgages, mineral rights and possible trusteeship provisions. The appropriate form of distribution of compensation, royalties or other incomes relating to Aboriginal land title and the most beneficial way for Aboriginal

Within the Division of Mission of the Australian Council of Churches (ACC) and the Aboriginal Affairs Committee of the Victorian Council of Churches (VCC), of which Pittock was a member, work on the development of a case for the right of Indigenous Australians to land continued.¹²⁴ It was based on moral, psychological and economic considerations and, as a corollary, rejected some of the central precepts of the assimilation policy which the Federal Government still espoused. In May 1965 the Victorian Council of Churches held a consultation on Aboriginal affairs. This was attended by representatives from all the mainstream Christian churches (with the exception of the Catholic Church), and representatives from Victorian Aboriginal communities, the Victorian Government, voluntary agencies, universities and consultants with a special interest in Aboriginal affairs.¹²⁵ Pittock argued at this gathering that land was a 'key issue', important 'primarily because most Aborigines think and feel it is important'. He considered the topic under the headings of 'justice and international law, continuity with the past and the need of capital' presenting both moral and economic arguments for an Aboriginal title to land.

Earlier in the year Frank Engel had presented a paper on 'The Land Rights of Aborigines' to the annual meeting of the Australian Council of

¹²⁴ groups of channelling such incomes were also mentioned, suggesting that a more serious and detailed consideration of this question may be forthcoming. Arthur Ellemor, Chairman Methodist Commission on Aboriginal Affairs, 'Outline of Yirrkala Land Rights Case, to October 1969', 2 October 1969, Pittock personal papers.

¹²⁵ Aboriginal representatives from the main Victorian regions with Aboriginal communities participated, and Doug Nicholls, Stuart Murray, Mr L Lovett and Mr H. Clark and other representatives had an opportunity to consult with Arthur Ellemor, Colin Tatz, Barrie Pittock and other speakers. Victorian Council of Churches, 'Consultation on Aboriginal Affairs', 1st May 1965, Box 3076 1M, 'Aboriginal Affairs, Uniting Church Archives, Elsternwick.

Churches. Engel wrote of the 'open-handed plunder' which characterised the acquisition of land in Australia where 'no fences and no gamekeepers spelt no ownership' and possession was nine-tenths of the law.¹²⁶ Engel's view, a view shared by others who were seriously considering the land issue was summarised by his concluding statement:

If the Australian people and governments were to take seriously these two matters of title to land and land compensation and were to act constructively and generously in relation to them, there could be a radical transformation in the relation between the two races and a birth of self-confidence among the Aborigines themselves. But to do that, and so open a door of hope into the future, we must abandon forever the dream and myth of a continent peopled by one homogeneous people bound together by one colour of skin and a single way of life.¹²⁷

This went to the heart of the relationship between the assimilationist philosophy with its view of Australia as a 'single Australian community' and the government's policy with the regard to land. In European society, land had an economic value. Hasluck had acknowledged the spiritual significance of land in traditional Aboriginal society but held that traditional understandings were not being transmitted to the younger generation. The reasons for Aboriginal reserves— for hunting and religious purposes— were being supplanted as the missions' task in the Northern Territory became to prepare residents for citizenship and 'the Australian way of life'. The assimilation philosophy, which claimed that the problems of Aboriginal people were 'social, not racial', and argued that they should have the same rights and responsibilities as other Australians were rejected by Engel who, in his 1965 speech, acknowledged difference as the basis for a right to land.

¹²⁶ F. Engel, 'The Land Rights of Australian Aborigines', 1965, Barrie Pittock personal papers
¹²⁷ Ibid.

Federal Council ideas and actions with regard to land disputes were, until 1967, about land which had been designated as Aboriginal reserve land but by mid 1967 this boundary was broken. In April 1967 the Wave Hill stoppage, which had not initially been endorsed by the North Australian Workers Union (NAWU), took an unexpected turn when Gurindji strikers who had been camped at the Wave Hill Welfare Settlement decided to shift their camp to Wattie Creek. The Gurindji had gone on strike at Wave Hill station in August 1966 following an earlier strike by Aboriginal pastoral workers at Newcastle Waters in April. As described in the previous chapter, these strikes were in response to the Arbitration and Conciliation Commission's ruling that employers were not required to implement the equal wages decision until December 1968. Pincher Manguari, one of the leaders of the Wave Hill stoppage, told Frank Hardy, the well-known Communist writer who had been assisting them with the strike, that 'This bin Gurindji country', referring to their new camp at Wattie Creek.¹²⁸ In Australian law, however, they were illegally occupying land leased to the Vestey family, a group of private companies controlled by the English Vestey family, the biggest leaseholders in the Northern Territory.¹²⁹ Wattie Creek, or Daguragu its original name, was chosen because it was near several important Gurindji sacred sites and had a permanent source of water. Around Easter 1967 Frank Hardy composed, on behalf of Vincent Lingiari, Pincher Manguari and others at Wattie Creek, a petition to the Governor General which began:

¹²⁸ F. Hardy, *The Unlucky Australians*, Nelson, 1968; this edition Pan Books, London, p. 140

¹²⁹ Ibid., p. 220; P. D'Abbs, *The Vestey Story*, Australasian Meat Industry Employees' Union (Victorian Branch), Collingwood, n.d. but most likely 1969 or 1970, pp 6-15

We, the leaders of the Gurindji people, write to you about our earnest desire to regain tenure of our tribal lands in the Wave Hill-Limbunya area of the Northern Territory, of which we were dispossessed in time past.¹³⁰

They requested a lease of 500 square miles to be run cooperatively as a mining lease and cattle station.¹³¹ This request, concerning leased rather than Crown land, added another dimension to the land question.

In August, the Federal Council wrote to the Prime Minister supporting the petition by the Gurindji for a return of their tribal lands and a September press statement pledged support this time couched, not in the language of industrial dispute, but in the language of rights to their lands. FCAATSI promised support for 'the possible legal action to establish their rights to their traditional lands and sacred places'.¹³² The argument had changed from one inside boundaries laid out by the Arbitration and Conciliation Commission and designed to ensure justice in the Australian workplace to one without precedent in Australia. Their petition simply stated 'we feel that morally the land is ours and should be returned to us'.¹³³ More importantly the debate about Indigenous rights to land was no longer limited to Aboriginal reserves.

The Federal Council recognised this broadening of the issue of land ownership in its amended principles presented and accepted at the 1967 annual general meeting. The revised fifth principle read: 'Australian Aborigines and Torres Strait Islanders should be guaranteed ownership rights, collective or

¹³⁰ Gurindji petition to Lord Casey, Governor General, 19 April 1967, in Attwood and Markus, *The Struggle for Aboriginal Rights*, pp 223-225.

¹³¹ Ibid.

¹³² Minutes of FCAATSI executive meeting, 23-24 September 1967, Pittock personal papers.

¹³³ Gurindji Petition to Lord Casey, Governor General, 19 April 1967, in Attwood and Markus, *Struggle for Aboriginal Rights*, p. 226.

individual, over the lands they traditionally occupy'.¹³⁴ The meaning of 'traditionally occupy' was still to be established but this new phrasing showed a recognition that more than 'native reserves' was being considered by those Indigenous and non-Indigenous people thinking about this question. The rephrased principle meant that support for the Gurindji group who had walked to Wattie Creek and asked for land was within FCAATSI's charter.

National Land Rights Campaign, 1968

The 1968 FCAATSI national land rights campaign was timely as an instrument of public education. Prior to the 1968 Easter conference Barrie Pittock tested out the idea of running a campaign on land rights on some members of the executive, 'subject of course to the views expressed at the Easter conference, particularly in the session for Aborigines and Islanders'.¹³⁵ The Aboriginal and Island session on Good Friday discussed the question of land rights at length and called on the Federal Council to 'launch a national campaign including publicity, meetings, pamphlets and petitions to urge the granting of Land Rights to Aborigines and Torres Strait Islanders'.¹³⁶

A sense of optimism prevailed as the 1968 Easter conference was opened officially on Friday evening by Dr H. C. Coombs, chairman of the new

¹³⁴ Constitution of the Federal Council for Advancement of Aborigines and Torres Strait Islanders, amended April 1967, Pittock personal papers. The other principles were: 'Australian Aborigines and Torres Strait Islanders should be- i) recognised as distinct cultural groups; ii) subject to the same rights, privileges and responsibilities as other Australians; iii) guaranteed the right to retain, as they wish, their own customs, languages and institutions; iv) enabled to share in the formulation of any programmes designed to change the existing structure or status of their communities; v) guaranteed ownership rights, collective or individual, over the lands they traditionally occupy; and vi) entitled as dispossessed and under-privileged groups, to special assistance in promoting their economic, social and educational development.

¹³⁵ Pittock to Bandler, 30 March 1968; Smith to Pittock 4 April 1968, Pittock personal papers.

Commonwealth Council for Aboriginal Affairs. While he did not refer directly to the issue of land he told delegates that the Council was advising the Government 'to strengthen the sense of Aboriginal Australians as a distinctive group'.¹³⁷ This was the first annual meeting since the landslide 'yes' vote at the referendum in May 1967 in support of the Commonwealth taking a more active role in Aboriginal affairs. After an unimpressively slow start the Federal Government now included a Minister-in-charge of Aboriginal Affairs, Mr W. C. Wentworth and the three man Council for Aboriginal Affairs, headed by the well-known and respected Governor of the Reserve Bank, Dr Coombs. Both Coombs and Wentworth were present at this gathering and available for questioning. Their discussion with delegates became the subject of a television documentary which went to air in late April, bringing to the general public Aboriginal accusations of injustice and exploitation levelled at the Queensland Government, the Victorian Government, the Vestey Pastoral Company and Japanese pearl interests in the Torres Strait.¹³⁸ President Joe McGinness told the conference 'You can't have a people without land' reminding them that this 'still has to be repeated, explained, and hammered home with all its implications'.¹³⁹ McGinness applauded the South Australian 1966 Aboriginal Lands Trust Act and criticised the Northern Territory Lands Bill which allowed transfer of a lease to non-Aborigines after seven years, thereby

¹³⁶ Federal Council for the Advancement of Aborigines and Torres Strait Islanders, Report of the Aboriginal and Islander Session, April 1968, Pittock personal papers.

¹³⁷ H. C. Coombs, Official opening, 11th annual conference, FCAATSI, 12 April 1968, FCAATSI papers, RS 2471, AIATSIS, Canberra.

¹³⁸ 'No Longer "Silent Sufferers": Natives Speak Out, *Sun*, Sydney, 24 April 1968.

¹³⁹ J. McGinness, Presidential Report, Easter 1968, Federal Council for the Advancement of Aborigines and Torres Strait Islanders, CAR, MS 12913, box 10/8, SLV

permitting Aboriginal Reserve Land to be alienated from Aboriginal people.¹⁴⁰ He was critical of the Federal Government's attitude to the Gurindji application 'for ownership of a tiny portion of their tribal land'. He complimented the new Minister for his statement that 'the first requisite of a successful policy for Aboriginals is to restore their self-confidence'.¹⁴¹ McGinness remarked, as well, on the statement by thirteen Australian mission bodies advocating 'land ownership, upgrading of tribal or village councils to status of local authorities, and rights of Aborigines to autonomy as a group'.¹⁴² There seemed to be some grounds for optimism.

The presentation by Frank Engel developed two lines of argument. Firstly, he established that Australian colonies, despite the differing circumstances of their beginnings, categorised the land as 'waste purely from a European point of view' and thus, in the case for example of South Australia, according to the Act of Parliament which empowered George IV to establish it as a British Province, 'fit for colonisation'.¹⁴³ As he observed, prospective

¹⁴⁰ This legislation was strongly opposed by the Federal Council. See 'Northern Territory Lands Bill, a supplement of *Rights and Advancement*, May-June 1967. There were three main objections. The bill would set up an Aboriginal Reserves Land Board consisting of three Administration officers (who would be non-Aboriginal in the foreseeable future and four Aboriginal members who would be appointed by the Administrator in Council. There was no provision for elected Aboriginal representatives. The second objection was that after seven years the Administrator, on the recommendation of the Board, could approve the transfer of a lease to non-Aborigines. A third objection was that the bill would enable Aboriginal people to pay rent for their own land. Pittock made a submission to the Northern Territory Sessional Committee on Integration on behalf of the Federal Council in which he argued for amendments to this bill, CAR, MS 12913, SLV.

¹⁴¹ Cited by McGinness, Presidential Report, Proceedings of the 11th Annual Conference FCAATSI, Canberra 12th-14th April 1968, FCAATSI papers, RS 24/1, ALATSIS, Canberra.

¹⁴² Ibid.

¹⁴³ 'An Act to empower His Majesty to erect South Australia into a British Province or Provinces and to provide for the Colonization and Government thereof, Anno Quarto et Quinto, Guliemi IV Regis, Cap XVC, 15th August 1934. Called the South Australian Act', cited by Engel, *Turning Land into Hope*, 1968, p. 4.

colonists were quite aware that Aborigines occupied it.¹⁴⁴ Secondly he argued that 'we are...at a moment of historic change when established policies must give way to new emergent facts and forces'. Engel demonstrated that the policy of assimilation in effect often meant the absorption 'of the one racial community into the other'.¹⁴⁵ He asked why Australians shut their eyes to a growth of 'Aboriginality'? A healthy community, Engel reminded his audience, 'needs its past, the sense of identity with its forebears and traditions, just as much as it needs the experience of the present and the aspirations of the future'.¹⁴⁶ He concluded by arguing that it was time to take the kind of action which the National Missionary Council of Australia and the Australian Council of Churches had been engaged in— to set up a national trust fund for Aborigines— because the people of Australia by their referendum vote had shown that they wished to make a major effort on behalf of Aborigines, and in doing so have 'placed a substantial initiative in the hands of the Federal Government'. He considered that the South Australian parliament had shown the way to 'set right a moral obligation'. Aboriginal people were asserting their identity, and it was not yet too late, Engel argued, 'as it may be in the United States, to establish sound relationships between the races'.¹⁴⁷ The conference endorsed the notion of a land rights campaign and after the tension and idealism, the emotion and the challenge of the 1968 Easter Conference, a committee was formed to begin the planning for a national campaign.

¹⁴⁴ Engel, *Turning Land into Hope*, address delivered at 1968 annual FCAATSI conference, published jointly by AAC, Abschol and FCAATSI, 1968.

¹⁴⁵ Engel citing the third report of the Standing Committee on Integration, Northern Territory, *Turning Land into Hope*, p. 12.

¹⁴⁶ Engel quoting K. LePage in *Aborigines in the Community*, Australian Frontier Consultation Report, Adelaide 1966, pp 14, 15.

¹⁴⁷ Engel, *Turning Land into Hope*, p. 15.

How would a campaign be waged? Unlike the 'vote yes' campaign of the previous year, the arguments for which were well understood by Federal Council executive, there is little evidence of executive consensus regarding the case which would need to be put for land rights. Pittock was initially reluctant to take responsibility but he agreed to produce the documentary material needed to underpin this campaign¹⁴⁸. Through April and May he drafted a petition and circulated it for critical comment; he composed six 'fact sheets' to provide accurate information and arguments to assist speakers; and designed a leaflet to advertise and explain the Aboriginal Land Rights campaign.¹⁴⁹ A campaign committee comprising Victorian members of Abschol, the Aborigines' Advancement League and FCAATSI was formed.¹⁵⁰ Plans were developed to train speakers, lobby parliamentarians, distribute the petition to all states, publicise the campaign, and keep a regular stream of letters to the editor of metropolitan dailies attacking the arguments which opposed land rights put by the pastoralists' lobby and establish state-based committees. Reverend Frank Engel's *Turning Land Into Hope* was published jointly by the

¹⁴⁸ Pittock to Flower, 3 May 1968, FCAATSI papers, MS 2999, Y600, folder P, Mitchell Library, Sydney.

¹⁴⁹ Ian Spalding, editor of *On Aboriginal Affairs*, and a barrister provided commentary on the form of the petition. The 'fact sheets' provided in a fairly succinct form (each was between one and three pages in length) information under the following headings: 'Aboriginal population growth, health and poverty'; 'International standards and precedents'; 'Making Use of Aboriginal Land Rights'; 'Control and Royalties'; 'The pastoralists and mining companies'; 'the effect of land rights on race relations'; 'Supplementary notes'. Pittock personal papers.

¹⁵⁰ The preliminary planning meeting was held on 28 April 1968 and attended by Daphne Charles, Victorian state secretary of FCAATSI, Tom Roper, National Abschol Director and Barrie Pittock, convener Legislative Reform Committee of FCAATSI. The minutes state 'we have made some preliminary plans and are willing to assist, BUT have not the personnel or time to run the campaign.' The nascent Victorian FCAATSI state branch which never got over its initial teething problems met on 6 May and a campaign committee was formed to be convened by David Ross and Marj Broadbent (FCAATSI Victorian committee), Tom Walkenberg, Tony Lawson, Claire Brennan and Sue Madsen (Monash Abschol), Jan Merton (AAL) and Barrie Pittock, Pittock personal papers.

Australian Council of Churches Division of Mission, Abschol and FCAATSI and was distributed to help people to understand the arguments for Aboriginal rights to land. An initial print run of 10 000 petition forms were distributed to capital cities. The petition read:

The humble petition of citizens of the Commonwealth respectfully sheweth --
whereas

- a) the Commonwealth Parliament has a clear mandate to act for the advancement of the Aboriginal people, and
- b) Aborigines require a sound economic basis to rise from their present position of poverty, and
- c) the granting of special land rights would provide such a basis, and
- d) common justice and international standards require recognition of traditional ownership rights of indigenous people,

Your petitioners request that your honorable House make legal provision for--

- 1. Aboriginal residents on existing reserves throughout the Commonwealth to obtain ownership of the reserves;
- 2. the recognition of Aboriginal ownership of traditional land at present owned and leased by the Crown and
- 3. the development of mining, pastoral and other enterprises on all Aboriginal land to be subject to the consent of Aboriginal owners and such conditions as their own legal advisors may arrange.

And your petitioners, as in duty bound, will ever pray.¹⁵¹

The first point covered the Federal Council's original principle regarding ownership of reserve land. The second suggested a more radical challenge to land legislation and the third, based on an assumption that 'Aboriginal land' would be legally secured, indicated quite a new social order.

By the time the campaign was underway the issue of land rights had become 'a story' which was covered by journalists attracted by the David and Goliath-dimensions of the struggle between the Gurindji strikers and the Vestey leaseholders at Wave Hill.¹⁵² As with the case of the Yirrkala people's opposition to the Gove Mining Corporation, the Wave Hill impasse seemed to polarise the community along classic Australian lines: the underdog against

¹⁵¹ FCAATSI, Petition concerning land rights, n.d. but circulated from June 1968. Pittock personal papers

¹⁵² I have borrowed the use of this most appropriate metaphor from Tim Rowse, *Obliged to be Difficult*, p. 44.

privileged capitalism, with the national newspaper clearly supporting the Gurindji underdog against the British Vestey operation.¹⁵³ In April, Wentworth, the Minister-in-charge of Aboriginal Affairs, visited the Gurindji camp at Wattie Creek and was reported as being sympathetic to their claim. News reports such as 'Gurindji's may get part of Wave Hill' suggested. Misleadingly, that Cabinet would approve of Wentworth's plan to resume eight square miles of the Vestey lease. On 2nd July, the day when FCAATSI's land rights petition advertisement appeared in *The Australian*, Cabinet rejected Wentworth's proposal. This led to a wave of support for the Gurindji cause over the following months, in particular from students, churches, and unions.

Assessment of the Land Rights Campaign

So far in this chapter I have described the social and intellectual environment in the early 1960s in which the call for a specific Aboriginal right to land was made by religious leaders and public intellectuals and by some Aboriginal spokespeople. I have referred to the growth of interest in the land question partly generated by the Federal Government's initial exclusion of the Yirrkala people from the discussions in 1963. I have discussed the shift in thinking marked by the Gurindji claim to land. I have briefly outlined FCAATSI's Land Rights campaign of 1968 and have suggested that the land rights campaign did not enjoy the same consensus as had the referendum campaign. Pittock, working with a number of other groups as well as FCAATSI, helped bring land rights to prominence in suggesting that 1968 was the year for a

¹⁵³

Christopher Forsyth and Ian Moffitt both wrote in support of land rights through 1968. See also 'A Sad Day for the Aboriginal' *Australian* editorial, 12 July 1968; Julie Rigg, 'The Long, Long Road to a Fair Deal for Our Aborigines', *The Australian*, 15 August 1968, Frank Hardy three part series on the Gurindji, *The Australian*, 23, 26 August 1968.

campaign on the issue and in providing the intellectual foundations for the argument. I will now review the two broad approaches to the land issue taken during this decade both involving FCAATSI activity – one a legal response and the other political– before turning to an evaluation of the Federal Council's 1968 campaign and a consideration of changes to understandings about land during the 1960s.

By February 1968 informal talks between 'interested people' (one of whom was Barrie Pittock) explored the possibility of legal action to secure land for the Yolngu at Yirrkala. The Methodist Commission on Aboriginal Affairs authorised Reverend Ron Croxford and Reverend Arthur Ellemor to secure a legal opinion regarding land rights for Aborigines within the Arnhem Land Reserve. Research, consultations between interested parties, and then the search for a solicitor willing to represent the Yolngu continued through 1968. By December Mathaman and others representing the clans of Yirrkala had issued writs against Nabalco and the Commonwealth Government.¹⁵⁴ They sought injunctions, damages and declarations relating to the use and occupation of certain areas of the Arnhem Land Aboriginal reserve.¹⁵⁵ Ellemor assured the Yirrkala people of the full support of the Methodist Commission on Aboriginal Affairs and announced a public appeal for money to help fight

¹⁵⁴ 'Writs May Block Gove Project', *The Australian*, 14 December 1968

¹⁵⁵ Mathaman was suing on behalf of himself and the other members of the Rirratjingu clan; Mungurawuy on behalf of himself and others of the Gumatj clan; and Daymbalipu on behalf of the Djapu, Marrakuli, Galpu, Munyuku, Ngamil, Wangurri, Djambarrpuyngu, Manggalili, Warramirri and Madarpa clans. These were the names and relationships on the writs issued out of the Supreme Court of the Northern Territory on 13 December 1968. Arthur Ellemor, 'Outline of Yirrkala Land Rights Case, to October 1969, 2 October 1969, Pittock personal papers

the case, which began in December 1968 and would not be decided until April 1971.¹⁵⁶

The attempts to secure land for the Gurindji were via the use of the media, vigils and demonstrations, a petition to the Governor General: all strategies designed to swell opposition to the Government on this issue. The striking pastoral workers squatting on Vestey-leased land, and asking that 500 square miles be leased to them was an appealing media 'story' which drew on some deeply rooted Australian social prejudices.¹⁵⁷ Its beginning as a wage dispute, with paymasters who were wealthy English landlords, and disputants who were Aboriginal pastoral workers underpaid and appallingly fed and housed, made it an easier story to understand than that of the Yolngu more culturally separate from the white man's money-making world. When Gurindji requests shifted from money to land there were many in the wider community prepared to listen.¹⁵⁸ Students opposed to exploitation of Australian land by foreigners, those who harboured anti-British or anti-aristocracy prejudices, unionists, church people – all these groups expressed sympathy for the

¹⁵⁶ 'Writs may block Gove project', *The Australian*, 14 December 1968; 'Writs halt huge Gove scheme', *Sydney Sunday Telegraph*, 15 December 1968; 'Fight Over Gove', *Melbourne Herald* 14 December 1968.

¹⁵⁷ See Gurindji Petition to Lord Casey, Governor General, 19 April 1967, in Attwood and Markus, *The Struggle for Aboriginal Rights*, pp 223-225.

¹⁵⁸ A survey of *The Age* newspaper from March to August 1968 indicates strong support both from the newspaper, in three editorials (19 April, 4 June and 21 June), articles and letters to the editor. Twenty-one letters were published on the Gurindji land grant issue, only two of these opposed a land grant. Student groups, particularly Abschol and churches, Aboriginal spokespeople, members of the Communist Party of Australia, academics and civil liberties groups were all represented. The national newspaper, *The Australian* ran articles and editorials strongly supporting the Gurindji cause. In particular Christopher Forsyth, Ian Moffitt and Frank Hardy writing a special series all supported the Gurindji request for land

Gurindji.¹⁵⁹ Abschol, by 1968 a national organisation with branches in all mainland universities, was politically active in support of the Gurindji.¹⁶⁰

The alliance between Abschol and the Federal Council in Melbourne provided the necessary working committee for the campaign, given that the core FCAATSI executive now met in Sydney. Tom Roper, Abschol National Director, was an active member of the Federal Council, involved in the short-lived Victorian branch of FCAATSI and was a member of the land rights campaign committee.¹⁶¹ The Gurindji strike and land claim lent itself to political activism with the goal of gaining support for this group through the media and showing the Federal Government as a failure, politically as well as morally, in their handling of this dispute.

By June 1968 it was becoming clear that Wentworth's proposal to resume eight square miles of the Vestey's lease was not being favourably received in Cabinet. An August 1968 press release on 'Aboriginal Land Rights' by Nixon referred to Government policies being directed 'towards the objective of the assimilation of Aboriginal Australians as fully effective members of a single Australian society'. The alternative, Nixon suggested was 'a series of depressed Aboriginal communities tied to a form of sub standard

¹⁵⁹ See *The Age*, *The Sydney Morning Herald* and *the Australian* from April to August 1968. Feature articles, editorials and letters to the editor were overwhelming in support of the Gurindji land claim.

¹⁶⁰ T. Roper, National Abschol Director, in his report to February Council 1968 described the growth of Abschol from an organisation concerned with education to a political pressure group with a structure of local Abschol directors representing each university and reporting to the National Director. The development of Abschol as pressure group was particularly noticeable from 1967 to 1968. 32nd NUAUS annual council meeting, 1968, Melbourne Council Papers, University of Melbourne Archives.

¹⁶¹ The idea of state branches, based on the 1967 state campaign committees, was proposed at the 1967 annual conference. A Victorian branch started in 1967 but was defunct by the end of 1968.

living'.¹⁶² The 'depressed Aboriginal communities' however, already existed on cattle stations, and moreover, as economist, F. H. Gruen, revealed 'only three or four of the thirty stations' he had contacted in researching working conditions in the industry 'would meet the minimum standards laid down' in the Northern Territory's Wards' Employment Ordinance. Gruen asserted that there was 'evidence that the Administration has not – at least between 1959 and March 1964 – prosecuted any cattle station for failure to comply with any of the regulations'.¹⁶³ As in the case of the Government's earlier failure to consult the 'citizens' of Yirrkala, the Nixon statement used what looked like a reputable policy goal 'full participation by Aboriginals with other Australians in the life of a single Australian community' to reject a land grant to the Gurindji. The Federal Council, Abschol and the Victorian Council for Churches were among those who protested to Nixon. At Frank Engel's suggestion the Division of Mission of the Australian Council of Churches sent a telegram to the Prime Minister supporting 'Gurindji claims of return of tribal land' and requesting a Government review of policy. In a final statement 'Support for Gurindji is not, repeat not, limited to Communists' the Australian Council of Churches reminded the Prime Minister of broad support for the Gurindji.¹⁶⁴

By the mid 1960s, Hasluck's definition of the policy of assimilation was expressed in a watered down form. At the 1965 State and Commonwealth

¹⁶² R. Nixon, 'Northern Territory Aboriginal Land Rights: a statement by the Minister for the Interior', 9 August 1968.

¹⁶³ F. H. Gruen, 'Aborigines and the Northern Territory Cattle Industry- An Economist's View' in Sharp and Tatz (eds), *Aborigines in the Economy*, p. 200.

¹⁶⁴ Text of a telegram in a letter from Engel to Pittock, 28 August 1968, Pittock personal papers.

Aboriginal affairs conference, the South Australian Government proposed to insert the following statements into the policy:

It is recognised that the existence of distinctively Aboriginal groups at their wish is not inconsistent with this policy. Likewise it is not inconsistent with this policy that persons of Aboriginal descent retain those cultural activities and social customs which, when blended with other cultures and customs, will enrich the Australian way of life.¹⁶⁵

The compromise statement which was finally agreed to was that:

The policy of assimilation seeks that all persons of Aboriginal descent will *choose to* attain a similar manner and standard of living to that of other Australian and live as members of a single Australian community...[italics indicate addition]¹⁶⁶

The Minister did not address the question of what would happen if persons of Aboriginal descent did not choose to attain a similar manner and standard of living. Tim Rowse asks the pertinent question, 'were the choosing Aborigines persons, families or groups?'¹⁶⁷ Nixon spoke vaguely of some who would find their future as landholders while others would 'choose to follow a different vocation'. He reiterated that the 'ultimate end the Government seeks' was full participation 'in the life of a single Australia community'.¹⁶⁸ Even conservative Aboriginal support agencies had rejected the goal of assimilation

¹⁶⁵ Transcript of Aboriginal Welfare Council meeting, file two, Dexter papers, Menzies Library, ANU, Canberra. D. Dunstan recalled his response to the policy of assimilation expressed by other governments at this meeting in the following way: 'Gentlemen, there is no way that South Australia will go along with this resolution... What we are going to insist upon is that Aborigine people have the right to live on their own lands. Our job is to provide them with the means economically to do so without being simply the subject of handouts and that we pursue a policy under which, with removal of restrictions and with provisions of an economic base of operation, Aborigines for themselves can make up their own minds about their own futures'. FCAATSI Oral History Project, 26 November 1996, p. 5, AIATSIS, Canberra.

¹⁶⁶ Department of Territories, *The Australian Aborigines*, Commonwealth of Australia, Sydney, July, 1967, p. 44.

¹⁶⁷ Rowse, *Obligated to be Difficult*, p. 22.

¹⁶⁸ R. Nixon, 'Northern Territory Aboriginal Land Rights: a statement by the Minister for the Interior', 9 August 1968.

by this time.¹⁶⁹ Nixon's words sounded clichéd and hollow, especially when he raised the spectre of the possibility of 'a series of depressed Aboriginal communities' if land were granted to 'groups of Aboriginals in remote places'.¹⁷⁰ The debate was no longer predicated on 'sameness'. By 1968 it had shifted to include an acceptance of the right to difference.

'Has the campaign succeeded?' Pittock asked in delivering his 1969 Legislative Reform Report. In answering he argued that the success of the land rights campaign lay in its educative value. He referred to the 'terrible ignorance of the public, and more particularly of the politicians (of all parties) on the question of Aboriginal conditions and rights'.¹⁷¹ More than 100 000 people signed the petition, material was widely distributed, even outside the country, Pittock's informative 'fact sheets', with their list of references for those wishing to read further, no doubt helped in the education of those speakers who used them.¹⁷² Despite these successes, the campaign for land rights faced difficulties, six of which I will discuss, making the conduct of the campaign much more difficult than the earlier referendum campaigns.

¹⁶⁹ Even the Victorian Aboriginal Group, an ageing and fairly conservative organisation had become critical of the approach: 'It now seems that failure to assimilate Aborigines into the white community or to integrate them into communities of their own has been mainly due to our lack of understanding of their civilisation. We have tried to care for them in our way, rather than to encourage them to own and develop their own land.... We need a definite aim to develop the people's initiative and the expression of their own views'. Victorian Aboriginal Group, 35th annual report, 1964. The organisation had invited Rev. Arthur Ellemor to its 1962 meeting when he spoke of the need to assist Aboriginal communities in the North to become economically independent. 'Rights to land and training to use it must be considered', he argued.

¹⁷⁰ Nixon, Northern Territory Aboriginal Land Rights, 9 August 1968.

¹⁷¹ A. B. Pittock, Legislative reform Report, Reports and Proceedings for the 12 annual conference on Aboriginal affairs, 12-14 April 1968, Council for Aboriginal Rights, MS 12913, box 10/8, SLV.

¹⁷² Ibid. In August 1968 the Federal Council established a 'Land into Hope-International Appeal' which placed the issue before international bodies such as the World Council of Churches, the United Nations, and other such international bodies. FCAATSI news statement, n.d. but August 1968, Pittock personal papers.

Whereas the work to amend the Constitution was well understood by those campaigning both in 1962 and in 1967, land rights was outside the intellectual frame in which the civil rights work of the Federal Council had taken place since its establishment in 1958. Its work over the decade had been grounded in the belief that the redress of injustice would come through the rights of the Australian citizen being extended to Indigenous Australians. Similarity, not difference, was emphasised in the referendum campaign, as one of the slogans used – ‘he’s an Australian too!’ – indicated. The campaign for land rights did not lend itself to such easy sloganising. With the exception of Barrie Pittock and Joe McGinness, the other members of the executive had barely spoken about the land issue by the time the campaign began. Phillip MacFarlane, convenor of the Land and Reserves Committee, delivered a philosophical statement in support of land rights at the 1968 conference rather than a report on his committee’s actions suggesting that little, if anything, had been done.¹⁷³

McGinness’ presidential report, however, to the same conference focused on land and on what had been achieved and what needed to take place. He spoke about the South Australian Aboriginal Land Trust Act and the Gurindji application for ‘ownership of a tiny portion of their tribal land on Wave Hill cattle station’.¹⁷⁴ The fact that McGinness lived in Cairns, however, meant he was unable to attend the monthly committee meetings. The acting General Secretary, Faith Bandler, in contrast to McGinness, made scant

¹⁷³ P. MacFarlane, Convenor, Land and Reserves Committee Report, Easter 1968, CAR, MS 12913, box 10/8, SLV.

¹⁷⁴ Presidential Report, Federal Council for the Advancement of Aborigines and Torres Strait Islanders, Reports and Proceedings for the 11th annual conference on Aboriginal affairs, 12-14 April 1968, CAR, MS 12913, box 10/8, SLV

reference to the land question in her 1968 report, concentrating instead on the 'true equality' which was behind the referendum campaign. On the question of land rights she reported only on Federal Council support for the residents of Woodenbong in their claim to own their reserve, and the Federal Council's opposition to the Northern Territory's Crown Lands Ordinance Bill.¹⁷⁵ In an article on FCAATSI which she contributed to *Aboriginal Quarterly* land and reserves is similarly insignificant compared to issues which belonged within the civil rights frame such as equal wages, legislative reform and employment opportunities.¹⁷⁶ At the March 1968 executive meeting in Sydney the only minuted reference to land rights was to a discussion as to how 'housing could be discussed in a conference session on land rights'.¹⁷⁷ Taken together, and in the absence of any substantial statements about the land issue from the Sydney-based executive in 1968, these facts support the view that the executive as a whole lacked confidence and/or commitment to an issue which lay outside the civil rights paradigm which they understood.

A second and related explanation for the limited value of the land rights campaign was that the issue was complex and difficult to understand because of the legal concepts involved. At the July executive meeting, after discussing the Gurindji land claim the minutes reported that 'Aborigines should be given full ownership to traditional land, including the right to develop land, in order to overcome poverty on racial lines, which poses a

¹⁷⁵ Acting General Secretary's Report, Federal Council for the Advancement of Aborigines and Torres Strait Islanders Reports and Proceedings, for the 11th annual conference on Aboriginal affairs 12-14 April 1968.

¹⁷⁶ Faith Bandler, 'FCAATSI', *Aboriginal Quarterly*, 26 March 1968.

¹⁷⁷ Minutes of executive meeting, 18 March 1968, Pittock personal papers.

serious problem for NT'.¹⁷⁸ While the minutes secretary may have failed to synthesise the discussion correctly, there is nothing in this statement to suggest that the committee was developing policy which was both practical and soundly-based, showing a knowledge of the challenge to property law which might be posed by the idea of 'land rights'. Pittock's fact sheets attempted to provide public education but the General Secretary, Dulcie Flower, asked that the content be kept 'as simple as it can be, as I feel that Aborigines who intend to be on speakers panels will have difficulty in going through this material.'¹⁷⁹ Pittock agreed with her sentiments but pointed out that 'this is difficult when dealing with some pretty difficult legal ideas'.¹⁸⁰ At the July executive meeting Flower reported that 'the public does not understand the issues and it is not as popular as the referendum last year'.¹⁸¹ A public relations officer was hired to handle the campaign in Sydney, an idea which would never have been considered the previous year on the referendum campaign.¹⁸² Sydney executive members, such as Dulcie Flower and Phillip MacFarlane, spoke on the issue, but media coverage compared to the referendum campaign of 1967 highlights the lack of confidence in speaking about land rights.¹⁸³

¹⁷⁸ Minutes of full executive meeting, July 6-7 1968, Pittock personal papers

¹⁷⁹ Flower to Pittock, 4 June 1968, Pittock personal papers.

¹⁸⁰ Pittock to Flower, 11 June 1968, Pittock personal papers.

¹⁸¹ Minutes of full executive meeting, 6-7 July 1968, Pittock personal papers

¹⁸² Flower to Pittock, 22 July 1968, Pittock personal papers.

¹⁸³ 'Teacher Sees Racial Danger in North', *Sydney Morning Herald* 15 July 1968, is inaccurate in describing Dulcie Flower as a teacher (she was a nurse) and as the title shows, distorting and sensationalising Flower's argument. She contended that the way out of poverty for Aboriginal people would be 'to give them control of capital resources, renewed self respect and initiative, and bargaining power with employers and industrial developers'. The 17 June executive meeting reported that Phillip MacFarlane would speak on the land rights campaign on 19 June, 'to a selected audience'. Minutes of executive meeting, 17 June, 1968, Pittock personal papers. See chapter three for information on the FCAATSI publicity machine in 1967.

A third impediment to understanding was that for some, especially non-Indigenous Federal Councillors the issue of rights to land was outside their political philosophies. Shirley Andrews, a foundation member of the Federal Council confessed that she resigned from FCAATSI in 1968 partly because she 'didn't understand the land issues'.¹⁸⁴ For one such as Andrews, whose research had provided the backbone of much of the civil rights work in the Federal Council, such an admission suggests her recognition that profound ideological change was taking place at this time, and that this fact was perhaps not acknowledged within the ranks of the Federal Council. For both Indigenous and non-Indigenous members, the idea that Aboriginal and Islander people, even those not living on reserve lands, had rights to land required imagination, courage and the confidence to try to persuade others of this view. Such a combination is rare at the best of times, and given the life experiences of most Indigenous people in the previous decades the shortage of this combination in the 1960s is entirely understandable. For non-Indigenous Federal Council members the civil rights agenda of equal wages and social service benefits was more understandable and achievable than was the pursuit of rights to land. This left Stan Davey who travelled across the country to meet with different Aboriginal communities, Joe McGinness, as a Queenslander conscious of the effect of land losses on north Queensland communities and Barrie Pittock, responsible for implementing the 1968 land rights campaign as the key FCAATSI drivers of land rights. Outside the Federal Council, action continued especially through the work of the Methodist Commission on Aboriginal Affairs in their securing of legal counsel and money raising to pay

for a case against the Commonwealth to test the legal right of the Yolngu to their land.

A fourth difficulty faced by land rights campaigners was that the issue divided people, unlike the vote 'yes' campaign of the previous year which was seen as innocuous and harmless. In June 'This Day Tonight', an ABC news commentary television show pitched Harry Penrith, convenor of a FCAATSI Aboriginal subcommittee, against Bill De Vos, secretary of the Northern Territory Pastoral Lessees Association. De Vos had publicly opposed any changes to pastoral leases in response to Gurindji agitation. Penrith used this opportunity to speak about the symbolic and spiritual value of the land to Aboriginal people. This concerned Pittock who explained to Flower 'I am afraid white Australians will also want answers to "practical" questions such as economics and race relations, and more "authoritative" answers on questions of international precedents etc.'¹⁸⁵ The gap was cultural as well as educational, with very few Aboriginal people at this time having had opportunities which would equip them against confident, experienced speakers such as De Vos.

A fifth problem was that many people, especially Indigenous people seemed to feel daunted by the task of arguing for an Indigenous right to land. In his 1969 evaluation Pittock commented on 'the lack of confidence and experience on the part of many Aborigines and their friends when it comes to public speaking, writing letters to the papers, and personal discussions with

¹⁸⁵ Canberra.
Pittock to Flower, n.d. but June 1968, Pittock personal papers

politicians'.¹⁸⁶ Unlike Pittock, who was university trained and had spent years researching and reflecting on these matters, many other Federal Council spokespeople, particularly Indigenous people, seemed insecure speaking publicly on the land issue.¹⁸⁷

Finally, the land right campaign coincided with personnel changes to the executive which weakened the power of the organisation at a time of greatest challenge when a new idea was being presented to the public. Stan Davey resigned as secretary in June 1967 taking with him ten years of experience as a political activist in Aboriginal affairs. During these years he had built on relationships which had been strengthened over that time in communities as distant from each other as Lake Tyers, Wattie Creek and Weipa. While Davey continued as Director of the AAL, he left that position in 1968 when he moved to Western Australia to work directly with Aboriginal communities.¹⁸⁸ Dulcie Flower, of Islander background was a popular choice as General Secretary at the 1968 annual meeting at which Indigenous affiliates were increasingly eager to see their people on the executive. Younger than Davey and with less experience as a campaigner, her contacts were confined to Queensland and New South Wales. And as a mother of two small children she had more conflicting demands on her time. The resignation of Shirley Andrews, as already mentioned, which took effect from Easter 1968, left a gap

¹⁸⁶ A. B. Pittock, 'Report of Legislative Reform Convenor', Easter 1969, Reports and Proceedings of the 12th FCAATSI annual conference', Easter 1969, CAR, MS 12913, box 10/8, SLV.

¹⁸⁷ Ray Peckham, convenor of the trade union committee, reported on a meeting with trade unionists on 14 June, and asked executive for 'a simpler statement which any meeting would understand on land rights', minutes of executive meeting, 6-7 July 1968, Pittock personal papers.

¹⁸⁸ As a field officer for the League Davey continued to file reports which were published in *Smoke Signals*. See, for example, 'The credibility gap in Government

in the areas of research and political strategy. In other areas the executive experienced trouble. Peter Crichton, the editor of *Rights and Advancement*, the Federal Council's monthly publication, resigned following the 1968 Easter conference but his resignation was not sent to the secretary so the Sydney executive were unaware of this until September.¹⁸⁹ By this time a significant information vacuum existed with no national publication going out to affiliated organisations for five months during which time the land rights campaign started. Two executive members, Stan Smith, responsible for publications and Mamie Smith, responsible for publicity, moved to Darwin in January 1968, and while this might have been an advantage in strengthening the communications in the north, it did not seem to be so. The Northern Territory CAR complained to the General Secretary about Stan Smith's initiatives with the Gurindji as interfering and poorly thought out. Smith complained about the Sydney executive ignoring the reports he had filed.¹⁹⁰ And in the middle of the campaign, at the worst time given his position as convenor of the Land and Reserves committee, Phillip MacFarlane, resigned.

All organisations experience communication difficulties but it does seem that the special qualities which Stan Davey brought to his job as General Secretary were a real loss to the Federal Council at this time. Barry Christophers in commenting on Davey's pivotal role remembered him as 'the person who made it all work. He unified us all'.¹⁹¹

Aboriginal policies', June 1970 and "'We are waking up and we want our land'", December 1970.

¹⁸⁹ Minutes of the meeting of the FCAATSI executive, 9 September 1968, Pittock personal papers

¹⁹⁰ Correspondence between Stan Smith and Barrie Pittock during 1968, and Moira Gibbs and Dulcie Flower, August 1968, Pittock personal papers.

¹⁹¹ B. Christophers, FCAATSI Oral History Project, 27 September 1996.

The failure of the executive to lead on the land issue, as a result of these difficulties, is evident in two telling suggestions from the November meeting when the campaign had only two months to run. John Baker moved that 'the Victorian members of Federal Council be asked to draw up a statement on their methods and their successes in conducting the campaign for land rights and that this be circulated to other states and groups working on the problem'. And at the same meeting Dulcie Flower drew attention to the Queensland leaflet 'Land Rights for Aborigines: Answering your Questions' as 'an excellent model' and moved that a copy of the leaflet should be sent 'to each State secretary and that they be asked to use it in a modified form'.¹⁹² Both moves were far too late to be effective. As Pittock reported at the 1969 Conference the campaign contributed to the move away from assimilationism and towards recognition of an Indigenous right to land. The work of the Methodist Commission on Aboriginal Affairs, Frank Engel, Abschol, Ian Spalding and *On Aboriginal Affairs*, Charles Rowley and a number of other intellectuals who spoke in support of land rights, contributed to the shift in thinking about the issue of Indigenous rights to land.

The 1960s saw the development from arguments to maintain threatened reserves to writs issued in December 1968 against Nabalco and the Commonwealth by Mathaman and others who knew themselves to be 'the rightful owners'.¹⁹³ Early thinking about land was a reaction to threatened loss at Yirrkala in the Northern Territory and Mapoon and Lockhart River in

¹⁹² Minutes of the full executive committee meeting, 9-10 November 1968, Pittock personal papers.

¹⁹³ Mathaman and Others v Nabalco and the Commonwealth. Application by Defendants for Summary Judgement. Argument for Plaintiffs, 1969, Pittock personal papers.

Queensland. The maintenance of the status quo rather than a new form of title was the first response. The arguments for the maintenance of reserve land were practical, such as hunting to supplement food in the north or raising crops in the south. From 1959 the Federal Council upheld the principles of the International Labor Organisation's Article 11 which asserted that 'the right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized'.¹⁹⁴ However this proved difficult to translate into action. Federal Council Easter Conferences provided opportunities for non-Indigenous members to hear the expressions of strongly held views from Alex Vesper, Jean Jimmy, Phillip Roberts and Joe McGinness regarding the importance of land to their people. As Barrie Pittock argued, this was an endorsement of arguments for an Indigenous title to land. Activists connected to the Federal Council movement such as Frank Engel, as well as others on the executive such as Barrie Pittock brought ideas based on international precedent as well as Christian morality to argue for a new form of land tenure. By the time of the 1968 national land rights campaign the Federal Government's attempts to maintain that their policy of assimilation would produce a 'single Australian community' based on sameness of rights, privileges, responsibilities, hopes and loyalties was discredited by the work of the Equal Wages Committee, by

¹⁹⁴ During the 1950s, a Committee of Experts representing 11 different countries had met under the auspices of the International Labour Organisation (ILO) to examine the working conditions of indigenous peoples. This led in 1957 to the ratification of ILO convention 107, concerning 'the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries'. This Convention became the basis of the 1959 FCAA conference in Melbourne where Mary Bennett from Kalgoorlie, Shirley Andrews, Doris Blackburn and Stan Davey from Melbourne and others spoke to different articles of Convention 107 in the context of the Australian situation. International Labour Conference, Convention 107, United Nations Association of Australia, Melbourne, nd.

stories of floggings on Hopevale Mission, by the forced removal of the Mapoon people to Bamaga.

The Yirrkala judgement would not be brought down until 1972 and would go against the applicants. Following the election of a Labor Government, however, the Woodward Commission, would be appointed to inquire not into whether land rights should be granted but how this should happen. The Gurindji would have to wait until 1975 for title to their land. During the 1960s, the Federal Council played a significant role in providing a forum for Indigenous people to express their views about land and in publicising both injustices to Aboriginal people and arguments for the justice of some kind of land title. At the same time the land issue would be one of the destabilising elements as the issues of race, and indigeneity threatened the civil rights platform on which the Federal Council had been founded.

Chapter 6

From Black/White Coalition to Black Power

Introduction

At the time of the 1967 referendum the Federal Council was a busy, complex organisation. It comprised a 25-person executive which included the convenors of ten sub-committees and five Indigenous state secretaries. Forty-seven bodies were affiliated with the Federal Council, twenty-five of which were specifically concerned with Aboriginal affairs. In 1964 the constitution had been amended to formally include Torres Strait Islanders and thus it became the 'Federal Council for the Advancement of Aborigines and Torres Strait Islanders'. A Torres Strait representative joined the Aboriginal state secretaries on the executive. The position of General Secretary was now a salaried position. The annual budget was in excess of \$5 000, and four fifths of this money came from donations. At the 1967 Easter conference an estimated 100 people of Aboriginal or Islander background attended from every mainland state and territory. This was the fifth consecutive annual conference which had been held in Canberra and the event was regularly attended by members of overseas diplomatic missions as well as media representatives from the main east coast daily newspapers. Proximity to the seat of power and the existence of the Canberra press gallery had proved the value of holding the conference in the national capital.

To the signature tune of the American civil rights movement, 'We Shall Overcome' FCAATSI delegates sang of 'black and white together' at the 1968 conference, but by 1970 the language of togetherness was replaced by

the rhetoric of racial division. Kath Walker referred to Parliament House as 'the invaders' talk-talk place' where

We, who are the strangers now,
Come with sorrow in our hearts.¹

Unlike all previous conferences the thirteenth annual conference in 1970 was not remembered as one where friendships were renewed and plans for the next year were agreed upon. Many Indigenous people arrived at this conference prepared to challenge the idea of FCAATSI as a multiracial organisation controlled by a Sydney-based, essentially non-Indigenous executive. The planned agenda for the 1970 conference was replaced by discussion of two amendments to the Federal Council's constitution, proposed by Barrie Pittock, convener of the Legislative Reform Committee. The first was that eligibility to vote should be restricted to those of Aboriginal or Islander background. The second was that membership of the executive should be similarly restricted. The motions were put after lengthy and emotional debate. A two-thirds majority was required to alter the constitution and the votes for each side were fairly even so both were lost. The meeting ended, however, with Kath Walker and Pastor Doug Nicholls, two respected Aboriginal leaders, inviting those who wished to form an all-Aboriginal and Islander-controlled organisation to gather at the side of the Telopea Park High School hall. There, the National Tribal Council came into being with a projected membership of people of Aboriginal or Islander background only.

¹ Cited in J. Horner, Report of the 13th Annual Conference of Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 27-29 March 1970, McGinness papers, AIATSIS, Canberra.

The chapter traces the developments leading to this apparently sudden change, which marked the demise of FCAATSI as the only Australia-wide coalition of organisations working for Aboriginal advancement. As always, events and significant individuals, shifts in ideas and chance occurrences provided the circumstances for change. In seeking to understand a movement in which there was a clear relationship, especially in the early years, between power and racial and cultural background, two lines of investigation are needed: one exploring the views and actions of Indigenous people who were interested in the Federal Council, the other the views and behaviour of the white executive responsible for establishing and steering the organisation through its first decade.

Firstly, what did FCAATSI mean to Aboriginal and Islander people? What factors contributed to their growing demands for power in the late 1960s? Secondly, what moves did the executive make towards power-sharing and why were these moves inadequate in preventing the movement from fracturing? How did the FCAATSI executive respond to the calls, from both black and white Australians, for Indigenous autonomy? Following these two areas of investigation of the Federal Council, I will consider the social and intellectual climate of the 'Aboriginal advancement movement'² in the late 1960s and discuss the ideas which challenged the assumptions on which the Federal movement had been built.

² I am using this generic term to cover the Federal Council and its affiliated organisations as well as other unaffiliated organisations, such as One People of Australia League. The term 'advancement' belongs more to the earlier period than to the late 1960s when pride in race as in such expressions as 'black is beautiful', challenged earlier notions of the superior culture of the conquerors and the primitive, less developed cultures of those who were invaded.

Growth of Aboriginal and Islander Involvement in FCAA(TSI)

Many former FCAATSI executive members have expressed the view that the 1961 annual meeting of FCAA in Brisbane was a crucial turning point in Aboriginal and Islander interest, and that Indigenous involvement in the Federal movement consolidated at this conference.³ Indigenous attendees came from different parts of the country and from quite different backgrounds—missions, cattle stations, government reserves, unions and churches, as well as from cities. Approximately twenty percent of the delegates were described as being 'of Aboriginal descent' representing all states except Tasmania.⁴

At the 1961 meeting papers were presented by the white organisers which were openly critical of the policies and practices of Australian governments in their dealings with Aboriginal and Islander people under their jurisdiction. These covered the policies and practices of the Northern Territory and all mainland state administrations concerning Aboriginal affairs. Diane MacEachern, a Canadian anthropologist studying at the Australian National University, reported on 'the policies and practices of the Canadian Government concerning Indians', outlining their citizenship status and describing the process whereby they were compensated if their lands were taken for Government projects.⁵ A number of Aboriginal speakers addressed the conference. Jacob Oberdoo, 'a full Aborigine and a director of the Aboriginal company, Nomads Pty Ltd' which had been established in the Port

³ Interviews with Barry Christophers, Don Dunstan, Pauline Pickford, Shirley Andrews, Rodney Hall. See FCAATSI Oral History Project, AIATSIS, Canberra

⁴ Report on the 4th National Aboriginal Conference, 31 March - 2 April, University of Queensland, MS 12913, box 10/5, Council for Aboriginal Rights, (CAR), SLV.

Hedland area with the guidance of Don McLeod, spoke 'very quietly and modestly and somewhat hesitantly' reported Pauline Pickford, secretary of the Victorian Council for Aboriginal Rights.⁶ Although not as fluent in English as he was in his own language, 'his natural qualities as a leader were very clear to the audience who were obviously moved by the quiet determined way he related the stories of their early struggles'.⁷ Ruth Wallace shocked her audience with 'a simply told but deeply moving account of growing up on a north Queensland mission'.⁸ Harry Saunders, assisted by Ray Peckham, described the legal battle for better conditions at Purfleet Reserve in northern New South Wales. Respected Aboriginal leaders – Pearl Gibbs from New South Wales and Kath Walker from Queensland – made 'strong and convincing contributions to the discussion on their peoples' condition'.⁹ Charles Perkins, described as an 'ex-international soccer player' was elected as a vice-president.¹⁰ *The Noongar*, newsletter of the Western Australian Association for the Advancement of Coloured People, reported that the 'Aboriginal delegates received resounding applause when they demanded self determination and full citizenship' and rejected the assimilation policy as

⁵ Reports and Resolutions, 4th National Aboriginal Conference, University of Queensland, 31st March- 2 April, CAR, MS12913, box 10/5, SLV

⁶ P. Pickford, Report on 1961 FCAA annual conference, CAR, MS12913, box 10/14. Stan Davey recalls that Oberdoo told his story so quietly that 'probably Joe McGinness was the only person that caught what was going on. And we lost the whole group in that meeting. Everybody started to murmur and to talk'. Stan Davey interview, FCAATSI Oral History Project, 29 November 1996. AIATSIS.

⁷ P. Pickford, Report on 1961 FCAA annual conference, CAR, MS12913, box 10/14

⁸ *The Noongar*, official organ of the Association for the Advancement of Coloured People, July 1961, CAR, MS 12913, box 9/7. See also *Fellowship*, the official organ of the AAF for an account of this conference, vol 1, no 2, April 1961.

⁹ *Fellowship*, vol 1, no 12, April 1961

¹⁰ *Ibid.*; P. Read, *Charles Perkins: A Biography*, Viking, Ringwood Victoria, 1990, p. 57.

being 'a course of race destruction'.¹¹ The Federal Council was on the way to becoming 'a coalition of black and white Australians'.¹²

While rules of debate, meeting procedure, minutes and motions and a constitution provided the framework in which the executive managed this loose federation of states-based bodies, a concession was made to Indigenous delegates and observers who attended the annual conference. Stan Davey recalled that at the 1960 conference 'Doug [Nicholls] came and said, "Look the Aboriginal people want to get together". I said, "Well that's fine. Go for it." And that was the start of it. After that we always had an Aboriginal caucus.'¹³ This all-Aboriginal and Islander meeting or caucus was held prior to the formal commencement of the annual conference and the motions passed were reported to the main conference. This forum provided an opportunity for Aboriginal and Islander people to speak in a less intimidating environment than the white-dominated main conference. It was also the place where black politicking took place where those European- educated Aboriginal spokespeople such as Charles Perkins and Margaret Valadian more experienced in political activism could persuade others to their way of thinking.¹⁴ Alick Jackomos, husband of Merle Jackomos, a Yorta Yorta woman from Cummeragunga recalled debate among Indigenous delegates with regard to eligibility to attend these meetings. Although Jackomos was of Greek background he was accepted as a member of the Aboriginal community

¹¹ *The Noongar*, July 1961, CAR MS12913, box 9/7, SLV.

¹² This phrase was used by Kath Walker as a title of a paper she circulated among FCAATSI members prior to the 1970 annual conference. Riley Ephemera Collection, SLV

¹³ Stan Davey, FCAATSI Oral History collection, 29 November 1996, AIATSIS, Canberra

and so attended the Aboriginal caucus meetings. At one meeting when white people in the meeting were asked to leave Jackomos protested that 'these people are married to Aboriginal girls. They're ostracised by the white community... They're the parents of our future leaders.'¹⁵

Racial identity was the marker of eligibility to attend the Aboriginal 'caucus' and the all Aboriginal and Islander meetings affirmed the identity of those assembled as Indigenous Australians. Through the 1960s attendance at these Aboriginal and Islander meetings grew and the pre-conference meeting became a site for Aboriginal and Islander politicking.¹⁶ Early in the decade, resolutions passed by the Aboriginal session were couched in what seems 40 years later like obsequiousness. Aboriginal delegates at the 1961 conference wished 'to place on record our grateful thanks to the Federal Council for organising this historic conference'. They felt 'honoured that the trade unions and other interested organisations and people have interested themselves in our demands for better wages and living conditions'.¹⁷ A resolution from the all-Aboriginal meeting four years later, however was expressed in a different tone:

¹⁴ Ibid. Davey expressed his concern about this process

¹⁵ Alick Jackomos, FCAATSI Oral History Project, 12 December 1996, p 4-5

¹⁶ As this meeting was not a formal part of the structure of the Federal Council minutes from the meeting are not included in any of the collections of FCAATSI papers which I have consulted in Melbourne, Canberra, Sydney, Brisbane and Adelaide. The only written documents which I have seen from this meeting have been the record of resolutions passed at this pre-conference meeting. They were always reported, fairly early in the proceedings, to the annual conference. Discussions with Alick Jackomos, Daphne Millward, Josie Briggs, John Moriarty, Gordon Briscoe, Dulcie Flower, Faith Bandler, Joe McGinness and Evelyn Scott support this view. See FCAATSI Oral History Project for all but the Josie Briggs interview which was conducted after this project was completed.

¹⁷ Resolutions passed by Aboriginal Session of the Conference, The 4th National Conference on Aboriginal Advancement, Brisbane 1961, UQFL 234, Communist Party of Australia (Queensland), Box 7, Fryer Library, University of Queensland.

This Council requests that the respective Australian Government and/or Governments return to the Aboriginal people all that Crown Land now not serving any particular purpose and sufficient for the reasonable welfare and development of the Aboriginal people and that in addition the respective Government and/or Governments pay to the Aboriginal people a just price for the land already taken there from...¹⁸

The 1965 resolution went on to suggest that the 'just price could be assessed at 150 million pounds'.¹⁹ The resolution was enthusiastically endorsed by the Lands and Reserves Committee of the conference. Later resolutions from the all-Aboriginal caucus were expressed even more confidently as demands for Federal Government action and as condemnations of past failures.²⁰

For the growing numbers of Indigenous Australians who attended the annual Easter conference, held in Canberra from 1963 to 1970, the experience provided a recognition of the common experience of colonialism. As mentioned earlier, Mrs Jean Jimmy spoke at the 1964 conference for her people who had been forcibly moved from Mapoon Mission the previous November, pleading for respect for Aboriginal life and land.²¹ Many were

¹⁸ Recommendation from the all-Aboriginal meeting adopted at the 1965 FCAATSI Annual Conference, FCAATSI papers, MS 2999, Y600, folder R, Mitchell Library, State Library of New South Wales.

¹⁹ Ibid.

²⁰ Resolutions from the All Aboriginal Session in 1968, for example were couched in the following language: 1 That the All-Aboriginal and Islander session of FCAATSI demand that the NT Administration and Welfare Branch recognise and accept the full Commonwealth definition of the term 'Australian Aborigine'. 2. That the Aboriginal and Islander session of FCAATSI condemn the systematic destruction by the NT Administration and Welfare of the identification of Aboriginal people with their culture and each other. 3. That the All Aboriginal and Islander session of FCAATSI condemn the persistent lack of effective and positive action by the NT Director of Welfare, and Assistant Administrator, Mr Harry Giese, to come to grips with the increasingly urgent Aboriginal problems in the NT. In view of this lack of positive action, we demand his resignation.' Three further resolutions were expressed in similarly strong language. Pittock personal papers.

²¹ Report on the 7th conference of FCAA, *On Aboriginal Affairs*, no 11, February-June 1964, p. 10.

moved by her dignified presentation.²² The following year Charlie Carter, spokesperson for the Lake Tyers people in Victoria, told delegates that the Aboriginal Welfare Board had destroyed or caused to be removed the better houses on the reserve in an attempt to force people off their land.²³ Others, such as Stephen Giblet from Lockhart Mission, Cape York, spoke of people being pushed to leave their land. Joseph Abednego from Island of St Paul in the Torres Strait told of two lagoons which the people considered as their own which had been 'leased by the Government to Japanese cultured pearl interests' This meant that the Islanders could no longer get lobster and fish from these lagoons. Tim Strangeways from Port Augusta, South Australia, stirred anger and compassion with his account of the destruction of his people's houses.²⁴ The annual conferences provided a first opportunity for many Indigenous people to hear of stories from around the continent which were not dissimilar from those they could tell themselves. Jean Horner recalled an old man from Carnarvon.

He got up and said... 'I've been listening to these accounts of problems of my brothers around Australia, and we thought we were the only people who had problems, that the problems were ours and we had to fight them, and now I've discovered that the other people have the same problems'.²⁵

Recognition of common experience at the hands of officialdom helped people to see that they were not alone, that they could learn from each other, and that they could consider forms of joint action.

²² Stan Davey, Alan Duncan, Jean Horner, Pauline Pickford and Marj Broadbent all recalled and commented on Jean Jimmy's dignified telling of her people's eviction from their land. See FCAATSI Oral History Project, 1996.

²³ P. Pickford, Summary of the 8th Annual Conference of the FCAATSI, 5 May 1965, Council for Aboriginal Rights (Victoria), MS 12913, box 10/7, SLV.

²⁴ Ibid.

²⁵ Jean Horner, FCAATSI Oral History Project, 5 December 1996, p. 5.

At the 1966 annual conference Kath Walker, Queensland State Secretary, called a meeting, at the request of Aboriginal and Islander members so they could air their grievances concerning the way the Federal Council was working. Elections had been held for the position of president and of New South Wales state secretary, and while Joe McGinness and Faith Bandler, respectively, were returned to these positions Kath Walker observed that 'Aboriginal delegates were most disturbed at the lobbying prior to the elections' and requested a meeting of Aboriginal delegates following the annual general meeting. She reported that the people 'felt that the majority desires of the Aboriginal members were ignored by a lot of the non-Aboriginals'.²⁶ This grievance meeting expressed unhappiness with political processes such as lobbying for votes and recommended that Aboriginal and Islander executive members should 'meet in Canberra on the Thursday before conference to draw up an agenda for the all-Aboriginal Conference'. Suggestions were that a timekeeper be appointed, a chairman who would keep 'hard and fast rules of chairmanship' be selected and that a steering committee be elected by the all-Aboriginal conference.²⁷ These were early signs among Indigenous FCAATSI members of a desire to establish their own power base; however, there is no evidence that these recommendations were implemented.

Added to the common experience of colonialism was the growing sense of a shared culture among Indigenous Australians. Charles Leon, Aboriginal president of the Aboriginal-Australian Fellowship had written, in a private capacity, to Aboriginal organisations and communities in 1965:

²⁶ See K. Walker, Report on the 9th Annual Conference of FCAA- Canberra, Easter 1966, McGinness papers, AIATSIS Canberra.

For some time now it has been very heavy upon my heart that our people should have their own organisation, so that we can speak with one united voice to obtain the rights and privileges which we are striving for.

There is no Australia-Wide organisation which is really our own. There are many societies which have the name of 'Aboriginal' associations, but their membership and leadership is not for our people only. Whilst these associations have done good work, and I am not against them, I do believe we must have own organisation to make our own demands and to be recognised by the Government and the world as being the true voice of our own people. We must have our own 'Moses' to say 'Let my people go!'²⁸

It would seem likely that such ideas were being discussed among politically active Aboriginal and Islander people in the mid-1960s. And while the most politically active voices were coming from the south-east of the continent, recognition of cultural difference was being articulated from people in the north as well. Daymbalipu from eastern Arnhem Land told the 1966 conference how mining threatened his people. He explained, 'we send petition this time to federal Government. Now mining people will come to our country. Aboriginal people on Yirrkala mission still want their country'.²⁹

Both the syntax and the content of this statement expressed an awareness of the gulf which separated Daymbalipu and his people from non-Aboriginal people in their fight for their land. At this and other FCAATSI meetings city people met and talked with those still living under tribal law. One AAL member noted that 'Aboriginal people are strongly united in a desire for self identity'. She predicted that their voices, 'raised at first tentatively, but gaining in confidence and strength, will be heard in their

²⁷ Ibid. I have not found any evidence to indicate that these recommendations were adopted.

²⁸ Charles Leon, Dick Moffatt copy, CAR, MS 12913, box 4, SLV. The letter is not dated but a copy is registered in the inwards correspondence register of the Council for Aboriginal Rights as number 3 517, 1 June 1965,

²⁹ Delegate's report to Women's International League for Peace and Freedom, an affiliate of FCAATSI, 1966 annual conference, MS 6222, box 3, Mitchell Library, SLNSW

struggle for dignity'.³⁰ The difficult task of speaking for Aboriginal and Islander people as one group was taken up by those who had had a Western education and were more experienced in pressure group politics. In the mid-1960s the all Indigenous pre-conference meeting as well as the annual conference itself provided a forum in which emerging Aboriginal and Islander spokespeople could draw on the growing sense of a shared culture and identity.

Spokespeople from communities at Carnavon, Alice Springs, Bamaga, Moa and Thursday Island, as well as from the urban centres voiced the concerns of their people at annual FCAATSI conferences. Jean Jimmy, spoke for the Mapoon people. Daymbalipu represented the Yirrkala mission. Others came from urban areas: Ken Brindle, a Redfern community leader; David Anderson a young, hard-working activist from Mildura, Victoria; and Malcolm Cooper a respected leader from Adelaide. What was needed now were Aboriginal or Islander leaders whose influence and ability could overcome the still strong sense among Aboriginal people of loyalty to the local group whether it be defined by tribal affiliations, mission experience or familial bonds. Three such people were well known to FCAATSI conference-goers. Pastor Doug Nicholls from Victoria had attended conferences since 1958, Kath Walker from Queensland and Charles Perkins, known for his part in the so-called 'Freedom Ride' of Sydney University students in 1965, had both been attending FCAATSI conferences since 1961. These three people would play significant roles in the Federal Council in the years following the referendum.

³⁰ M. Havir, 'The Ties Were Strengthened', *Smoke Signals*, vol. 3, no 2, June 1964.

In the mid-1960s both Doug Nicholls and Charles Perkins, though dissimilar in background, could be described as politically conservative. They shared a suspicion of members of the Communist Party of Australia, worked within established political structures and accepted the original FCAA principles of equal rights, equal pay and equal access to community services as ones which could best assist Aboriginal people. Nicholls was a founding member of the Victorian Aborigines' Advancement League, an energetic fieldworker and by 1968 co-director of the League with Stan Davey, his long time friend and associate. He had represented Victorian Aboriginal people on the FCAA(TSI) executive, had led Lake Tyers residents in political action to keep their reserve, and campaigned actively for a yes vote in the 1967 referendum.³¹ Nicholls was well-known and loved, especially in Melbourne where he had played for Fitzroy Football Club. His mistrust of Communists had reputedly been expressed as a refusal to share a platform with Jessie Street when the first petition for constitutional amendment was launched in Sydney in 1957 because he believed she was sympathetic to Communists.³²

Charles Perkins, born at the Bungalow, outside Alice Springs and educated in Adelaide at St Francis House by the Anglican priest, Percy Smith, had played soccer professionally in England, before returning to Australia and continuing his education.³³ He attended FCAA annual conferences from 1961 and in 1965 reported to the annual conference on the bus trip organised by

³¹ See Mavis Thorpe Clarke, *Pastor Doug: the Story of an Aboriginal Leader*, Lansdowne Press, Melbourne 1965, for Nicholls' life up to the mid 1960s.

³² Jack Horner interviewed by Peter Read, 28 February 1989, TRC 2303/32/1, NLA

³³ See Read, *Charles Perkins*. Chapter one is an excellent account of the circumstances of Perkins' family life leading up to his mother, Hetti, agreeing to Perkins going to Adelaide with Percy Smith in 1945 when he was nine.

Student Action for Aborigines (SAFA), a University of Sydney student group. In February 1965 Perkins led a group of thirty University of Sydney students on a bus tour of northern New South Wales towns protesting about racial discrimination.³⁴ One student, Darce Cassidy, a part-time reporter for the ABC, ensured that pictures and sound recordings were collected and the press was kept informed as to their progress. The bus ride, dubbed a 'Freedom Ride' by the press, attracted wide publicity.³⁵ Peter Read, Perkins' biographer, has argued that as a result of it Perkins became a national figure, making 135 speeches in a single year, and that 'both Blacks and Whites looked to him as the most powerful influence for good in Aboriginal Australia'.³⁶ In concluding his report on the 'Freedom Ride' at the 1965 FCAATSI conference, Perkins told listeners 'I might add that constructive and imaginative thinking and action must come from the Aboriginal people themselves.'³⁷

Kath Walker's journey was somewhat different.³⁸ Unlike Perkins who was separated from his family when he came to school in Adelaide, Kathleen Ruska grew up with her family on North Stradbroke Island. The second world war offered her an escape from the domestic service which was common for Aboriginal girls in Queensland in the 1930s. She learned switchboard

³⁴ See Read, *Charles Perkins*, p. 101, for a description of the genesis and implementation of this idea. Bill Ford, an economics lecturer who had been on a Freedom Ride to Jackson Missouri may have sown the idea of a bus ride. Student Action for Aborigines (SAFA) was formed with Charles Perkins as president in 1964.

³⁵ See P. Read's 'Darce Cassidy's Freedom Ride', *Australian Aboriginal Studies*, 1988, no 1, ALATSIS, Canberra for Cassidy's transcript of a radio show which the ABC did not broadcast as it was 'considered too controversial by the ABC management'.

³⁶ Read, *Charles Perkins*, p. 95.

³⁷ Charles Perkins, 'Student Action for Aborigines' report, FCAATSI Agendas and Reports, 1965, CAR, MS 12913, box 10/7, SLV.

operation in the Australian Women's Army Service, and during the war married Bruce Walker, 'an old playmate'. As with Nicholls and Perkins, Kath Walker was successful at sport. She used her ability to bring young Aboriginal women together, starting the Brisbane All Blacks, a black women's cricko team.³⁹ Walker readily acknowledged her debt to the Communist Party of Australia, the only political party in 1950s Australia which did not have White Australia as a policy plank. She attended Party classes and read Communist literature prior to her formal involvement in the politics of Aboriginal advancement.⁴⁰ This began with attendance at meetings of the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders (QCAATSI) in 1958. She attended the 1961 Federal Council meeting, became Queensland state secretary in 1962 and from that time on played an active part in both QCAATSI and FCAA(TSI). By 1963 Walker was no longer a member of the CPA, having come to the view that 'all they want is to use my people and I'm not going to let them.'⁴¹ She saw herself as a leader and refused to join any political party, holding that 'a lot of my people who look to me for leadership would follow along, not because they liked the party I was in, but

³⁸ See Clark, *Pastor Doug* for a biography of Doug Nicholls; Read, *Charles Perkins* for Charles Perkins; Kathie Cochrane, *Oodgeroo*, UQP, St Lucia, 1994 for Kath Walker.

³⁹ See Cochrane, *Oodgeroo*. Kathie Cochrane first met Kath Walker in 1958 when Cochrane was trying to interest Aboriginal Queenslanders in the work of QCAATSI. Oodgeroo encouraged Cochrane to write the biography which was published the year after Oodgeroo's death. Cricko, another name for vigoro, is a team game which combines elements of baseball and cricket.

⁴⁰ Jon Collins, 'A Mate in Publishing' in Adam Shoemaker, ed., *Oodgeroo and Her People: Perspectives on Her Life's Work*, UQP, St Lucia, 1994, p. 10.

⁴¹ ASIO Agent's Report No 63/1283, Stan Davey file, Series 6119, item 2590 NAA, Canberra.

because I was in it'.⁴² At the 1962 conference she read her 'Aboriginal Charter of Rights', which began:

We want hope, not racialism,
Brotherhood, not ostracism,
Black advance, not white ascendancy;
Make us equal, not dependants.⁴³

Walker's verse brought Federal Council delegates together and forged a sense of purpose.⁴⁴ With the successful publication of *We Are Going*, Walker also became known in the general community and developed a heightened sense of her ability to influence others. Through most of the 60s she accepted the view of FCAATSI as a multi-racial organisation in which black and white worked together, though by 1966 she was aware of the growing dissatisfaction with the power imbalance in FCAATSI among Indigenous members.⁴⁵ She finished her 1966 report on the annual conference with a warning: 'I appeal to FCAA members to take this report seriously, for it is my opinion that if the

⁴² ASIO Agent's Report No 63/1283, Stan Davey file, Series 6119, item 2590 NAA, Canberra. It would appear, from the ease with which Walker shared information that this agent was most likely a member of QCAATSI.

⁴³ 'Aboriginal Charter of Rights', FCAA Action Programme arising from the 5th annual general meeting held in Adelaide on 22nd and 23rd April 1962, CAR, MS 12913, box 10/9, SLV.

⁴⁴ Walker wrote to Christophers urging use of 'Aboriginal Charter of Rights'. '...I donot know whether the FCAA feels this is wrong but it is necessary to get the 'Aboriginal Charter of Rights' before as much of the public as possible. We are sending it out with every piece of material we send. The Trades and Labour Council roneoed off 200 copies and we are sending it everywhere in Q'ld. Suggest you do the same. That poem is not for sale and I do not intend making money out of it. It belongs to my people in the interests of my people...' 6 June 1962, Christophers personal papers. Later, folksinger, Gary Shearston adapted one of Walker's poems, 'We Are Going' and put it to music for use in the referendum campaign, FCAATSI papers, MS2999, box Y604, Mitchell Library, SLNSW.

⁴⁵ Walker wrote in Shirley Andrews in 1962, 'A 50/50 executive is a good idea. We will learn from each other...Black and white must stand together, otherwise it could develop into a race struggle, through some of my people trying to become too independent too soon. This of course is quite understandable. This however is a class struggle and colour is of no importance when all is said and done. 15 May 1962, CAR, MS 12913, box 9/8, SLV.

Aborigines requests are ignored, there could be a breakaway from some of the Aborigines in the movement'.⁴⁶

Some whites were becoming aware of the fact that the movement would need to change to accommodate Aboriginal and Islander opinions. *On Aboriginal Affairs* editorialised on the value of the Federal Council:

The 1964 Conference shows that the steady growth of the Federal Council for Aboriginal Advancement is being maintained. What is more, this organisation continues to be influenced by Aboriginal leadership in a unique way...However, it is becoming apparent that new dimensions must be added to its work in the future if it is to remain effective.⁴⁷

Similarly Pauline Pickford from the Council for Aboriginal Rights, reflecting on the ideas concerning self-determination expressed by Aboriginal speakers at the conferences, saw the need for creative encouragement and support for emerging Aboriginal leaders. She suggested that there was 'quite a real danger... that there could be a major move towards another National conference for Aborigines only.' She urged her members:

Immense efforts should, from now on, be made to prepare the way for future conferences that will be dominated by Aborigines, so that they eventually become THE controlling influence at Conferences called to discuss their problems and plans for action, aimed at solving their difficulties.⁴⁸

Pickford's working relationships and friendships with Aboriginal people, especially at Lake Tyers, led to stronger links being forged between Victorian

⁴⁶ K. Walker, Report on the 9th Annual Conference of FCAA- Canberra, Easter 1966, Presented to Queensland Council for Advancement of Aborigines and Torres Strait Islanders, McGinness papers, AIATSIS, Canberra.

⁴⁷ *On Aboriginal Affairs*, no 11, 1964, p. 11

⁴⁸ P. Pickford, 'Summary of the 8th Annual Conference of the Federal Council for Advancement of Aborigines and Torres Strait Islanders', 5 May 1965, CAR, MS 12913, box 10/7, SLV.

communities and the Council for Aboriginal Rights, and an increase in Victorian Aboriginal attendance at Canberra conferences.⁴⁹

By 1967, ten years of conferences had provided the opportunities for Aboriginal and Islander people to recognise a shared experience of dispossession. The annual conferences also revealed shared common attributes which differentiated them from white FCAATSI members. Spokespeople such as Perkins, Nicholls and Walker, as well as Joe McGinness, the president of FCAATSI, were emerging as leaders. Faith Bandler, the NSW state secretary, whose South Sea Island predecessors shared the colonising heritage but not the Aboriginality was in a different relationship with Indigenous Australians. Bill and Eric Onus from the Victorian Aborigines Advancement League carried the political experience of an earlier generation of Aboriginal activists. Bert Groves, Ken Brindle and others from the Aboriginal-Australian Fellowship became more widely known as a result of their roles during the 1967 referendum campaign. Perkins interpreted the successful referendum as an indication that the general public in Australia wished the Aboriginal people to take a leading part in decision making concerning their own particular problems.⁵⁰

In August 1967 Perkins, recently returned from a Government-sponsored tour of America and Europe investigating race relations, publicly

⁴⁹ See summaries of annual conferences for the Council for Aboriginal Rights by Pauline Pickford, 1964-66, MS 12913, box 10/6, SLV.

⁵⁰ A paper circulated by Perkins, following the meeting called by Perkins, Nicholls and Tongeris to discuss 'developments in Aboriginal Affairs in Australia' adopted a recommendation that 'the recent successful Referendum gave indication that the general public in Australia wished the Aboriginal people to take a leading part in the future in decision making concerning their own particular problems.' Concern was shown for the fact that the Federal Council did not encourage this. Cited in ASIO report, 31 October 1967, CRS 6119/90, 2590, NAA, Canberra.

attacked the Federal Council. He was reported as saying 'I believe there is political manipulation within the council and a strong element of self-interest'.⁵¹ Perkins, now manager of the Sydney Foundation of Aboriginal Affairs and adept at using the media referred to decisions which would be made outside the Federal Council and issued warnings of the likelihood of racial violence comparable with those involving Negroes in the United States.⁵² Both white and black FCAATSI members were speaking of a need for increased Indigenous decision-making within the Federal Council.

The structure of the Federal movement

The Federal Council was structured along traditional lines of an executive, an annual general meeting and a constitution which laid out both the underlying principles as well as members' rights and responsibilities. As described earlier, two membership categories were established, and voting rights were weighted to favour organisations specifically concerned with Aboriginal affairs over other organisations.⁵³ Apart from this there was nothing about this body which would distinguish it from any other political pressure group existing in the community, except that it included Aboriginal and Islander delegates and that it was an Australia-wide federation of smaller, more localised bodies.

Decisions between annual meetings were taken by an executive which met monthly in Melbourne, home of the General Secretary, Stan Davey. The office of Gordon Bryant, MHR for Wills was the usual site of these meetings and his parliamentary office facilities, especially his phone account, meant that

⁵¹ 'Australia faces danger of racial violence', *Australian*, 31st August 1967, p. 3.

⁵² 'We Could Have Race Violence, Aboriginal Warns', *Australian*, 19th August 1967;
'Perkins Again Gives Violence Warning', *Australian*, 24th August 1967

delegates from other states could put their views on agenda items by phone during the meetings. From 1966 the full executive met only twice a year, and thus it was the monthly decisions and interactions—initially of Stan Davey, Gordon Bryant, Shirley Andrews, Barry Christophers and Doug Nicholls, joined later by Alick Jackomos, Lorna Lippmann and Barrie Pittock— which steered the Federal Council up to the 1967 referendum.

Mistrust and suspicion of this core executive existed almost from the outset. This was both jealousy of the dominance of Melbourne, from the 'green-eyed monsters in other states', as Shirley Andrews called them as well as ideological difference, and a view that the left, and specifically the CPA members were too dominant.⁵⁴ The effective operation of the Federal Council relied over the first ten years on the skills of Davey as one who was politically unaligned in that he was neither a member of a political party or closely associated with a political ideology. Davey was a skilful communicator. He was a man whose motives, even in these suspicious times, were not doubted by those who knew him. His church background and lack of political affiliation helped in keeping the lines of communication open with his more politically conservative cousins in the West and South Australia. He argued

⁵³ Constitution of the Federal Council of Aboriginal Advancement, as adopted at the annual general meeting, Adelaide, 1962, CAR, MS 12913, SLV

⁵⁴ South Australian delegates, especially Charles Duguid and Iris Schultz and Western Australian Cyril Gare were the most vocal ideological opponents of the Melbourne executive. Duguid in the *Adelaide Advertiser*, 26 March 1968, wrote: '... In 1958 I was inaugural president of the Federal Council for Aboriginal Advancement, but when later it departed in my opinion from democratic principles through a hard core executive which dictated policy, I severed my connection with the body.' Both Andrews and Davey have spoken about NSW jealousy of the power of the Melbourne executive. See Stan Davey interview conducted by Francis Good, October 1986, NTRS 226, item 462, tape three, page 4, NT Archives. Shirley Andrews referred in a letter to Joyce Tattersall to the 'green-eyed monsters in other states' and has spoken to me about the Sydney members desire to gain more control of the Federal Council, conversation 24 November 1999.

against state councils, an idea proposed by Cyril Gare of the WA Native Welfare Council, who favoured strengthening the power of the state affiliates in the Federal Council. He considered that such a development would increase the struggles between left and right, between those such as Iris Schultz of the South Australian Aborigines Advancement League who wanted to work with governments and those, such as Christophers and Andrews, who considered this approach to be politically naïve.

By the time of the 1966 annual meeting Davey had resigned from his teaching post with the Victorian Education Department in order to work full time in the Aboriginal field, taking a pay cut of about £10.00 per week to do so which represented about a quarter of his salary as a teacher.⁵⁵ An arrangement was made with the Victorian AAL that it would employ Davey as their director on a salary of £1 800 per annum provided that FCAA and affiliates could find one third of this (£600 p. a.) Davey would then divide his time accordingly.⁵⁶

By his own admission as well as the observation of others, Davey was not drawn into Cold War polarities in his Aboriginal affairs work.⁵⁷ An ASIO agent reported that Davey was not frightened to work with Communists but that he was not frightened to criticize Communists and Davey's actions

⁵⁵ K. Walker, Report on the 9th Annual Conference- Canberra, Easter 1966, McGinness papers, AIATSIS, Canberra.

⁵⁶ Walker pointed out to delegates that 'Mr Davey will be losing about £10.00 per week but he is prepared to do so in the interest of Aboriginal Advancement'. Davey had been working as a secondary school teacher before this arrangement. He was married and had two children to support. The salary loss would have been significant. See K. Walker, 'Report to QCAATSI on the 1966 conference', McGinness papers, AIATSIS, Canberra.

⁵⁷ See Stan Davey interview, FCAATSI Oral History Project, 29 November 1996, p. 8, AIATSIS, Canberra.

support this judgement.⁵⁸ His refusal to be intimidated by the smear tactics of McCarthyist accusation can be seen in his response to an unsigned *Bulletin* article by a 'special correspondent' which suggested that members of the Communist Party of Australia (CPA) were 'infiltrating' the Federal Council. The article mentioned a number of people working in Aboriginal affairs who were members of the CPA, including Shirley Andrews. Davey, in reply, pointed out that Andrews had 'been a member of the FCAA executive since the inception of the Council' and that the quality of her research work for Federal Council has 'not been surpassed by any other research worker'.⁵⁹

Davey had developed good working relationships with Aboriginal and Torres Strait people through trips to many Aboriginal communities.⁶⁰ Over the summer of 1966/67, for example, he covered 5, 700 miles by car, 1 000 miles by plane and 140 miles by boat, interviewing over 140 people.⁶¹ He worked closely with Doug Nicholls in the AAL, got on well with Kath Walker, with spokesmen such as Daymbalipu from Yirrkala, Jean Jimmy from Mapoon and Captain Lupna Giari from Wave Hill, Ted Penny from Port

⁵⁸ ASIO agent's report no 47/66 'Davey is not frightened to work with Communists, but he is also not frightened to criticize Communists.' CRS 6119/90, NAA, Canberra.

⁵⁹ 'After the "Freedom Ride"', *Bulletin*, 27 March 1965; Stan Davey, letter to the editor, *Bulletin*, 24 April 1965.

⁶⁰ Records of Davey's work in the Federal Council come from various collections which I have accessed. These include the substantial Council for Aboriginal Rights, collection, held in the State Library of Victoria. As both Barry Christophers and Shirley Andrews were office-bearers in both the CAR and FCAATSI over many years this collection includes FCAATSI papers. As well the FCAATSI papers in the Mitchell Library, NSW, the McGinness collection in the AIATSIS library, Canberra and the Gordon Bryant papers in the NLA are the main available collections which include reports, letters, minutes, etc from Davey. Oral history tapes and transcripts are an interview by Francis Good, 1986, held by NT Archives, NTRS 462, and my interview with Davey for the FCAATSI Oral History Project, 1996, deposited at AIATSIS. The biggest collection of Davey's papers would most likely be held by VAAL. This collection has not been archived, and while I was given permission to look at it, its totally unorganised state, held in a large steel container meant it was effectively inaccessible. Davey also related that papers he had sent to Armidale in 1974 never arrived. Email, 22 November 1999.

Hedland in WA and many, many others.⁶² He described his earlier ministry in the Church of Christ and then his work as a teacher as preparation for his real life's work with Aboriginal people.⁶³ According to information gained by one ASIO agent, there was a move by the Queensland left against Davey as general secretary in 1962, but Kath Walker supported Davey for secretary in the all-Aboriginal meeting and he was voted back in.⁶⁴ He is remembered by many as a principled man of integrity as well as one with the ability to bring people together and encourage them to work co-operatively.⁶⁵

By 1967 Aboriginal and Islander membership on the executive had grown but their power had not. Joe McGinness was elected president in 1961, a position which he held for all but one year of FCAATSI's remaining life span. Through this period, however, he lived in Cairns, a long way from the decision-making centre in Melbourne. In 1962 state secretaries were added to the executive and, although this was not a constitutional requirement, they were always people of Aboriginal or Islander descent.⁶⁶ Following the annual general meeting that year Walker and McGinness discussed the new

⁶¹ Report from Hon Sec, FCAATSI on visit to Queensland and NSW, 15 July 1966, CAR, MS 12913, SLV

⁶² See for example correspondence with Ted Penny, 13 Jan 1964 and 2 Feb 1965, MS 12913, box 10/1; Jean Jimmy 15 June 1966, Bryant papers, MS 8256, box 171, and numerous letters in the McGinness collection, AIATSIS.

⁶³ Personal communication, 29 November 1996.

⁶⁴ The report in the ASIO files of this event is based on a description by Kath Walker, of a meeting she was invited to with Joe McGinness, Wally Stubbings, Ted Bacon, Alex McDonald and George and Kathie Cochrane to 'spearhead an attack on Stan Davey and have him pushed out of office. He was not playing their line so he had to go'. Joe McGinness was the spokesman for the Fraction [sic], and asked me what I would do about Davey. I replied that I knew Davey to be a good man and I couldn't promise anything without having some facts to go on...' See Stanley Francis Davey CRS A6119, item 2589, NAA, Canberra

⁶⁵ See FCAATSI Oral History Project interviews with Barry Christophers, Alan Duncan, Don Dunstan, Frank Engel, Dulcie Flower, Alick Jackomos, Lorna Lippmann, Daphne Millward, Pauline Pickford, Joe McGinness, AIATSIS, Canberra.

⁶⁶ The only two exceptions to this custom were Faith Bandler of Solomon Islands background (her father had been 'blackbirded to work on the sugar cane) and Alick

possibilities offered by the addition of state secretaries. McGinness supported Walker as an ambassador for Indigenous Australians, as Walker described the need for the new Aboriginal state secretaries to develop their public speaking skills for the national petition campaign. She envisaged the new state secretaries developing as political activists, agitating for reforms and organising Aboriginal people in their states.⁶⁷ From 1964 when the number of vice-presidents increased to three it became customary for two positions to go to Aboriginal or Islander members and the third to go to Bryant, as senior vice-president.⁶⁸ So Davey was technically correct when, in defending the organisation against the *Bulletin's* insinuations of CPA domination he pointed out that 'FCAA has an executive of 23, including six persons of Aboriginal descent, two Torres Strait Islanders and two who through race or marriage are identified with Aboriginal communities'.⁶⁹ Distance from Melbourne, however, as well as lack of experience in pressure group politics and distance from each other meant it was difficult to exert much influence. It would seem that Walker's plans for the political development of state secretaries were not enthusiastically embraced by other executive members in any practical sense.

In 1965 Gordon Bryant suggested that the Federal Council adopt a policy of employing Aboriginal staff, and to 'search vigorously for an Aboriginal person, preferably male, to occupy the position of Director or

⁶⁷ Jackomos, of Greek parentage but married to Merle Jackomos, a Yorta Yorta woman from Cummeragurra Reserve. Both had cultural links with Aboriginal communities. Kath Walker to Shirley Andrews, 15 May 1962, MS 12913, box 9/8, CAR, SLV.

⁶⁸ In 1964 these were Sydney James Cook, adopted son of Charles Duguid, from Darwin and Joseph Abednego from the Torres Strait; in 1965 J Morgan from Lismore, NSW and Phillip Roberts from Darwin. CAR, MS 12913, boxes 10/6, 10/7, SLV.

⁶⁹ S. Davey, letter to the editor, *Bulletin*, 24 April 1965. Faith Bandler and Alick Jackomos comprised the last category.

Organiser or Field Officer after a training period of perhaps twelve months'.⁷⁰

I have not found any evidence following this meeting that these suggestions were seriously pursued. The organisation was still firmly in the hands of the original white executive at the time of the referendum.

A resolution at the mid-year 1967 executive meeting set in train a series of events which would fundamentally change the Federal Council. This was a weekend meeting of the full executive with representatives from South Australia, Queensland, New South Wales and Victoria present. On the Saturday some discussion took place regarding the quality of Davey's work and the issue of whether the General Secretary's position should continue to be a paid one. The salary issue was deferred to Sunday when a motion was passed to terminate payment to the General Secretary.⁷¹

The move to cut Davey's salary was most likely initiated by New South Wales delegates but the 8 – 5 vote in favour of it indicates that some Victorian, and possibly South Australian, delegates had been persuaded to vote against Davey. His supposed clerical failures tendered as the reason for this move masked a deeper purpose, the desire by Sydney executive members to wrest control of the executive from Melbourne. While aware of the undercurrent of state rivalry, Davey was ignorant of this plan to terminate his salary and responded, five days later, by tendering his resignation.⁷²

⁷⁰ Gordon Bryant, 'Suggestions for meeting in Brisbane on 3/9/65', Bryant papers, MS 8256, series 11, box 172, NLA.

⁷¹ Minutes of the executive meeting of the FCAATSI held at the Doug Nicholls Centre, Cunningham St., Northcote on Saturday 24 and Sunday 25 June 1967, CAR, MS 12913, box 10/2, SLV.

⁷² Ibid; An ASIO agent's report based on a conversation with Manfred Cross who had recently spoken to Stan Davey had this information on the move against Davey 'Manfred Cross added that he had recently spoken to Stan Davey, who had agreed that he had not given his full time to FCAATSI activities, however this was

At the September executive meeting, Faith Bandler, the NSW state secretary was elected acting General Secretary and Clive Williams was elected to the NSW state secretary's position vacated by Bandler. The administrative centre of FCAATSI was to move to Sydney. Power for decision-making between conferences lay now with the Sydney-based members of the executive. Faith Bandler, Jack Horner (who had been appointed secretarial consultant of the state branches pilot scheme), Jean Horner, treasurer, Alan Duncan, education convener, Phillip McFarlane, land and reserves convener, and Clive Williams, NSW state secretary and the only Aboriginal person initially in this group, made up the new core executive, resident in Sydney. The evidence suggests that personality conflicts and state rivalries played some part in the move against Davey.⁷³ It would seem also that Davey's attempts to limit Communist Party influence in the Federal Council annoyed some executive members. Some Aboriginal leaders blamed the left for the move against Davey, believing he had been voted out because of his on-going attempts to maintain political balance in the Federal Council. The issue would surface at the following annual conference, when both Kath Walker and Barrie Pittock would make public criticisms of the way Davey had been treated.

The Melbourne core executive team of Davey, Andrews, Christophers and Bryant, although not free of political tensions, represented years of

impossible when 60% of his salary was being provided by the Victorian AAL...Davey added that regardless of this, he could not help but be hurt by the way he was treated prior to his resignation and he had no knowledge of the executive intention to dismiss him until he attended the meeting'. CRS A6119, 2590, NAA, Canberra.

⁷³ Four Sydney members were at this meeting, ten Melbourne members, two from SA, Kath Walker from Queensland. As the vote was 8-5 against Davey maintaining his salary, the Sydney group would have had to gain the support of four others who may

experience campaigning, networking, writing and speaking. It was now formally at an end. Davey resigned from his position as Director of the Victorian Aborigines' Advancement League in September 1968, moving to Western Australia, maintaining a loose link as an honorary AAL field research officer and filing reports on the situation for Aboriginal people in the north-west. Andrews resigned from the Federal Council early in 1968, after 17 years of voluntary work – in the Council for Aboriginal Rights and then the Federal Council.⁷⁴ Christophers' contribution in working for legislative reform and economic justice continued through the Equal Wages for Aborigines Committee. Bryant, senior vice-president of the organisation, remained active but with the shift to Sydney he was less influential on a regular basis than previously.

In October, Perkin's veiled reference to 'decisions which would be made' became clearer in a press release under the heading 'New National Group Urged for Aborigines'.⁷⁵ Perkins had joined forces with Doug Nicholls and Maude Tongerie, founder of the South Australian Aboriginal Women's Council to call together 35 Aboriginal representatives from all states. The meeting foreshadowed the possibility of the formation of a new organisation – the National Aboriginal Affairs Association. It expressed dissatisfaction with the Federal Council, especially with the executive elections of Bandler, Williams and Horner to vacant executive positions. Election to office should

⁷⁴ have been unhappy with Davey's work during the campaign. It would seem that some of those present abstained from voting. Andrews said that since she had been in the movement since 1951 she was jaded. As well, she argued that at that time she didn't really understand the land rights movement. Personal communication, 24 April 1997. Davey moved to Western Australia in 1968, maintaining an honorary position as a field worker for FCAATSI.

not happen, they held, 'without referral to (a) the general body of the FCAA, and (b) the Aboriginal people of Australia'.⁷⁶ The press release issued after this meeting referred to 'the "forced" resignation of Stan Davey' and stated that the Federal Council 'does not generally represent the Aboriginal people or genuine Aboriginal opinion'.⁷⁷

News of this meeting and related public quarrels between Perkins and the FCAATSI executive, caused a furore in Sydney with Faith Bandler, acting General Secretary and Jack Horner refusing to meet with Perkins.⁷⁸ Stan Davey was able to negotiate a stand-off until the next annual conference when grievances of Aboriginal members could be aired 'through the Aboriginal section of the Conference'.⁷⁹ The planned new national organisation did not proceed but clearly the executive of the Federal Council could expect further challenges to its decisions as demonstrated by Perkins' public criticisms of executive appointments due to resignation and restructuring of FCAATSI since the previous annual conference.⁸⁰ Could the Federal Council accommodate the growing Indigenous impatience, even anger, at what they saw as high-handedness and lack of response for Aboriginal and Islander desires for power?

⁷⁵ See 'New National Group Urged for Aborigines', *Sydney Morning Herald*, 23 October 1967.

⁷⁶ Ibid.; This article also appears as a document from *Churinga*, February 1968 in Attwood and Markus, *Struggle for Aboriginal Rights*, p. 239. As the news report is four months out of date the impression is that the meeting was much later than it actually was.

⁷⁷ Press release signed by Pastor Doug Nicholls, Mrs George Tongerie, Mr Charles Perkins, CRS A6119/90, item 2590, NAA, Canberra

⁷⁸ Davey to McGinness, 23 January 1968, McGinness papers, AIATSIS, Canberra.

⁷⁹ Ibid.

⁸⁰ Following Davey's resignation, at a meeting of the executive Faith Bandler, formerly NSW state secretary was elected acting General Secretary and Clive Williams was elected NSW secretary. At the June 1967 executive meeting Jack Horner had been appointed Secretarial Consultant to co-ordinate the pilot scheme of FCAATSI state

Assertion and Grievance at the 1968 Easter Conference

The theme of the 1968 conference was 'how Aborigines can assert themselves' and 'Aborigines did assert themselves' announced *Newsletter*, the QCAATSI monthly news bulletin. 'They were a majority of the 250 delegates; the major speakers; they influenced most decisions and leaders elected were those they favoured'⁸¹. This was an interpretation for public consumption; the reality was less clear. It was a conference at which interstate rivalries, left and anti-left forces and emerging racial tensions were sometimes enmeshed together; and at other times more distinct. These various tensions were most evident in a session in which Davey's forced resignation the previous year was discussed and in the election of Dulcie Flower as the new General Secretary.

The grievance session on FCAATSI was held on Easter Saturday, the second day of the conference. Barrie Pittock, as convenor of the Legislative Reform Committee, opened the session with a report on 'Aboriginal and European Leadership in FCAATSI' which identified some of the failures of the Federal Council and grievances which people had against it. He referred to a 'feeling, which is fairly widespread, that non-Aborigines tend to dominate the executive'.⁸² Pittock argued that distance, Aboriginal members' lack of access to phones, and lack of funds were the reasons for the failure of the executive to consult with the Aboriginal members, but that more needed to be done to encourage Aboriginal leadership. He described the Federal Council's

⁸¹ branches, minutes 23-24 September 1967, Pittock papers; see also minutes of FCAATSI committee meeting 24-25 June 1967, CAR MS 12913, box 10/2, SLV *Newsletter*, monthly bulletin of the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders, no 57. April-May 1968.

efforts in this regard as 'lip-service', stating that while this executive had 'sought to encourage Aboriginal leadership, we have not done it. And we have not made it a high enough priority'.⁸³ He went on to suggest that the movement had been run by educated middle-class people who had focused on legislative injustices, whereas economic injustices were what held many back and that the provision of land was necessary to provide an economic base. Next Pittock raised the question of whether, as he euphemistically expressed it, 'political affiliation' should be a reason for excluding some from positions on the executive. He urged Aboriginal and Islander delegates 'my answer to this criticism is that it is in your hands.' He was followed by Charles Perkins who acknowledged that 'communist representatives ... have given us help where others have not' but that out of consideration for the organisation they belong to 'it would be better if such members stood down'.⁸⁴ Ken Brindle, in reply, criticised Perkins, pointing out that as a vice-president he had 'attended only one meeting for one hour' in the previous two years. The session degenerated into Cold War name calling, this time between Aboriginal delegates with Brindle's taunt: 'Honestly, I thought Mr Perkins was a communist while he was at university!'⁸⁵ Accusing someone of being a Communist was an effective ploy to end an argument. Communists, presumably, operated from base motives.

⁸² Barrie Pittock, 'Report on Aboriginal and European Leadership in FCAATSI', Proceedings of the 11th annual conference, FCAATSI, Canberra, 12-14 April 1968, RS24/1, AIATSIS, Canberra.

⁸³ Ibid.

⁸⁴ C. Perkins responding to B. Pittock's 'Report on Aboriginal and European Leadership in FCAATSI', 13 April 1968, RS 24/1, AIATSIS, Canberra.

⁸⁵ Grievance session, Proceedings of the 11th conference of FCAATSI, FCAATSI papers, RS 24/1, AIATSIS, Canberra.

The election of a new General Secretary, the most important, and certainly the most arduous executive position, displayed divisions in the Federal Council which related to state rivalries, possibly to the divisions between the left and ant-left, and to the emerging division along racial lines. Pittock had concluded his presentation by referring to the events which led up to the resignation of Stan Davey. He told the audience that the vote against Davey was not unanimous, that it had caused division and that 'some of us still feel that what happened was wrong'.⁸⁶ An ASIO agent present reported that this 'caused looks of obvious embarrassment by Faith Bandler and Jack Horner and others on the platform'.⁸⁷ Davey was not present at this conference, and though he had reportedly said that he would not accept nomination as Federal Secretary, he had by Easter evidently been persuaded to stand on condition that 20 hours of stenographic support would be provided. A second ballot was held, called after the first was declared invalid, between Stan Davey (in absentia) and Dulcie Flower, of Islander background, a member of the Sydney Aborigines' Progressive Association. Barrie Pittock spoke in favour of Davey's nomination, outlining his capabilities and previous experience. Jack Baker spoke for Flower, arguing that 'the centre of gravity in

⁸⁶

Pittock, 'Report on Aboriginal and European Leadership in FCAATSI'

⁸⁷

ASIO file on Stan Davey, CRS A6119/90, item 2590. The same agent reported Jack Baker who represented Australian Council of Salaried and Professional Associations and was the 1967 convener of the Cultural Development committee and a member of the Sydney executive. 'Jack Baker said...in fact Davey had resigned from office without any persuasion...He had never complained but resigned to take a position in far West Australia which made it impossible for him to remain as General Secretary. Further cries of "what rot" and "why don't you admit the truth?"' A comment by Kath Walker at the end of her report as Queensland State Secretary lends weight to the view that the move against Davey was supported by at least some of those on the left. She wrote: 'Queensland regrets the FCAA moves that eventually led to the resignation of Mr Stan Davey and we are still disturbed by the matter. We hope that FCAA Executive will be able to avoid giving cause to the Australian Public to view the organisation with some reserve. We think that we will not gain the wholehearted support of the Aborigines unless we have won their complete confidence'. Reports

Aboriginal affairs was moving north'. The result of the ballot was 73 for Stan Davey and 144 for Dulcie Flower.⁸⁸ 'At this the meeting went wild', according to an ASIO agent's report. 'There was cheering, shouts, cooees and stamping of feet on the conference floor.' Later the same agent asked Phillip Roberts why the vote went against Davey. Roberts was reported as saying:

Stan Davey was a real gentleman, he worked hard and he gave a deal of his life for us, but HE IS WHITE! Don't you realise just how militant our people have been during this conference? This is now. We intend to go places. If we could have an all black executive we would be extremely happy.⁸⁹

In opening the 1968 conference Dr H. C. Coombs, the newly appointed chairman of the Council for Aboriginal Affairs, had outlined the new Council's desire to consult 'with Aboriginal citizens' and the Aboriginal and Islander delegates had responded by passing a resolution:

That an all-Aboriginal and Torres Strait Islander Action and Advisory Committee be set up to work within the framework of the FCAATSI as a functional committee. That the committee be elected by the Aborigines and Torres Strait Islanders. That the

and Proceedings for the 11th Annual Conference on Aboriginal Affairs, 12-14 April, 1968, CAR, MS12912, box 10/8, SLV

⁸⁸ These figures come from three sources: notes taken by Barrie Pittock during the proceedings, a report by an ASIO agent who was also present, and an assessment of the meeting made by Barrie Dexter, Director of the Office of Aboriginal Affairs for Minister-in-charge of Aboriginal Affairs, W. Wentworth. CRS A2354/SS, 68/26, NAA. The ballot for General Secretary was very confusing. In the first ballot the names, Harriet Ellis, Faith Bandler, Alf Clint from Tranby Co-Operative and Stan Davey were put forward. The first two stood down, Gordon Bryant argued that Clint's nomination was unconstitutional because he had nominated himself, and the returning officer reminded Bryant that Davey had nominated himself in the form of a letter. The returning officer declared Davey's nomination invalid because he had declared a 'set of conditions' under which he would be prepared to take office. Bryant remarked that Clint 'wouldn't know the first thing about the organisation' and recommended that fresh nominations be called for the position of General Secretary. This account comes from an ASIO agent's report. It is consistent with notes from the meeting taken by Barrie Pittock. It is interesting to note that all three sources mentioned above, Barry Dexter of the OAA, Barrie Pittock and the ASIO agent confirm that the election was between Davey and Flower but that both Davey and Flower in different interviews do not recall Davey as standing for the position in 1968. FCAATSI Oral History Project, Dulcie Flower, 9 November 1996, AIATSIS Library; Stan Davey, interviewed by Francis Good, 1986, NTRS 226, TS 462, NT Archives.

⁸⁹ Stan Davey, CRS A6119, item 2590, NAA, Canberra.

Committee act as a direct liaison with the Federal Government Office of Aboriginal Affairs...⁹⁰

This resolution was accepted and twenty people were elected to what was described as 'the National Council of Aborigines and Torres Strait Islanders'. Coombs assured the conference that the new Council for Aboriginal Affairs would 'strengthen the sense of Aboriginal Australians as a distinctive group within our society, with a distinctive contribution to make to the quality of our national life'.⁹¹

Encouragement of a sense of group identity came also from Reverend Frank Engel, Secretary of the Division of Mission, Australian Council of Churches in his address 'Turning Land Into Hope'. In pointing out the failure of past government policies Engel contrasted the stated policy of assimilation as applied to Aboriginal Australians with that applied to European migrants. The policy expected that all persons of 'Aboriginal descent will choose to attain a similar manner of living to that of other Australians and live as members of a single Australian community'.⁹² European migrants, on the other hand, Engel pointed out to his audience were assured that:

⁹⁰ Proceedings of the 11th annual conference, FCAATSI, 12th-14th April, 1968, RS 24/1, AIATSIS Library, Canberra.

⁹¹ H. C. Coombs, Official opening, 11th annual FCAATSI conference, RS 24/1, AIATSIS, Canberra.

⁹² At the 1965 conference of ministers responsible for Aboriginal affairs the definition of what was meant by the policy of assimilation as applied to Aboriginal Australians was modified. Previously, it began with the assertion that 'the policy of assimilation means that all Aborigines and part-Aborigines will attain the same manner of living as other Australians...' In 1965 the policy 'seeks that all persons of Aboriginal descent will choose a similar manner of living to other Australians...', but the policy does not allow for Aboriginal people making different choices of lifestyle, beliefs and values to those of the imagined 'single Australian community' which was the assimilationist goal.

no migrant is expected to disown his former cultural identity, the heritage of customs and traditions that are the links of the centuries. Indeed these living links with the culture of the older lands are welcomed in our evolving Australian way of life.⁹³

He asked: 'Why do we shut our eyes to the fact that there is a growth of "Aboriginality", of the desire to identify as Aborigines and find one's identity in such identification?' He argued that this growth was due, in part, to natural pride of race, and in part to generations of suspicion and mistrust caused by the white man.⁹⁴

Barrie Pittock in his talk on leadership had urged that 'the people who are striking for their rights must take possession of their leadership and must assume responsibility for their own advancement'.⁹⁵ The issue of Aboriginal leadership of Aboriginal 'advancement' organisations established years earlier by whites and the politics of racial identity would occupy the minds and emotions of many people in the Federal Council over the next two years, leading to an ideological split which cut across the more long standing traditional rivalries.

The 1969 Annual Conference

A record number of Aboriginal and Islander people attended the 1969 conference, some making their mark on this conference in a most unexpected way.⁹⁶ Thirty-five indigenous speakers addressed the conference, though most

⁹³ Frank Engel, *Turning Land into Hope*, Australian Council of Churches et al, 1968, p. 12.

⁹⁴ Ibid.

⁹⁵ A. B. Pittock, Report on Aboriginal and European Leadership in FCAATSI, proceedings of the 11th annual conference, RS 24/1, AIATSIS Library, Canberra.

⁹⁶ Reports vary as to the total number of Indigenous people present reports. AAL *Newsletter*, no 20, May 1969 reports Pastor Doug Nicholls as saying that he was pleased to see over 200 Aborigines attending the conference. A press statement from the all-Aboriginal closed session stated '200 Aboriginal and Islander delegates met in closed session. This was the largest ever meeting of Aborigines and Islanders'. Reported in *Rights and Advancement*, the FCAATSI monthly newsletter, May 1969. The credential committee figures were 76 Aboriginal or Islander delegates and 54

of these addresses were impromptu and not part of the planned agenda. The conference went according to plan until lunch-time on Saturday. It had been officially opened on Friday night by Cecil Taylor, an elder of the Woodenbong community who addressed the audience 'in an Aboriginal dialect'.⁹⁷ Paradoxically, given that almost no-one present would have understood him, his theme was unity— one people. This was followed by a panel of seven speakers: Eric Onus from Victoria, Jack Davis from WA, Roy Dadanya representing the Yirrkala community, George Wanuguj from Goulburn Island, Alf Stanislav Putmintatmeri from Bathurst Island, Mick Rangiarri representing the Gurindji from Wattie Creek and Pastor Frank Roberts from New South Wales. The need for unity, the continuing alienation of tribal land, the distress caused by desecration of sacred places and the failure of the mission system were some of the issues addressed.⁹⁸

On Saturday Kath Walker spoke on 'political rights of Aborigines' She explained the absurdity and injustice of political candidates in Queensland being banned from entering reserves to explain their policies to potential voters. 'If the religious beliefs of the Australian people are allowed to penetrate into the settlements then surely the political beliefs of the Australian people should also be allowed to penetrate'.⁹⁹ She told the audience that she had been invited to a World Council of Churches consultation on racism in

observers. It acknowledged, however, that some Aboriginal people in attendance were not registered. Alan Dredge, Secretary, Council for Aboriginal Rights, Report of FCAATSI conference, Easter 1969, MS 12913, box 10/8, SLV.

⁹⁷ Allan Dredge reported this information for the Council for Aboriginal Rights. The language is not otherwise identified, presumably it would have been in the Bandjalang language, as Taylor an elder in the Woodenbong Reserve authorised the statements made by Alex Vesper, who had spoken, on behalf of the Bandjalang at annual conferences since 1960. See H. Goodall, *Invasion to Embassy*, p. 303.

⁹⁸ Allan Dredge, Report on FCAATSI Conference- Easter, 1969, Canberra, CAR, MS 12913, SLV.

London in May. And she ended her speech with a challenge which brought people to their feet in a standing ovation:

Don't wait or leave it to the white man to do your protesting for you. Gather your own people around you and if we can bend the ears of the Aborigines selected to represent us in the Federal Office of Aboriginal Affairs, then let us charge them with the responsibility of protesting for us on our behalf.

When you leave this Conference and go back to your rat holes- rat holes you call homes, that you have inherited from the Australian society, unite your people and bring them out fighting.¹⁰⁰

Following her address, an outburst by Ken Brindle against the stated agenda was supported from the floor of the conference.¹⁰¹ Such an action had never been taken before. In fact at previous conferences small discussion groups, which had been promoted in the past as a less threatening forum for Aboriginal or Islanders than the conference floor, had been popular. Now Brindle from Redfern led a group of 24 people onto the stage. The group appointed their own chairperson and spoke of their communities, and their hopes and frustrations. Some – Bruce McGuinness from Victoria, and Dennis Walker from Queensland – spoke of new political approaches which people should consider. McGuinness asserted that 'Aboriginal autonomy' equalled 'Black Power'.¹⁰² and Walker argued that as long as Aboriginal advancement depended on asking white people permission to act they would not advance. Others, such as Marg Tucker from Victoria, rejected this approach.¹⁰³

⁹⁹ Kath Walker, 'Political Rights for Aborigines' reprinted by CAR, MS 12913, SLV.
¹⁰⁰ Ibid.

¹⁰¹ Barrie Pittock to Jack Horner, 20 July 1970, Pittock private papers. 'Koories decided at an impromptu meeting to abandon the section of the program set aside for discussion groups in favour of giving Aborigines who had travelled from all over Australia a chance to address the conference.' *Aborigines Advancement League Newsletter*, no 20, May 1969, p.5.

¹⁰² Barrie Pittock, notes made at the 1969 conference, Pittock private papers.

¹⁰³ Ibid.

Although the 1969 conference was remembered as 'the one when the Aborigines took over the agenda' this flamboyant gesture did not effect the structure of decision making within the Federal Council.¹⁰⁴ Harry Penrith reported on the failure of the All- Aboriginal Committee which had been set up at the previous conference to represent Indigenous views to the new Council for Aboriginal Affairs. Penrith considered that four factors contributed to its failure to function. The widespread location of its members, the failure of both state and Commonwealth governments to recognise the committee, lack of finance and the 'ignorance of many non-Government Aboriginal organisations and individuals as to the very existence of FCAATSI' were, he believed, the contributing factors. Penrith, as convenor of this committee recommended that it be disbanded, and that 'the importance of the All-Aboriginal session of the 1970 Conference be stressed by the allocation of two full days thereto'.¹⁰⁵ There is nothing in either the conference papers or minutes of executive meetings during this period which indicates executive concern over the failure of the All-Aboriginal Committee formed after the 1968 annual conference.

One of the highlights of the year, according to Penrith was the appointment of 'Aboriginal Liaison Officers, Miss Margaret Lawrie, Mr Phillip Roberts and Mr Reg Saunders, together with the appointment of Mr Charles Perkins as Research Officer' to the Office of Aboriginal Affairs.¹⁰⁶ Such appointments and the many consultations which the Council of

¹⁰⁴ Both Ian Spalding and Barry Christophers have spoken of the 1969 conference in these terms. See also *Newsletter*, vol. 11, no 1, April 1970 'Then [in 1969], Aboriginal delegates 'took over' one session of the conference and ran it their way.'

¹⁰⁵ H. J. Penrith, Report of the All-Aboriginal Sub-committee, 1968-69, FCAATSI papers, RS 24/1, AIATSIS Library, Canberra.

Aboriginal Affairs had been conducting through the year may suggest that some Aboriginal people were considering the possibility of more direct negotiation with the new CAA, without the mediation of FCAATSI. Perhaps even more surprising than the failure without comment of this committee was the fact that no elections were required for office-bearers for the 1969-70 year as no-one stood against current executive members. The only significant change was that Dulcie Flower resigned from her position as General Secretary, and Jack Horner, the only nomination was appointed to that position. As the AAL newsletter editorialised:

Many of the functional committees are still headed by non-Aborigines, and no Aboriginal or Islander nominated for the position of General Secretary of the Council.

Not that we agree that the Federal Council or its annual conference should be Aborigines only; the movement needs the joint efforts of people of goodwill, both Aboriginal and non-Aboriginal. Nevertheless, the policy of promoting Aboriginal leadership and spokespersonship is sound and ought to be applied in every possible way.¹⁰⁷

After the 1969 annual general meeting the number of executive positions held by Aborigines or Islanders declined from 13 to 10.¹⁰⁸ This lack of interest, more than any other event at this conference, suggested that Aboriginal political action was now taking place outside the Federal Council. The overturning of the agenda at this conference indicated that the relationship

¹⁰⁶

Ibid.

¹⁰⁷

AAL (Victoria) Newsletter, May 1969, p. 2.

¹⁰⁸

Other changes were that John Moriarty who had been a vice-president did not stand. This position was filled by Phillip Roberts who held it concurrently with his position as NT State Secretary. The conveners of standing committees for Wages and Employment (Barry Christophers), Legislative Reform (Barrie Pittock), and Education (Alan Duncan) remained the same. John Baker (non-Aboriginal) took over from Ray Peckham, the Aboriginal convener of the Trade Union Committee. Barry Cohen, (non-Aboriginal) took over from Charles French as convener of the Aboriginal Industry Committee. There were three less Aboriginal members of the executive in 1969 than in 1968.

between the executive and the Aboriginal and Islander delegates was in urgent need of re-invigoration.

Jack Horner, the new General Secretary, had had eleven years of experience in Aboriginal affairs, working first as the Honorary Secretary of the Aboriginal-Australian Fellowship from 1958 to 1966, and then from 1968 on the executive of FCAATSI. He was active as well in the Anglican Church on Aboriginal issues. Horner had an understanding of the issues facing NSW Aboriginal people with whom he had worked to repeal the NSW Aborigines Protection Act. This campaign and the 1967 vote yes referendum campaign had provided contacts and friendships with various Aboriginal communities. When secretary of the AAF Horner had applied for a position with the Australian Board of Missions as their representative in Aboriginal affairs. He was 'deeply disappointed' when informed by Canon Coaldrake that the position had gone to Aboriginal pastor Frank Roberts. 'I shall find another way of serving the Aborigines and Australia only outside the church of Jesus Christ', he wrote to Coaldrake. 'You may be sure that my knowledge of the proud Aborigines and the discriminatory Europeans will not be wasted.'¹⁰⁹ By March 1969, when Dulcie Flower had made it known that she would not be standing for General Secretary again, Horner was nominated for the position.¹¹⁰ In his first letter to affiliated bodies, he set out his understanding of how the Federal Council operated:

¹⁰⁹ A handwritten copy of this letter, dated 8 November 1968, is in a note book in which it would seem Horner first drafted letters before typing. There is no indication as to whether the letter was despatched, AAF records, 1956-1978, MSS 4057, box 4, Mitchell Library, SLNSW, Sydney

¹¹⁰ Flower to Marchisotti, 24 March 1969, Marchisotti papers, UQFL 1.5 box 21, Fryer Library, University of Queensland.

White and Black Australians enter this Council on equal terms. There is no sense of anyone being inferior or superior to anyone else— we are together to push the Aboriginal cause of advancement. So start a strong committee around the State Secretary and don't be afraid to approach anyone whom you think will give us his help and strength, whether he is a Bishop, a trade union official, a doctor or a politician.¹¹¹

Horner seemed to be unaware of the mood of assertiveness and separatism growing among Indigenous political activists. In October 1969 he asked Doug Nicholls, 'What of this Black Power idea?' and presented his own view.

I can see the point that Aborigines will want to do things for themselves, make their own mistakes of course, and speak and act like men. That is what responsibility and politics are about. A man must stand up. But there is another principle that in my mind is just as true and just as important: white people have a right to be interested in the public affairs of the Aborigines and Islanders, just as the Aborigines or Islanders have a right to have an interest in white people's public affairs. That is democracy. We all depend on one another...¹¹²

Horner's lack of appreciation of the attraction of Black Power would be costly in the following months.

Black Power: the Politics of Liberation in America 'by Stokely

Carmichael and Charles V. Hamilton, the most readily available and explicit expression of these new ideas was read, discussed and written about by interested black and white Australians through 1969.¹¹³ The thinking was based on the premise that 'before a group can enter the open society, it must first close ranks', that is group solidarity is necessary before a group can bargain effectively as a group.¹¹⁴ The group needed to reclaim its history and identity, and for this reason assimilationist policies were repudiated as

¹¹¹ J. Horner, General Secretary, FCAATSI, no 1, n.d. but June 1969, FCAATSI papers, MS 2999, Y601, Mitchell Library, SLNSW, Sydney.

¹¹² Jack Horner to Doug Nicholls, 1 October 1969, FCAATSI papers, MS 2999, Y600, folder N, Mitchell Library, SLNSW, Sydney.

¹¹³ Ian Spalding recalls seeing Bruce McGuinness engrossed in this book at the 1969 annual conference. Jack Horner writes that Kath Walker 'recommended Carmichael's book to me as soon as she returned' from London in June 1969. Horner to Pittock, 5th August 1970, Pittock personal papers.

depriving a racial minority of its own culture and pride in that culture. Black power ideology held that a sense of community and recognition of heritage would accompany the group's definition of goals and leadership of their own organisations. Barrie Pittock had been following developments in the US closely and had suggested at the 1968 annual conference that there were 'a lot of very valid, positive contributions which such an idea could make'.¹¹⁵ For Kath Walker a visit to London to the World Council of Churches consultation on racism appeared to be a defining experience.¹¹⁶

At the July 1969 executive meeting, Kath Walker presented her ideas in 'Coalition of Black and White Australians'. This was a development of Walker's earlier admonishment to 'learn politics and learn fast!' This time she addressed white Australians in particular putting to them the case for a coalition which was quite different from the present Federal Council model. 'Coalitions cannot work effectively' she argued, 'nor can they be sustained on the moral, friendly or sentimental conscience of white behaviour patterns'. She accused the Federal Council of 'patting the backs' of 'selected Aborigines'

¹¹⁴ S. Carmichael and C. V. Hamilton, *Black Power: The Politics of Liberation in America*, Jonathan Cape, London, 1968. A more readily available Penguin edition was published the following year.

¹¹⁵ B. Pittock, 'Report on Aboriginal and European Leadership in FCAATSI', Proceedings of the 11th annual conference, FCAATSI, FCAATSI papers, RS 24/1, AIATSIS Library, Canberra.

¹¹⁶ While Walker was critical of both state and Federal policies and practices regarding Aboriginal people before she went to London, she accepted the structure of the Federal Council and a multi racial co-operation. 15th May 1962, CAR, MS 12913, box 9/8, SLV. Following the overturning of the agenda by the group led by Ken Brindle, Walker wrote to Jack Horner expressing disapproval of this act. She wrote: 'The disturbance caused on that Saturday afternoon, left me with a feeling that many hard working stalwarts, of Aboriginal Advancement, had been badly let down'. She asked Horner to remind members of their duty to uphold article one of the Declaration of Human rights, which she cited. 'All human beings are born free and equal in dignity and rights... and should act towards one another in a spirit of brotherhood'. Her speeches and articles, following the London experience, express quite different sentiments. She writes of 'the British invaders', and argues of 'white power and white violence as being the barrier which keeps black and white apart'.

stating that 'white Australians feel they are better judges than the black Australians in selecting black leaders'. Walker's analysis of white activists engaged in 'helping' black Australians was direct, forthright and deeply critical. She saw paternalism as being perpetuated by the status quo 'because white Australians persist in fooling themselves that they "are doing for the black Australian"'. She accused the executive of refusing to believe 'that black Australians can "do" for themselves'.¹¹⁷ She put the case for the psychological impossibility of what had been the basis of working relationships in FCAATSI to continue.

By refusing to see the true situation or to accept it, the white Australian withdraws and causes tensions between black and white. He pleads for a togetherness which is impossible.¹¹⁸

Turning to black Australians she urged them to strengthen themselves into a 'solid, determined fighting unit and dictate their own terms for advancement', furthermore suggesting that when this has happened black Australians will be able to determine where white Australians can be of assistance. Australia is a multi-racial society, she argued. 'Only fools and dreamers convince themselves that races in Australia can become one people, one race'.¹¹⁹ This paper conveyed a sense of conviction that black Australians must unite and take the responsibility for their own advancement. She ended with an ultimatum:

Only when black and white Australians can accept each other as co-equal partners who identify their goals as politically and economically similar can there be a healthy

Kath Walker, 'White Racism and White Violence', June 1969, Pittock personal papers.

¹¹⁷ Kath Walker, 'Coalition of Black and White Australians', ND, Riley Ephemera Collection, SLV.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

coalition. Black and white Australians can work side by side, provided they set up, recognise and respect each other's sets of values.¹²⁰

Barrie Pittock agreed with much of what Walker had to say. In 1969 he was invited to give the Society of Friends' annual James Backhouse lecture. Entitled 'Towards a Multi-Racial Society' it was a detailed, well-documented, convincingly argued case for a different approach to racial politics in Australia. Pittock argued that the policy of assimilation was institutional racism and that in pretending to offer choice it was hypocritical, as only a choice in favour of assimilation was allowed for. He pointed out that Australia was already a multi-racial society, and moreover he showed that the Aboriginal population in northern Australia was growing faster than the overall population. He spoke of the pointlessness of pursuing a policy for a people who rejected it, and referred to Aboriginal impatience and loss of faith in government after Wentworth's promise of land to the Gurindji was rejected by Cabinet.¹²¹ He argued that the Black Power movement was finding favour among Blacks in the United States as it expressed a desire to achieve racial equality through the self determination of the Black community. The movement emphasised racial pride and through all-Black organisations encouraged the acquisition of political and economic power. Pittock showed the good sense of giving Aboriginal people power. The lecture was printed as a booklet and sold 7 000 copies in 1969. Pittock and Walker as well as others continued to speak and write about the issues of Aboriginal autonomy throughout that year.¹²²

¹²⁰

Ibid.

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Age, *Australian* 10th August 1968.

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For example, Pittock addressed the National Abschol meeting at Monash University in May 1969 on 'Trends in Aboriginal Affairs. Kath Walker spoke to the Journalists Club in Sydney on 16th September 1969 on 'Black Australians', to the National Press

Technological advances in communications, such as the transistor radio, meant that Aboriginal communities in remote locations were no longer as cut off from news both from other parts of Australia and abroad as they had been earlier. And the establishment of specialist publications such as *Origin*, *National Koorier*, and *Aboriginal Quarterly* circulated ideas and assisted in the growth of a national Aboriginal awareness.¹²³ In August 1969 Dr Roosevelt Brown, chairman of the Caribbean and Latin America Continuation Committee of the Black Power Movement and a member of parliament in Bermuda arrived in Melbourne. Brown had been invited to Australia by Bruce McGuinness, former president of the Aboriginal branch of the AAL, editor of a Melbourne newsletter, *The Koorier*, and a critic of the Federal Council at the 1969 conference.¹²⁴ Newspapers from around the country gave prominence to Browne's views, helping fuel the growing debate within the Victorian AAL as to whether the League should be controlled by an all-Aboriginal executive. In August it issued a position statement:

The League exists for the benefit of Aboriginal people. Its Aboriginal members are in a position to tell the League what it should be and do to best serve the interests of the Aboriginal people.¹²⁵

Club in Canberra and to university audiences, Horner to Pittock, 5 August 1970, Pittock personal papers.

¹²³ *Origin*, a monthly edited by Margaret Koppe commenced in July 1969. It was reported at the 19th January 1970 FCAATSI executive meeting that 'Aborigines were ordering copies of *Origin* in bulk'. Pittock personal papers. See K. Walker, 'Racism: Double Thinking, Complex State of Mind', *Origin*, 7 July 1969; 'Defining Black Power', *Origin*, 18 September, 1969; K. Walker, 'Black-White Coalition Can Work', *Origin*, 18 September 1969; Barrie Pittock, 'Action Now', *Origin*, 11 December 1969. *Koorier* commenced publication in 1968 from Fitzroy, under the editorship of Bruce McGuinness. It became *National Koorier* in 1970. *Aboriginal Quarterly* was a publication produced by Abschol during 1968 and 1969.

¹²⁴ See B. McGuinness, *The National Koorier*, vol 1, no. 6. MCGuinness argued that the FCAATSI conference was 'being used as a political platform by Aborigines and non-Aborigines alike'.

¹²⁵ Reported by Bruce Silverwood, a director of the League 'Vic League's Trials a Lesson for All', *Origin*, 8th January 1970, p. 8.

A process whereby control of the League would pass to Aboriginal people began. In October, Pittock wrote to Horner stressing that it was most important that the Executive be well informed on the 'whole trend of events here in Victoria'. He described the pressure on the committee to allow the formation of an all-Aboriginal executive:

It was generally felt that only Aborigines could make the decision that non-Aborigines are still needed, if bitterness and conflict were to be minimised ... Further to this, the mood in Melbourne, following on last Easter, suggests to me that Aborigines may well seek to assume a more dominant role on the executive of FCAATSI next Easter, and that we ought to think seriously of allowing this to happen as smoothly as possible.¹²⁶

In November, at the suggestion of John Baker, convenor of the FCAATSI trade union committee, the Federal Council held a one-day conference on 'Autonomy and Self Government for Aborigines and Islanders' in Sydney. Although most speakers related the term 'autonomy' to missions and settlements, one Aboriginal speaker said that Aborigines must build their own power base because 'White Australia is not going to do it for them'. Bob Maza, president of the AAL Victoria 'spoke eloquently in favour of Black Power'.¹²⁷ Pittock, asked to sum up the conference, argued that 'voluntary organisations are the obvious and natural place [for Aborigines to express themselves], and in any case they are the most vulnerable to an Aboriginal bid for power, if also the place with least power'.¹²⁸

¹²⁶ Pittock to Horner, 16 October 1969, Pittock personal papers. This process is described by Harry Penrith, 'AAL Meeting a "Moral Victory"', *Origin*, 11 December 1969. A report in *Newsday*, 6th October 1969, 'Black is beautiful, proud, equal' began 'The "Koories" danced and sang with joy on Friday night. The committee of the AAL had voted to resign, to be reconstituted entirely of Aborigines...' 'There will be no violence, no clenched-fist salutes, no black armies', Bob Maza promised. 'They won't be necessary. Our power will be representation, black representation'. See also VAAL, *Victims or Victors?*, Hyland House, South Yarra, 1985, chapter 7 for a description of these events.

¹²⁷ Reported by Barrie Pittock in 'Easter 1970 and the Origins of the National Tribal Council: A Personal View' n.d., but written soon after Easter 1970.

¹²⁸ A. Barrie Pittock, 'Action Now', *Origin*, 11 December 1969.

Moves similar to those in Melbourne were taking place in Brisbane.

Kath Walker reported at the December 1968 FCAATSI executive meeting the formation of a new body, the Brisbane Tribal Council.¹²⁹ At about this time Kathie Cochrane, a member of QCAATSI moved a motion in an executive meeting of that organisation that QCAATSI disband 'in order to channel our energies into supporting the new Tribal Council'.¹³⁰ The motion was lost; Kath Walker left the meeting after Harry Gurnett, 'a keen, well-intentioned supporter of the Council and its aims' reportedly said, 'We've made Kath Walker what she is'! Aboriginal and Islander observers at this conference gave Cochrane an appreciative pat on the back as she left, endorsing her support for Aboriginal political initiative over coalition.¹³¹ In January the FCAATSI General Secretary received a letter from the Queensland [sic] Tribal Council stating that they would not affiliate with the Federal Council unless 'voting rights be vested in the Aboriginal and Island people and them only'.¹³² General Secretary, Jack Horner, in a letter to Daisy Marchisotti, Publicity Officer for QCAATSI, expressed his views on the mounting conflict:

So far as I am concerned, the Federal Council is an organisation for the whole Australian community with an interest in correcting the injustices and so on of the Aboriginal and Islander people. It is not a racial association. As soon as you begin talk of racial exclusiveness you speak in terms of racial purity, and this is fatal to our whole principle. Aborigines need our friendship, if only because governments are not friendly. On that basis I say we should have equal voting and sharing of the work... You and I know that, provided we are genuine, Aborigines will not regard a white person as an enemy.¹³³

¹²⁹ Laurie Bryan reported a new Adelaide organisation, the Council of Aboriginal Unity. Minutes of the FCAATSI executive committee meeting, 8th December, 1969, Pittock personal papers.

¹³⁰ Cochrane, *Oodgeroo*, p. 80.

¹³¹ Ibid. Also conversation with Kathie Cochrane, 15 December 1999.

¹³² Minutes of the FCAATSI executive meeting, 19 January 1970, Pittock personal papers.

¹³³ Horner to Marchisotti, 25 February 1970, UQFL 156, box 23, Fryer Library, University of Queensland.

It seemed that this view would be tested at the coming Easter conference.

Barrie Pittock discussed his proposed amendments to the FCAATSI Constitution in his telephone call to the January executive meeting. The wording was formalised in a letter to the General Secretary, and as required by the Constitution the amendments were circulated to affiliates by mid-February.¹³⁴ Regarding the executive the first stated that the executive 'shall consist of the following, *all of whom shall be of Australian Aborigine or Islander descent. In addition the executive committee may co-opt, as non-voting consultants, any persons, irrespective of racial descent, whom it considers qualified to help and advise it upon request.*' [amendment italicised]. The second amendment, on voting rights, read '*Only individuals of Australian Aboriginal or Island descent may exercise the vote at the annual general meeting.* Barry Cohen a Labor MHR attempted a conciliatory motion which both Pittock and Walker found unacceptable.¹³⁵ Through March the constitutional amendments were debated by distance and via circulating papers. Pittock's 'Why I Believe only Aborigines should decide FCAATSI policies' argued that Aborigines and Islanders were 'willing and able to decide FCAATSI policy' and that continued dominance of the Federal Council by

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Pittock to Horner, 2 February 1970, Pittock personal papers.

¹³⁵

Cohen sent a telegram to both foreshadowing an intention of moving the following amendment: '1. That Aborigines receive two thirds of all allocated votes; 2. That voting be along state lines and be in direct proportion to the Aboriginal population; 3. That the basis for the allocation of votes be the most recent census; 4. That a special committee be appointed to work out an acceptable formula for each conference commencing 1971.' 'Not prepared to accept your compromise. I will await all-Aboriginal conference session decision' Walker's drafted reply reads. Pittock explained in a letter to Cohen his unpreparedness to accept this motion, commenting that 'I think the time has come for them to bow out from running the show'. 'Easter 1970 and the origins of the National Tribal Council: A Personal View'.

white members in such a circumstance amounted to damaging paternalism.¹³⁶ He was answered with 'Why we believe that Aborigines and Islanders should have allies in their fight for rights and advancements', which was signed by Dulcie Flower, Harriet Ellis, Faith Bandler, Ken Brindle and Pastor Frank Roberts, all of Islanders or Aboriginal descent. They argued that FCAATSI opposed racialism 'whether it be black or white' and that the emphasis had always been to unite the greatest number of white organisations with Aboriginal and Islander organisations 'to win the demands of the Rights and Advancement movement'. They maintained the necessity of the continuation of this alliance if the 'rights and advancement of Aborigines has ANY HOPE AT ALL'.¹³⁷ A third paper, 'Why Australian trade unions must continue to work in a real multi-national organisation for the rights and advancement of Aborigines and Torres Strait Islanders' signed by John Baker argued in pragmatic terms, for the value of a continued black/white coalition.¹³⁸ Among Aboriginal delegates arrangements were being made to transport people to Canberra. A bus was booked to carry the largest yet Victorian contingent to Canberra for the Easter conference.¹³⁹

¹³⁶ A. Barrie Pittock, 'Why I believe only Aborigines and Islanders should decide FCAATSI policies', 1 March 1970, FCAATSI papers, MSS 2999, Y600, Mitchell Library, SLNSW, Sydney. Pittock's three page paper was circulated with the help of Abschol.

¹³⁷ D. Flower, H. Ellis, F. Bandler, K. Brindle, F. Roberts, 'Why we believe that Aborigines and Islanders should have allies in their fight for rights and advancement', n.d., FCAATSI papers, MS 2999, Y600, Mitchell Library, SLNSW, Sydney.

¹³⁸ J. S. Baker, convener of the trade union committee, 'Why Australian trade unions must continue to work in a real multi-national organisation for the rights and advancement of Aborigines and Torres Strait Islanders', Pittock personal papers

¹³⁹ See minutes of FCAATSI executive meeting, 19 January 1970, *AAL Newsletter*, no 28, March 1970.

Reporting the 1970 Split

The 1970 conference was one of high emotion from beginning to end, and yet few who were there have written in any detail about the events which took place. A report in *Origin* following the conference, another of some substance by Michael Richardson, *Age* journalist, and a detailed report by Barrie Pittock are the main sources of information. Perhaps events were too confused and too painful for most to consider airing them directly after the conference. Pittock's response was in part motivated by self defence, having been snubbed and treated with 'personal bitterness' by some in Canberra that Easter.¹⁴⁰ The following description of the 1970 conference necessarily relies on Pittock's account, as indeed does Peter Read's description of the same conference. Other reports of the conference are by Jack Horner, John Baker and an unsigned FCAATSI report.¹⁴¹

The customary pre-conference Aboriginal and Islander meeting took place on Good Friday afternoon with Bruce McGinness voted in as chairman. Approximately 120 people of Aboriginal or Islander heritage attended this session. On the motion of Faith Bandler the first item, proposed constitutional amendments, was moved to later in the session as the NSW Aborigines would be arriving late. Discussion arose from the report of Dexter Daniels speaking of the Roper River people's desire to run their former mission as a cattle station, and from an address by Martin Jambadjimpa, representing the Walbiri people who wanted to purchase Willowra Station. Charles Perkins, by now

¹⁴⁰ B. Pittock, personal communication, 15 June 2000. See also Pittock, 'Easter 1970'
¹⁴¹ P. Read, ' "Cheeky, insolent and anti-white": the split in the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders- Easter 1970' *Australian Journal of Politics and History*, vol 36, no. 1, pp 73-83.

research officer in the Office of Aboriginal Affairs outlined the procedure for applying for a loan from the Federal Government. The meeting agreed to send telegrams to the Prime Minister, the Minister for Aboriginal Affairs and the Chairman of the Council for Aboriginal Affairs informing them of the support of the meeting for the Roper River and Willowra Station land applications.

With the arrival of New South Wales delegates the meeting turned to the question of constitutional amendments. Alick Jackomos from Victoria moved 'that every Aborigine attending this conference should have full voting rights in the Annual General Meeting' thus undermining the distinction, previously maintained, between delegates and observers.¹⁴² This motion was carried as was a further one moved by Kath Walker, 'that the Aboriginal session appeal to non-Aboriginal members to "throw" their votes, in order to get the true feeling of the Aboriginal vote on this important issue'.¹⁴³ Dr Coombs, chairman of the Council for Aboriginal Affairs, formally opened the official proceedings on Friday night addressing the conference theme, 'Aboriginal power' which he interpreted as meaning 'the opportunity for Aboriginal Australians to manage their own affairs and to participate effectively in the affairs of the community generally'.¹⁴⁴ That evening the motions from the all-Aboriginal session were reported back to the full conference by Frank Roberts from NSW and Jack Davis from WA.

At the close of the Friday evening session it was moved 'that the AGM be broken up into two sessions, the first of which would deal with the

¹⁴² J. Horner, Report of 13th annual conference, Canberra, 27-29 March, 1970, FCAATSI papers, RS 24/1, AIA TSIS, Canberra.

¹⁴³ Ibid.

constitutional amendments and be held on Saturday at 2.30 and all other business to be dealt with on Sunday'. Bruce McGuinness spoke in favour of this motion and Harry Penrith spoke against it. The motion was lost on a show of hands.¹⁴⁵

A torchlight procession to Parliament House took place on Friday night where 'to the strains of a sobbing didgeridoo played by Pastor Don Brady' people placed placards bearing the names of vanished Aboriginal tribes on the wall fronting Parliament House. Mrs Kath Walker gave an oration, a poem she had written for this occasion.

Here, at the invaders talk-talk place,
We, who are the strangers now,
Come with sorrow in our hearts.
The Bora Ring, the Corroborees,
The sacred ceremonies,
Have all gone. All gone...¹⁴⁶

The Brisbane Aboriginal and Islander Council wore red headbands during this procession, a practice which was increasingly taken up by others during the weekend. The growing sea of red headbands provided a visual symbol of the growing support for Aboriginal and Islander power in FCAATSI.¹⁴⁷

The debate on the Constitution was resumed mid-afternoon on Saturday when it replaced the advertised agenda for the rest of that day. It was opened by Kath Walker, Bruce McGuinness and Len Watson.¹⁴⁸ Barrie Pittock refers to the eloquence with which they spoke in favour of allowing

¹⁴⁴ H. C. Coombs, Opening address, 13th annual conference of FCAATSI, Canberra, 27 March 1970.

¹⁴⁵ J. Homer, Report of the 13th annual conference of FCAATSI, 27-29 March 1970, FCAATSI papers, RS 24/1, AIATSIS Library, Canberra.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

Aborigines and Islanders to assume the leadership role. 'They claimed that Aborigines and Islanders were ready, willing and able to do this, and asked their white friends to gracefully step down in favour of "black" leaders and to forego their right to vote so that Aborigines and Islanders could know that FCAATSI was truly their organisation'.¹⁴⁹ Those opposing the motion included Sydney executive members, north Queensland delegates and trade union representatives who argued that union support and participation would be dependent on having a vote. They did not explain why Aboriginal delegates could not be found from within trade union ranks. Another argument used to oppose the motion was that if an all Aboriginal and Islander executive accepted government money they would become a 'tame cat' organisation, compromised by this. (This argument neglected to acknowledge that the present executive had accepted government money in support of travel expenses) Barrie Pittock wrote that by Saturday night:

Compromise clearly became impossible and unacceptable. . . The case for an all-black vote had been put eloquently, and with moderation, but had left many delegates unmoved. . . Perhaps this is where I failed. As a Quaker I am dedicated to non-violence and reconciliation. Perhaps it was still possible to compromise. However my view then was that there was not enough time left to quieten the emotions and allow reason to prevail. What was necessary was to ensure that the division was not on racial lines. As many whites as possible had to be persuaded to stand with the emerging black leadership.¹⁵⁰

The next day has been described by many as chaotic and upsetting. The election of office bearers was held prior to the vote on the constitutional amendment. This meant that both sides nominated candidates from the floor to most Executive positions, and a protracted balloting procedure, for which the returning officer seemed unprepared, was carried out.

¹⁴⁹ A. Barrie Pittock, 'Easter 1970', Pittock personal papers
¹⁵⁰ Ibid.

When, at 5pm on Sunday the debate on the constitutional amendments began, a number of delegates had already left. The official recorded vote was 48-48, which due to the disorder by this time may not have been accurate, but it was far short of the required two thirds majority required to change the Constitution. After the vote, wrote Barrie Pittock,:

Immediately chaos ensued. Pastor Doug Nicholls and Mrs Kath Walker, called those, both white and black, who supported the Constitutional amendment to gather on one side of the hall. There it was immediately resolved to form an interim body controlled by Aborigines and Islanders which later became the National Tribal Council.¹⁵¹

This rift marked the effective end of the Federal Council as an organisation which brought together diverse representatives from all over the country: both Indigenous people and supporters such as trade unionists. In May 1970 Barrie Pittock resigned from his executive position, giving as a reason that a small group controlled FCAATSI and that this group had failed to sense the real grass roots Aboriginal desire to control the organisation which spoke on its behalf.¹⁵²

* * *

This three year period in the Federal Council's life, from the euphoria of the 1967 referendum to the acrimony of Easter 1970, was a time when both

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Ibid.

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As far as I know the only published account of the 1970 split is the article by Peter Read, 'Cheeky, Insolent and Anti-White' in which he surveys the build up to 1970, arguing that the dominance of white people in running FCAATSI as well as the control of the left provided the backdrop to the more immediate attractions of 'black power' and Aboriginal control. My interpretation of events essentially agrees with Read's. One difference is that, in my longer study here, I have been able to chart the growth of Aboriginal and Islander political expression. I believe, for example, that the roles played by Perkins, Walker, Nicholls and McGuinness deserve more attention. Faith Bandler's personal history of FCAATSI *Turning the Tide*, make no reference to the events leading to 1970. She is bitter about the part played by Pittock, calling him a hypocrit because he took a job as a white advisor for the National Tribal Council. Conversation 20th January 1999.

the ideals on which the first Federal Council was built and the methods employed in trying to achieve them were disputed. Such a challenge to the multiracial Federal movement for Aboriginal and Islander advancement had been predicted, and even welcomed by Professor Stanner, appointed to the Council for Aboriginal Affairs. In a letter to Dr Coombs early in 1968, Stanner described the referendum as 'a watershed', adding:

It led to a real shift in the aborigines' position and power in the Australian polity. They can (and, I should say, will) make much higher demands, and can make their demands more effective on the political market. The more they do so the better will be their stance towards development. We should welcome 'unrest' of this kind.¹⁵³

Indigenous awareness of the growth of their power increased over this period encouraged by the new Council for Aboriginal Affairs initiatives in seeking Aboriginal and Islander views by consulting with communities and other groups around the country. Prime Minister Holt had established the Council and Office of Aboriginal Affairs to identify for the Government the essential problems facing Aborigines; to establish communications with them to ensure that their views were heard and understood; to advise the governments on policies and on the administrative machinery needed to implement such policies.¹⁵⁴ For the first time a Commonwealth Government agency was going directly to Aboriginal and Islander people, instead of through the responsible state authorities. In opening the 1970 conference Coombs had interpreted 'Aboriginal Power' as meaning 'the opportunity for Aboriginal Australians to manage their own affairs and to participate effectively in the affairs of the

¹⁵³ W. E. H. Stanner to H. C. Coombs, n.d. but in response to Coombs' letter of 27 January, 1968, Dexter papers, file 2, Menzies Library, ANU, Canberra.

¹⁵⁴ H. C. Coombs, *Kulinma: Listening to Aboriginal Australians*, ANUP, Canberra, 1978, p. 217.

community generally'.¹⁵⁵ The expression of this idea by a Government representative suggested a shift in position from the official policy of assimilation though it was by no means a consistent Government position.

While there were differences of approach, emphasis and methods employed to bring about social change, assimilation – as defined by Paul Hasluck – and the pursuit of civil rights as expressed in the first four of the original five principles of the FCAA, shared some common ground. Both philosophical positions saw the entry of Aboriginal people to mainstream social life as a desirable goal. Both assumed that such an entry would be brought about by black and white Australians working together for social and political 'advancement'. Race was not the issue, according to Hasluck, rather social disadvantage was. And, although the Federal Council did not discount race and culture the constitution of the Federal Council during its first decade made no reference to racial or cultural difference between members of European extraction and those with an indigenous heritage. When a working committee was considering reorganisation of the Federal Council in 1966 there is no evidence of any suggestion to bring the all-Aboriginal meeting into the formal decision-making structure of the organisation, although a new principle was added to the amended constitution: 'Australian Aborigines and Torres Strait Islanders should be recognised as distinct cultural groups'.¹⁵⁶ The principle was not, however, reflected in any move to increase the power of this

¹⁵⁵ H. C. Coombs, Opening address, 13th annual conference of FCAATSI, Canberra, 27 March 1970, FCAATSI papers ML MSS 2999, Y603, Mitchell Library, SLNSW, Sydney.

¹⁵⁶ '4d) As a separate Aboriginal Conference is unconstitutional it is suggested that an informal meeting of the Aborigines be held prior to the Conference.' See Barrie Christophers, Mamie Smith, submission presented as a basis for discussion on

group in the structure of the conference process. Aboriginal people themselves in their pre-conference meeting established racial and cultural background as a basis for admission, but although decisions made and motions passed in this meeting were communicated to the conference, neither the annual conference nor the annual general meeting were constitutionally bound to act on them.¹⁵⁷

While there are many surface elements which could be listed and explored in an explanation of the divisions at the 1970 annual conference, a more useful approach, I believe, is to consider this meeting as a clash of two views of Australian society and the place of Aboriginal and Islander people in that society. This could be categorised as the civil rights view in contrast to the 'Aboriginal power' or indigenous rights view of how the movement for social and political reform for Indigenous Australians would continue. These two different, often opposing, views co-existed in FCAATSI as well as inside government, and both black and white political activists were proponents for these two positions. While race and culture were central considerations for the proponents of indigenous rights, voting for the Pittock motions at the 1970 conferences was not on racial lines, that is both black and white Australians voted for and against the two motions. I will set out these two philosophical positions and then examine some of the factors which led to the growth of the

organisation of the Federal Council, July 16, 1966, Council for Aboriginal Rights, MS 12913, box 10/1, SLV, Melbourne.

¹⁵⁷ Alick Jackomos, FCAATSI Oral History Project, describes a debate over whether the spouses of Aboriginal or Islander people should be allowed in to this meeting. This issue was often a point of order at the beginning of each meeting. See minutes of the Aboriginal session, Report of the 13th annual FCAATSI conference, Canberra, 27th March 1970, McGinness papers, AIATSIS, Canberra.

second, more radical view, that the rights of Indigenous people came, in part, from the fact of their indigeneity.

Trade union delegates, non-urban Aboriginal and Islander people, the majority of the Sydney-based executive, including Ken Brindle who had led the group overthrowing the agenda the previous year, and Frank Roberts, a respected NSW Aboriginal pastor all opposed the Pittock amendments.¹⁵⁸ In both the lead up to the conference and the discussions which took place that Easter both practical and philosophical arguments were advanced. From the practical point of view, Brindle argued that 'Aborigines haven't done enough groundwork or self-training to take over effectively at the administrative level'.¹⁵⁹ In the trade union committee meeting the Pittock motions were opposed because union delegates considered that 'FCAATSI would become government dominated if it became a one-race organisation'.¹⁶⁰

The philosophical case opposing the Pittock motions was put by Jack Horner who had emphasised in his first letter to affiliates in mid 1969 that 'White and Black Australians enter this Council on equal terms'.¹⁶¹ Later he wrote that the Federal Council was an organisation for the whole Australian community and that it was not a 'racial association'. He argued that the

¹⁵⁸ See J. S. Baker, General Secretary, ACSPA, 'Easter Conference of FCAATSI- Report on Conference' 15 May 1970, ACSPA (Federal Executive) Material, E 226/390, Noel Butlin Archives Centre, ANU; D. Flower, H. Ellis, F. Bandler, K. Brindle and Pastor K. Roberts, 'Why we believe that Aborigines and Islanders should have allies in their fight for rights and advancement', n.d. but during March 1970, FCAATSI papers, MSS 2999, Y600, Mitchell Library, SLNSW, Sydney; M. Richardson, 'Black Power's Hour of Crisis', *The Age*, 30th March 1970.
¹⁵⁹ M. Richardson, 'Black Power's Hour of Crisis', *The Age*, 30th March 1970.
¹⁶⁰ This argument is based on the thinking that without trade union support FCAATSI would have to go to the Government for financial support. Minutes of the FCAATSI Trade Union Committee meeting, 29 March 1970, Canberra, ACSPA (Federal Executive) Material, E 226/390, Noel Butlin Archives, ANU, Canberra.

Council needed to work together 'as one force against the hostility or the reaction of the very conservative government'.¹⁶² Equality, lack of consideration of racial background, and unity of purpose were, according to this view, necessary if the Federal movement were to succeed in its goals. Faith Bandler was reported as arguing in the debates over the Pittock motions: 'I am violently opposed to racism – white or black – and it appears to me that this proposal is a form of racism'.¹⁶³ This view confuses discrimination, on the basis of racial group, in order to limit the rights or entitlements of members of that group, with an acknowledgement of the right of a colonised ethnic group to take responsibility for its own political activism. Two different conceptions of FCAATSI were evident in these debates.

The argument for Aboriginal and Islander control of FCAATSI was put forward in greatest detail by Barrie Pittock, the proposer of the motion, though Kath Walker had also written and spoken at length in support of arguments for Aboriginal autonomy. Doug Nicholls, Bruce McGuinness and others also spoke in favour of the motion. In his 1970 Legislative Reform Report, Pittock reiterated a case which he had been putting, in slightly different ways, for some years, that Aboriginal people had to play a major role in ongoing policy-making, in order for the necessary acceptance and co-operation of the people to make any policy work.¹⁶⁴ Pittock argued that there

¹⁶¹ J. Horner, Letter from General Secretary, no. 1, n.d., FCAATSI papers, MS 2999, Y601, Mitchell Library, SLNSW, Sydney.

¹⁶² Horner to Marchisotti, 25th February 1970, Marchisotti papers, UQFL 156, box 23, Fryer Library, University of Queensland.

¹⁶³ Quoted in M. Richardson, 'Black Power's Hour of Crisis', *The Age*, 30th March 1970, p. 7.

¹⁶⁴ A. Barrie Pittock, 'Key Issues in Aboriginal Affairs', *Smoke Signals*, Feb-March 1967; 'Why the Rush in Aboriginal Affairs?' *Smoke Signals*, April-June 1969; 'Trends in Aboriginal Affairs', National Abschol Conference, Monash University, May 1969; *Toward A Multi-Racial Society*, Backhouse Lecture, January 1969.

are 'many genuine white friends of the Aboriginal or Islander people' but that they should remain as friends or helpers, and should not determine policy. 'FCAATSI should be Aborigines and Islanders speaking and acting for themselves.' He pointed out the inconsistency of advocating 'Aboriginal economic and political power on reserves and settlements and not within FCAATSI'.¹⁶⁵ Kath Walker argued that if Pittock's motion was carried it would mean greater independence and self-determination for Aborigines and Doug Nicholls explained to non-Aborigines present 'we want you to walk with us but let us take the lead'.¹⁶⁶ While different interpretations of, and responses to, the idea of 'black power' existed, the notion of the right of Aboriginal and Islander people to make the decision about the future of FCAATSI was expressed in a motion from the all-Aboriginal session that 'in regard to the motion of Dr A Pittock at the Annual General Meeting we appeal to the non-Aboriginal members to throw their vote, in order to get the true feeling of the Aboriginal vote, on this important issue'.¹⁶⁷ These were views of an organisation radically different to the Federal Council set up 12 years earlier. Though Pittock envisaged a role for non-Aboriginal people as 'helpers' they would not determine policy.

Why did the challenge to white control come at this time and effectively end FCAATSI's power as a national lobby group claiming to represent Aboriginal and Islander Australians? Barrie Pittock and Gordon Briscoe have both argued that a challenge to FCAATSI would have been

¹⁶⁵ Barrie Pittock, Legislative Reform Report, 1969-70, Pittock personal papers.

¹⁶⁶ Reported by M. Richardson, 'Black Power's Hour of Crisis', *The Age*, 30 March 1970.

¹⁶⁷ Report of the Aboriginal session, 13th FCAATSI annual conference, 27-29 March 1970, McGinness Papers, AIATSIS, Canberra.

mounted at the 1970 conference anyway and that Pittock's motion allowed the possibility of a dignified transfer of power.¹⁶⁸ There is some support for this view.¹⁶⁹ New Aboriginal organisations were being formed. Bodies which had been multi-racial coalitions in which non-Indigenous people held executive positions were being 'Aboriginalised'. Black Power thinking 'emerged from overseas to hit Australia with a thud', as Bruce McGuinness expressed it.¹⁷⁰ These ideas influenced Aboriginal leaders who had been perceived as political conservatives, such as Doug Nicholls, as well as the younger generation such as Bruce McGuinness in Melbourne and Dennis Walker in Brisbane. Kath Walker's speeches and articles spread the view that 'black Australians must strengthen themselves into a solid determined fighting unit and dictate their own terms for their own advancement'.¹⁷¹ Publications such as *Origin* and *National Koorier* provided a medium for the exchange of ideas among Aboriginal and Islander people.¹⁷²

The Federal Council annual conferences provided contact for Aboriginal people with others emerging from colonial situations. Tom

¹⁶⁸ 'Barrie Pittock's motion was an appeasement motion. It was a peace-making motion basically', Gordon Briscoe, FCAATSI Oral History Project, 5th December 1996, AIATSIS, Canberra. 'The mood in Melbourne... suggests to me that Aborigines may well seek to assume a more dominant role on the executive of FCAATSI next Easter, and that we ought to think seriously of allowing this to happen as smoothly as possible', Pittock to Horner, 16th October 1969, cited in Pittock, 'Easter 1970 and the Origins of the National Tribal Council: A Personal View', n.d. Pittock personal papers.

¹⁶⁹ Comments in the *AAL Newsletter* such as 'they [Aboriginal people] might...insist on determining the course of the conference'; it [the 1970 conference] stands to be the most dramatic of the series'; 'as never before it will be determined, chaired and addressed by Aboriginal people'; and 'already a bus to carry forty has been hired, and others will travel by car or plane'. *AAL Newsletter*, March 1970.

¹⁷⁰ B. McGuinness, *National Koorier*, vol. 1, no 13.

¹⁷¹ K. Walker, 'Coalition of Black and White Australians', June 1969.

¹⁷² For example Walker, 'Racism: Double Thinking, Complex State of Mind', *Origin*, 7 August 1969; 'Black-White Coalition Can Work', *Origin* 18 September 1969; H. Penrith, 'AAL Meeting A "Moral Victory"', *Origin*, 11th December 1969; B. McGuinness, 'Aboriginal Assertion in Here to Stay', *Origin*, 30th April 1970.

Mboya's invitation for Phillip Roberts and Davis Daniels to attend the Kenyan independence celebrations in 1965 led, according to *Bulletin* journalist, Peter Blake, to greater confidence and increased resolve to fight for Aboriginal rights for these two Northern Territory FCAATSI representatives.¹⁷³ Visits from Maori parliamentarian, Matiu Rata and Papua New Guinean politician John Kaputa, and then the visit of Roosevelt Brown to Melbourne in 1969 provided ideas from outside Australia. Kath Walker's meetings with World Council of Churches African representatives in London in 1968 provided her with new ways of thinking about inter-racial politics. Bruce McGuinness editorialised about the need for 'the Koorie in this state [Victoria] to look beyond his own environment' and concluded that 'Black Power...is the only thing that can draw our people together'.¹⁷⁴ Knowledge of responses by indigenous peoples in other countries to the power structures created by colonising cultures, communication with black leaders from other countries and the spread of these ideas all added to the growing confidence that the time to challenge white control was coming.

As well as positive developments among Aboriginal leaders, negative factors within the FCAATSI power structure added to separatist moves. As I have argued above the loss of Stan Davey as General Secretary was very significant. Perkins believed that the Federal Council had made 'a tragic blunder' in accepting the resignation of Stan Davey. 'He is one of the few white men Aboriginals throughout Australia trust completely'.¹⁷⁵ Certainly the experience with communities all over the country and the warm relationships

¹⁷³ Peter Blake, 'Aboriginal "Nationalism"', *Bulletin*, 23rd January, 1965.

¹⁷⁴ B. McGuinness, *National Koorier*, vol 1, no 13, n. d. but early 1970.

¹⁷⁵ ' "Australia Faces Danger of Racial Violence"', *Australian* 31 August 1967.

Davey enjoyed with them was not matched by any other white person at this time. But it was not just the loss of Davey but the manner of his going and people's responses to this which was significant. Politics is, in part, about perception. In a sense the reasons for the vote against Davey described earlier in this chapter as possibly involving a move by the left against Davey because of his political independence, or a move against Melbourne's dominance by Sydney members are less relevant than the perceived view that the left had something to do with it. The debate at the 1969 conference and public statements by Walker and Perkins suggested that they saw the Federal Council as an organisation in which left and anti-left political views clashed at the expense of Aboriginal political expression. Such a perception if widespread would have added to the move for executive control or, as happened, a new all-black organisation.

The split affected the executive as well as the movement as a whole. Kath Walker, Queensland state secretary; Stewart Murray, Victorian state secretary; and Charles Dixon, convener of the trade union committee all resigned directly after the votes on the Pittock motions. A month later the new Aboriginal General Secretary, John Newfong, resigned in circumstances which further ruptured relationships within the executive. Barrie Pittock, the Land Rights convener, resigned giving as a reason the 'high-handed treatment with which the Sydney-based executive meted out to John Newfong'.¹⁷⁶ These were real losses with all four of the Aboriginal members having Indigenous

¹⁷⁶ Barrie Pittock to Joe McGinness, 22 May 1970, FCAATSI papers, MS 2999, Y600, folder P, Mitchell Library, SLNSW, Sydney.

support, especially Walker and Murray, and Pittock being the non-Indigenous executive member most in support of Indigenous power.

Meanwhile the National Tribal Council was being set up with Kath Walker in the chair and Denis Walker, John Newfong and Stewart Murray as state councillors for Queensland, NSW and Victoria respectively. Barrie Pittock, the only non-Indigenous Tribal Councillor, was responsible for Land Rights. Pastor Doug Nicholls was installed as Bapu Mamus (Great Father-Great Chief) at a ceremony rich in Islander and Aboriginal cultural motifs. The National Tribal Council's mailing list, almost totally from eastern coast states, comprised predominantly Aboriginal people from Brisbane, Sydney and Melbourne though it also included Alan Duncan, the non-Aboriginal FCCATSI education convener, as well as a number of Abschol members who had supported the Pittock motion.¹⁷⁷

Pittock rubbed salt into the wounds of the battered Federal Council telling Joe McGinness 'I see no long-term future for FCAATSI except as an affiliate of the National Tribal Council'.¹⁷⁸ Clearly the future of the Federal Council would be vastly different from its past, as it competed with the National Tribal Council for funds from the World Council of Churches and the Federal Government, the two main sources of revenue, in the 1970s. The politics of Aboriginal affairs was moving towards separatism. The multi-racial coalitions of the 1960s were no longer acceptable to many Indigenous political activists, yet the Federal Council doggedly maintained its belief in coalition politics, in the 'black and white together' of earlier times.

¹⁷⁷ List of National Tribal Councillors and mailing list, Pittock personal papers.

¹⁷⁸ Pittock to McGinness, 22 May 1970, FCAATSI papers, Mitchell Library.

Chapter 7 Collapse of the Coalition

By the early 1970s in most capital cities Aboriginal-run organisations offered to their members support, cultural and sporting activities and a solidarity based on the shared heritage. The Victorian Aborigines Advancement League (VAAL) was in Aboriginal control by 1970, and the Brisbane Tribal Council offered an Indigenous alternative to the multi-racial QCAATSI and the Queensland government-endorsed CPAL, as did the Born Free Club which was established in South Brisbane.¹ In Adelaide the Council of Aboriginal Women of South Australia, the Aboriginal Cultural Centre and the Port Adelaide Friendship Club had all-Aboriginal executives. In Perth the New Era Aboriginal Fellowship was established to 'work for Aboriginal equality with other Australians in housing, education, justice, employment, health and participation in administration and government'.² An Aboriginal Legal Service was set up in Sydney early in 1971, followed by an Aboriginal Medical Service which opened its doors in July that year. These services provided much needed assistance in legal and medical matters, and at the same time became centres where young Indigenous Sydney-based activists gathered to exchange ideas about politics, ideals for the future of their people and strategies to educate the rest of society. Most importantly these were Indigenous organisations. While white doctors staffed the medical centre and lawyers provided advice in the legal service, they were not making the rules. The Aboriginal activists working in these organisations— Paul Coe, Gary

¹ Minutes of FCAATSI executive meeting, 17 July 1972, McGinness papers, MS3718, AIATSIS, Canberra.

² *A New Era*, vol. 2, no. 3, January 1972, p.2 This organisation was established in May 1970.

Foley, Michael Anderson, Gordon Briscoe and others –were young, articulate, educated and impatient for change. Michael Anderson sought to explain some of the thinking shared by younger Aboriginal people in the early 1970s. 'If we succeed, we will exercise control over our lives, politically, economically and psychically', he argued, 'and it is up to us to show that we no longer want white men to make decisions concerning the lives of Black People'.³

What role existed for the Federal Council in this different environment, in which, as was indicated by the emotion at the 1970 Easter conference, relationships between Aboriginal and Islander people and those wishing to assist them were changing? Before addressing this question I will consider the Federal Government's actions and policies concerning Indigenous issues, especially land, in the early 1970s. Then I will describe internal problems in the Federal Council in the immediate period following Easter 1970, and outline its relationship with the National Tribal Council (NTC). Finally I will focus more directly on FCAATSI in considering the question posed above. By 1972 the political climate in Australia was much changed from five years earlier, with the expectation of a Labor victory at the next election. The concept of an Aboriginal title to land was now supported by a number of vocal groups in the community. Indigenous people were representing their own causes. How was the multi-racial Federal Council for the Advancement of Aborigines and Torres Strait Islanders responding to these changes?

³ M. Anderson, 'Black Power', 1971, Pittock personal papers.

Government Policy and Aboriginal Response: 1970-72

In 1970 two approaches to Aboriginal affairs with quite different philosophical bases were being pursued within the Federal Government. The Council for Aboriginal Affairs saw its task 'firstly to strengthen the sense of Aboriginal Australians as a distinctive group within our society'.⁴ To this end almost \$10 000 was granted to Aboriginal sporting clubs in the 1969-70 budget, \$10 000 was provided to set up the Aboriginal Publications Foundation and \$20 000 to establish the Aboriginal Theatre Foundation. Publications such as *Alchuringa*, the official journal of the National Aboriginal Theatre Foundation and Aboriginal Tourist and Economic Development Association, and *Identity*, produced with Aboriginal Publications Foundation funding provided opportunities for Aboriginal writers and editors to communicate their ideas to Indigenous communities. As well \$24 250 was granted to the newly established Aboriginal Legal Aid service in Redfern.⁵ Shirley Smith recalls:

So these young Blacks, Paul [Coe] and Gordon [Briscoe], Gary Williams, Gary Foley—these radicals and militants as they were being called—had started moving around trying to get some lawyers to take some cases of Aboriginal people. They had no money to pay for lawyers, so they were going to have to get some lawyers who would work for free.⁶

Initiatives such as this one and the Aboriginal Medical Service which followed it exemplified Coombs' view that 'the role of the white man must cease to be that of the supervisor and become that of the employee or consultant'.⁷ Coombs argued that:

⁴ S. Harris, *This Our Land*, ANUP, Canberra, 1972, pp 22-24

⁵ P. Howson, 'Speech by the Hon. P. Howson on State Grants (Aboriginal Advancement) Bill 1971, Second Reading' [This published as a 12 page extract from *Parliamentary Debates*, 30 September 1971]

⁶ S. Smith (with the assistance of Bobbi Sykes), *Mum Shirl*, Heinemann, 1981; this edition Octopus, Port Melbourne, 1992, p. 106.

⁷ Cited in Harris, p. 75

It is important that the Aboriginal is permitted to become a full man again, standing on his own feet, winning his own livelihood and looking at us squarely in the face. We should be secure enough in our own society to welcome diversity and, who knows, we might even be enriched by it.⁸

These expenditures represented almost a quarter of the \$587 985 grants to Aboriginal welfare organisations in the 1969-70 Federal budget, the majority still going to organisations such as missions and 'advancement' organisations which were still in white hands and sat within the assimilationist philosophy, which still had the numbers in Cabinet.⁹

Proponents of this assimilationist philosophy, inheritors of Paul Hasluck's policies of the 1950s and early 1960s, resiled from encouragement of group identity and opposed arguments for an Indigenous right to land. They held to a view of Australia as 'one people or one nation'.¹⁰ The Department of Interior and its Country Party Ministers, Peter Nixon until February 1971 and then Ralph Hunt, had been the most outspoken proponents of this position in the early 1970s. Nixon, in the September 1970 Budget debate, had expressed this position most forthrightly:

The Government believes that it is wholly wrong to encourage Aboriginals to think that because their ancestors have had a long association with a particular piece of land, Aboriginals of the present day have the right to demand ownership of it.¹¹

The challenge for the Council for Aboriginal Affairs was to continue to argue for strategies which would strengthen communities' sense of identity as a people at a time when the Prime Minister and the Country Party-dominated

⁸ Ibid.

⁹ P. Howson, 'State Grants (Aboriginal Advancement) Bill 1971, second reading speech, from *Parliamentary Debates*, 30 September 1971

¹⁰ Peter Howson, Minister for Aborigines, the Environment and the Arts in the McMahon ministry expressed this view as late as May 1972. He confided in his diary 'I have felt for some time that the present policy being carried out by the Council is to promote racist discrimination. P. Howson, *The Howson Diaries: The Life of Politics*, Viking, Ringwood Victoria, 1984, p. 861.

Department of the Interior favoured an assimilationist approach to Aboriginal affairs.

In April 1971, on behalf of William McMahon who had succeeded John Gorton as Prime Minister a month earlier, William Wentworth delivered a statement on Aboriginal affairs, to the Commonwealth and State Ministers' Conference responsible in Cairns. This much awaited statement of the Government's position on what had come to be called 'land rights' came at a time of heightened expectations for creative leadership in Aboriginal affairs in some sections of the community. McMahon tried to please both the assimilationists and those who favoured the strengthening of identity.¹² He rejected the use of any one term, such as assimilation or integration, arguing that both were capable of various interpretations and 'irrational associations'. Instead his policy expressed a curious amalgam of positions, designed, it would seem, to find some favour with as many people as possible. For example, he wrote:

We believe that Aboriginal Australians should be assisted as individuals, and, if they wish, as groups to hold effective and respected places within one Australian society with equal access to the rights and opportunities it provides and accepting responsibilities towards it. At the same time they should be encouraged and assisted to preserve and develop their culture – their languages, traditions and arts – so that these can become living elements in the diverse culture of the Australian society.¹³

This passage incorporates familiar phrases comforting to conservative politicians such as 'one Australian society' and 'equal access to the rights and opportunities it provides and accepting responsibilities towards it'. It also

¹¹ P. Nixon, House of Representatives, 3 September 1970, reprinted in *Smoke Signals*, vol 9, no. 1, September 1970.

¹² Coombs to McMahon, 25 March 1971, cited by Rowse, *Obligated to be Difficult*, CUP Cambridge, 2000, p. 53.

¹³ W. McMahon, 'Aboriginal Affairs Policy', 23 April 1971, in *Kunmanggur*, no. 8, September 1971, AGPS, Canberra

shows the influence of Coombs and the Council for Aboriginal Affairs, who were given the responsibility to draft this document, in phrases which read as addenda to the main program thrust.¹⁴ Thus, Aboriginal Australians should be assisted as individuals (the Government's stated position since 1961) 'and if they wish as groups'. This addition undermined the assimilation philosophy which since Hasluck's articulation of it twenty years earlier had been couched in terms of individual progress towards assimilation in the mainstream. McMahon spoke of Indigenous Australians taking a place in 'one Australian society' but added that they would be 'encouraged and assisted to preserve and develop their culture'.¹⁵

The McMahon years would see a pragmatic policy of assimilation under challenge from an emerging Aboriginal politics, developed independently, but supported by non-Indigenous Australians. This Aboriginal and Islander political action included a form of separation from the mainstream. For many in the Australian electorate, as well as in the Parliament, Aboriginal land rights and the development of pride in Aboriginality were new ideas, disturbing a view of Australia as a culture in which the dominant Anglo-Saxon view of land legislation and settlement of an unoccupied land had been unquestioned, and in which assimilation had been seen as a humane acceptance of a cultureless people. Aboriginal words and legal actions unsettled these views.

Four days after McMahon's Cairns statement the long-awaited judgement on the Yirrkala land case was brought down. The case between

¹⁴ See Rowse, *Obliged to be Difficult*, pp 53-55.

Millirrpum and others (the plaintiffs) and the Nabalco Proprietary Limited and the Commonwealth of Australia (the defendants) was first brought before Judge Blackburn in 1969. The action was for an injunction and damages against Nabalco which, under the Gove (Peninsula Nabalco Agreement) Ordinance, was engaged in mining for bauxite. The plaintiffs claimed that the actions of Nabalco were 'an unlawful interference with their rights to the land, and that the Ordinance amounted to unlawful acquisition of their property by the Commonwealth'.¹⁶ Over the next two years the substantial case was heard. In a 263 page judgement Blackburn held that:

the relationship between clan and land did not amount to proprietorship as that is understood in our law; and that the clans had not sustained the burden of proof that they were linked with the same land in 1788 as now; that no doctrine of common law ever required or now requires a British government to recognise land rights under Aboriginal law which may have existed prior to the 1788 occupation; that Aboriginal land rights in Australia were never expressly recognised; and that if the clans had had any rights they would have been effectually terminated by the mining (Gove Peninsula Nabalco Agreement) Ordinance 1968.¹⁷

The Yirrkala Council sent representatives to Canberra on 6 May 1971 and McMahon assured them that the new Ministerial Committee on Aboriginal Affairs would consider how to protect reserve lands for Aborigines' 'continuing ceremonial, religious and recreational use; how to give residents the tenure necessary for their commercial enterprises; how to purchase land for Aboriginal people; how to give them preference in mineral prospecting and exploration; and how to encourage their enterprises'.¹⁸ The committee was made up of Peter Howson (who would be given the portfolio

¹⁵ W. McMahon, 'Aboriginal Affairs Policy', 23 April 1971.

¹⁶ J. Blackburn, No 341 of 1968, between Mathaman and others, plaintiffs and Nabalco Pty. Ltd. And the Commonwealth of Australia, defendants. Reasons for Judgement, 16 May 1969.

¹⁷ 'Commonwealth policy in relation to land ... and related matters' 7 July 1971, Dexter file 29, cited in Rowse, *Obliged to be Difficult*, p. 57.

¹⁸ Rowse, *Obliged to be Difficult*, p. 58

of Aborigines, the Environment and the Arts on 27th of that month), Bill Snedden (Treasurer), Leslie Bury (Foreign Affairs), Ivor Greenwood (Attorney-General from 2 August 1971), Ralph Hunt (Interior), Sir Alec Hulme (Postmaster-General) and Bill Wentworth (Social Services) and formerly Minister for Aboriginal Affairs. Through the rest of that year the Council for Aboriginal Affairs attempted to influence the anti-land rights, assimilationist philosophy which was dominant within this Ministerial Committee. Barrie Dexter of the Council for Aboriginal Affairs believed that resistance to the ideas of the CAA had hardened in Interior and that this was also evident in the Northern Territory Administration. 'The Northern Territory', he considered, 'has been established as a virtual Country Party State and our own scope for effective activity there has been severely reduced.'¹⁹ The conservative position was strengthened, as Rowse points out, when Nabalco, which had been engaged in plans to develop a woodchip industry on the Gove Peninsula, told the government that Aboriginal leasehold would thwart their plan.²⁰ Finally, after nine months of deliberation the long-awaited Government policy on Aboriginal land rights was announced on Australia Day 1972.

The choice of Australia Day, *The Australian* opined 'to announce a Government decision on the intensely felt issue of Aboriginal land rights is to invite the full judgement of historical perspective on the decision. If the decision should fall seriously short of the Aborigines' deepest desires,

¹⁹ Barrie Dexter to Dr Coombs and Professor Stanner, 20 July 1971, Dexter papers, file 26, part 2, Menzies Library, ANU, Canberra.

²⁰ Rowse, *Obligated to be Difficult*, p. 66.

January 26 is only reinforced as the day of defeat in their calendar'.²¹

McMahon announced that there would be no change to land legislation in order to recognise an Indigenous right to land based on their prior and continuing occupation. Instead, under Northern Territory legislation which had come into operation at the end of 1970 Aboriginal people would be encouraged to apply for leases which would be considered for economic or social purposes.²² The inclusion of 'social purposes' was as much as the Council for Aboriginal Affairs could achieve in influencing this policy, despite papers and strategies, arguments and manoeuvres.²³ The majority in the Ministerial Committee opposed any reference to a 'traditional' right to a lease, for which the CAA had earlier argued, which might suggest a right based on prior association.²⁴

This insensitively timed policy release provided the catalyst for the growing anger at Government inaction on land rights felt by east coast Aboriginal activists. Kevin Gilbert, president of the Aboriginal Tourist and Economic Development Association, vice-chairman of the NSW Aboriginal Land Board and editor of *Alchuringa* considered that this statement came at a time when blacks 'had arrived at a particularly depressing point of morale'. He observed that the hope of 1967 was not delivered. Instead 'blacks witnessed the official bullying of the Gurindji tribe'. This was followed by the Gove Land Rights decision against the Yolngu people. The Prime Minister had

²¹ 'A Price on our Guilt' (editorial), *The Australian*, 26 January 1972.

²² *Crown Lands Ordinance* (no 2), Northern Territory, 1967.

²³ See Rowse, *Obligated to be Difficult*, chapter 5 for an analysis of the Council for Aboriginal Affairs' relations with government in this period.

²⁴ See Rowse, *Obligated to be Difficult*, chapter three for details of the political manoeuvrings of Coombs and the CAA in their attempts to gain something for Aboriginal people after the disappointment of the Blackburn judgement.

reported on Australia Day 'In health, too, good progress is being made'.²⁵ This was despite the fact that the Director of Northern Territory Health, Dr William Langsford, had been directed by Federal Treasury the previous year to cut expenditure by \$200 000 'at a time when black infants were dying at between 10 and 17 times the rate for white babies in various parts of the country'.²⁶

'You must recognise our claims now', Gilbert wrote in an 'Australia Day Communication'. He explained to *Australian* readers just how the importance of land and the encouragement of the developing sense of Aboriginality were related for southern Aboriginal activists. He asked 'So, what do we want? And what is behind this wanting?'.²⁷ In answering the first question Gilbert differentiated between 'tribal areas' and detribalised areas. In the former reserve, mission and settlement land would be 'deeded in perpetuity to the tribe as a whole'. In southern detribalised Australia Gilbert explained that 'we want all existing reserve and mission lands which have a strong emotional tie for the people to be restored and deeded to the Aboriginal people in perpetuity'.²⁸ He suggested the establishment of an 'Aboriginal land trust' and emphasised the importance of preserving areas of 'traditionally sacred or cultural significance'. His answer to the second question was an eloquent explanation to his non-Indigenous readers of the meaning of land for Aboriginal people. He explained that for Aboriginal people 'land is implicit with identity, spiritual satisfaction and emotional security. The denial of land',

²⁵ W. McMahon, 'Australian Aborigines: Commonwealth Policy and Achievements, 26 January 1972,

²⁶ This fact was not widely publicised for another three months. Phillip Cornford, 'Australia's Expendable Babies', *Sunday Australian*, 7 May 1972

²⁷ Kevin Gilbert, 'An Australia Day Communication: You Must Recognise Our Claims Now!', *Australian*, 26 January 1972.

²⁸ Ibid.

he argued, 'positively symbolises injustice, dispossession, theft and the abuse of natural justice.' Land meant recognition of identity, an identity which was necessary for a people's health and for the restoration of communities. Gilbert concluded this passionate, eloquent Australia Day communication with these words:

There is no land for us. We have been truly dispossessed. We are landless outcasts in our father's land. You, the white conscienceless thief, rule triumphant.

'Land' is a symbolic recognition of our rights in justice, our rights in principle, and our status as men in this land. Our claim for land is a call to other Australians for a recognition of justice.²⁹

Gilbert and other activists in Sydney, had been preparing more than words for the denial of land rights which they realised was coming. Preparations in the form of money and transport were being made for a symbolic protest in Canberra. Early on Australia Day four young Aboriginal protestors erected a sign 'Aboriginal Embassy' in front of their beach umbrella on the lawns opposite Parliament House.³⁰

In the Aboriginal Tent Embassy, arguments for land rights based on prior possession and for Indigenous autonomy came together. Until this time 'land rights' and Indigenous activism based on a shared heritage and a common experience of dispossession had not been well integrated. Land rights was portrayed by the newspapers as the concern of people from the north of the country, especially the Yolngu and Gurindji peoples in their separate but on-going campaigns against the Federal Government. For these people

²⁹

Ibid.

³⁰

See S Robinson, 'The Aboriginal Tent Embassy: An Account of the Protests of 1972', *Aboriginal History* vol 18, no 1, 1994, pp 49-63; D. Freney, *A Map of Days: Life on the Left*, Heinemann, Port Melbourne, 1991; K. Gilbert, *Because A White Man'll Never Do It*, Angus and Robertson, Sydney, 1973; R. Sykes, *Snake Dancing*:

expressing themselves in English, a foreign language, was limiting in communicating their cause to the general public. And when they did get assistance from sympathetic whites they were open to the accusation of political manipulation. In the capital cities political expression based on identity, including the Black Power and later Black Panther movements seemed to be the main concern of the younger, most outspoken activists. And while these people used English competently the Black Power associations meant that they were often accused of borrowing an ideology from the United States. The Tent Embassy, with its multiple associations— of a people unrepresented in their own land, of a people asserting their right to be a people, of the importance of a legal title to land, of the consideration of compensation for 'land not returnable'— brought land and identity politics together.³¹ Moreover, during the Embassy's six months' existence it was featured on television as well as in local and even overseas newspapers, and supported by Aboriginal people from the north as well as the south.³²

The publicity, the fact of it being a totally Indigenous initiative, and the opportunities taken by spokespeople to educate the Australian public, (or at

Autobiography of a Black Woman, Allen and Unwin, St Leonards NSW, 1998 for accounts of the Tent Embassy.

³¹ In early February Michael Anderson made a comprehensive statement of five demands. These were '1. Control of the Northern Territory as a State within the Commonwealth of Australia; the parliament in the NT to be predominantly Aboriginal with title and mining rights to all land within the Territory. 2. Legal title and mining rights to all other presently existing reserve lands and settlements throughout Australia. 3. The preservation of all sacred sites throughout Australia. 4. Legal title and mining rights to areas in and around all capital cities. 5. Compensation monies for lands not returnable to take the form of a down-payment of six billion dollars and an annual percentage of the gross national income. John Newfong, 'The Aboriginal Embassy: its purpose and aims', *Identity*, July, 1972.

³² For example, on March 20, 1972 Paul Coe and Roberta Sykes appeared on the ABC's 'Monday Conference' speaking about land rights and the Embassy protest. Overseas newspapers such as the *New York Times*, 8 March 1972 covered the Tent Embassy as well as *The Guardian*, *Time* magazine, *Le Figaro* and *Le Monde*. People from Yirrkala, Elcho Island and Melville Island all visited the Embassy.

least those members open to education) together strengthened the support for the Embassy. The refusal by Government ministers (including Peter Howson, Minister for Aborigines, the Environment and the Arts, who saw the Tent Embassy only as an illegal act of trespass) to speak to embassy representatives led to further public sympathy for the protesters. Howson's lack of sympathy for the people who, given his ministerial responsibilities, he might reasonably have been expected to represent, is shown in his diary report of a meeting with 'the militant group' after the Embassy was dismantled. He reports that 'it was mainly a public relations exercise to show them that we are prepared to talk to them... We were patient and got rid of them after about two hours'.³³ Support could not be expected from this Minister but the Opposition, the Council for Aboriginal Affairs and supportive student activists had more to offer.

Students from the Australian National University provided a model of a new supporting role for Indigenous activists. In February 1971 Tony Lawson, National Abschol Director, had reported to Abschol Council on support – practical, financial and political – for the Gurindji. He had argued that 'Wattie Creek, in our estimation, best represents to the public the case for land rights' and for this reason 'support for the Gurindji was decided as the most effective way of re-kindling the Aboriginal Land Rights campaign'.³⁴ Through 1971 and 1972 Abschol continued to give practical support for the Gurindji, mainly during university vacations when groups went north to work on such projects as construction of dwellings and installation of water pumps. Political support for land rights involved organising vigils, demonstrations,

³³ P. Howson, *The Howson Diaries*, p. 892.

³⁴ Report of the National Abschol Director to February Council 1971, Roper papers, Monash University Archives, Melbourne.

letters to newspapers and to parliamentarians. Chicka Dixon exhorted: 'if you are not to be part of the problem, then you must be part of the solution'.³⁵ Canberra university students responded by billeting Aboriginal protestors, swelling the numbers on the lawns, and opening a bank account through the SRC for the Embassy.³⁶

Writing about the protest culture of the early 1970s, John Rickard has argued that by the time of the Embassy the Aboriginal cause was 'in some measure integrated into the ideological mainstream of protest, even if there was an uneasy relationship between Aboriginal communities and the middle class milieu of the counter-culture'. He believed that 'much of the cultural creativity of the late 1960s and early 1970s had its source in the intoxication of generational revolt'.³⁷ Gough Whitlam, speaking in the House of Representatives in September 1972 recognised and exploited this generational revolt. In speaking of the forcible removal of the Embassy he told the Parliament:

Everybody knows that if it were not the young and the black involved in this matter the Government would not have dared to proceed in this fashion. We all know that an Australian Government would not dare to proceed under cover of darkness in this way against Australian citizens unless they were young ones or black ones.³⁸

The 'young ones', supporting 'the black ones' organised a national moratorium 'for Black Rights' for July 14th, National Aborigines' Day. Stop works and marches took place in capital cities. Trade Unions placed a large advertisement in *The Australian* on this day in which they reminded readers of the 1971 ACTU decision supporting the removal of discriminatory legislation

³⁵ Cited in Harris, *This is Our Land*, pp 98,99.

³⁶ Scott Robinson, 'Aboriginal Embassy, 1972', MA thesis, ANU, 1993, p 120-122.

³⁷ J. Rickard, *Australia: A Cultural History*, Longman, London, 1988, pp 240-241

and the right of Aboriginal people to adequate education, housing and training. More significantly, they asked for the restoration of 'tribal land rights' and for the recognition of 'Aboriginal people as distinct, viable national minorities entitled to special facilities for continued self development'.³⁹ The embassy, erected to draw attention initially to the unacceptability of McMahon's offer of leases to Aboriginal people, came to represent more than this. Land, and its value to those who had lost it, and Aboriginal control of the political processes involved both in speaking to governments and organising their own people had become intertwined. On these two issues the Federal Government failed to satisfy the hopes of Aboriginal activists.

On Thursday 20 July the Tent Embassy was violently removed. A police force of 150 marched towards the Embassy and their supporters, who linked arms around the tents and sang 'We Shall Overcome'. A brawl, leading to a number of arrests, was captured by the television cameras for the evening news. The following Sunday, when supporters numbered some 200, the tents were re-erected. Further violent confrontation between the 360 strong police force and the protestors took place. The Embassy tents were pulled down for the second time.

Aboriginal spokespeople, writing in Indigenous publications established as a result of Commonwealth grants engaged in their own analysis of these events. Kevin Gilbert believed that the Embassy 'lifted the Aboriginal image above the depressing obscurity of the reserves'. He saw it as 'a

³⁸ E. G. Whitlam, *Commonwealth Parliamentary Debates, House of Representatives*, 13 September 1972.

³⁹ Advertisement authorised by T. R. Maudsley, vice president. Building Workers' Industrial Union, *The Australian*, 14 July 1972.

challenge to the apathy and two-faced dishonesty of white Australians' and described real black power as 'the right of people, uncowed, to speak up for a share of the land that was stolen from them'.⁴⁰ Bruce McGuinness drew attention to Indigenous support for the Black Moratorium march held in Melbourne on 14 July. He told readers:

There have been black men, trying to get other blacks to protest on the streets since the mid-sixties... The recent 'black moratorium' has shown the fruits of their labour. In Melbourne, on the 14th of July 1972 at the corner of Elizabeth and Collins Sts at 6.05 p.m., I stood at the head of the black and white mass. There were two thousand people behind me: between that restless mass and myself, there were a hundred blacks, blacks of all age groups. However the majority of these were under 25 years of age.⁴¹

In drawing attention to the growth of Aboriginal activism he might have referred to a march in the same place seven years earlier when Pastor Doug Nicholls led residents from Lake Tyers to the steps of Parliament House. They carried placards which read 'Lake Tyers is our birthplace. Don't steal this as well'. This earlier march was ridiculed by the *Bulletin* as 'the unique spectacle of a Member of the British Empire' leading 'eight other part-Aborigines'. The pickets, the *Bulletin* had announced sneeringly, 'dwindled to three after an hour of demonstration'.⁴² By contrast, McGuinness drew attention to the significance of 100 black marchers. According to McGuinness' estimate, sixteen percent of the Victorian Aboriginal population marched on Friday 14th July 1972. This proportion, coupled with the growth rate in Aboriginal communities, should not be discounted, McGuinness warned. 'Whitey', he concluded, 'it used to be your ball-game... Many whites (and

⁴⁰ K. Gilbert, editorial, *Alchuringa*, vol 1, no. 3.

⁴¹ B. McGuinness, 'Black Power', *Identity*, November 1972, p. 4..

⁴² Sam Lipski, 'Don't Take the Lake', *Bulletin*, 27 March 1965, pp 14-15

some disillusioned blacks) believe that blacks can attain freedom through a black and white revolutionary coalition. That is just plain R.S'.⁴³

The Government failed to recognise the growth of public sympathy for the Tent Embassy. An equally serious failure was to see that Aboriginal people from many varied backgrounds were now supporting the Embassy. Ralph Hunt and Peter Howson seemed not to understand the growth in Aboriginal political assertion or the strength of the growing support, especially students, who were turning their attention from Vietnam and South Africa to injustice in their own country. Howson valued advice from Joh Bjelke-Peterson to 'show some toughness' and 'not give way to the militant Aboriginals'.⁴⁴ Ralph Hunt had taken a different approach.

Since May, Hunt had been considering a plan to establish an Aboriginal centre as a way of brokering a deal with the Embassy militants. Howson had rejected this approach maintaining that it was necessary to negotiate with 'a body that represents all Aboriginals', without addressing the fact that there was no such body which would satisfy all Aboriginal people at this time.⁴⁵ At a meeting on Saturday 29th July, Hunt, Howson, Coombs, Malcolm Fraser, (whose role was described by Bobbi Sykes as being that of translator) and supporting public servants met with 14 delegates representing all states except Western Australia and Tasmania. The delegates were told that they would need to form into a properly constituted body with 'membership lists to prove you're representative of the people' and told the group that they

⁴³ The initials R.S stand for rat shit, a common pejorative colloquialism at this time. B. McGuinness, 'Black Power', *Identity*, November 1972, p. 4.

⁴⁴ P. Howson, *The Howson Diaries*, p. 890.

⁴⁵ *Ibid.*, p. 870.

were considering a request from FCAATSI for a centre in Canberra. Bobbi Sykes reported these negotiations for *The Review*.⁴⁶ She described FCAATSI as 'a white-run organisation which has very little grass roots support, and is not representative of the people, but who have slipped in to capitalise on the situation created by embassy blacks'.⁴⁷ Joe McGinness had been wary about the Hunt offer, confiding in Barry Christophers 'I don't want to be used to break down the protest'.⁴⁸ He believed that if there were to be a centre it should be for all groups representing Aboriginal people, not just FCAATSI. As it turned out the idea was vetoed by McMahon.

The day following this meeting the crowds on the Parliament House lawns had swollen tenfold. Over two thousand people gathered. 'I never saw so many people in all my life', recalled Aboriginal activist Michael Anderson.⁴⁹ The tents were peacefully re-erected and just as peacefully removed by the protestors, bringing to an end this powerfully visual expression of frustration over the Government's failure to recognise and act on the call to legislate for an Aboriginal right to land. It was not an end to Aboriginal activism. Organisations such as the Black Panthers and Black Caucus attracted the impatient, those intolerant of FCAATSI's approach, which was characterised by Sykes as being about 'articles, constitutions, policies'.⁵⁰ What was FCAATSI doing through this period when activism in Aboriginal affairs was developing such a public profile?

⁴⁶ This changed its name to *Nation Review* from 29 July 1972.

⁴⁷ Bobbi Sykes, 'Fruitless Peace Talks', *Nation Review*, 5 August, 1972.

⁴⁸ McGinness to Christophers, 27 May 1972, Christophers personal papers

⁴⁹ Cited by Robinson, 'Aboriginal Embassy, 1972', p. 60

⁵⁰ Ibid.

Internal Dynamics – early 1970s

A consideration of the inwards correspondence for one month gives some sense of the range of places and concerns with which the Federal Council had to deal. In January 1971, traditionally a holiday month when a lighter correspondence load might be expected, 41 letters were recorded as having arrived in the office. They came from eight affiliated organisations, two politicians, five members of the executive, four individuals writing about the Gurindji and from organisations newly established or still in the process such as the National Tribal Council, the Women's Council in South Australia and the Aboriginal Arts Council. Hannah Middleton, an English Marxist anthropologist who was in close contact with the Gurindji, wrote about their need for vitamins. Lambert McBride protested a reduction of Aboriginal invalid pensions, others wrote of police intimidation in Townsville, about Lake Tyers settlement, pension applications, the Queensland Trust Fund and the enrolment of Aboriginal people for the census.⁵¹ The responsibilities of the General Secretary could no longer be met by an honorary secretary attending to these duties after the working day was over. The pressure for the position to become a paid one, as it had been briefly from 1966 to 1967, had been resolved at the 1969 annual general meeting. The General Secretary, Jack Horner, would be employed full-time at the rate of \$60.00 per week and in August 1969 FCAATSI had taken out a lease on an office in Bathurst Street for \$45.00 per month.⁵² The organisation was becoming, through the pressure

⁵¹ Minutes of FCAATSI executive meeting, 18 April 1971, McGinness papers, MS3718, AIATSIS, Canberra. This is the only correspondence list I have come across. Perhaps at other times of the year the volume of correspondence would have made such a listing impractical.

⁵² Minutes of the annual general meeting of FCAATSI, 6 April 1969; minutes of the executive committee, 16 September 1969, Pittock personal papers

of its own past success, a business operation. Its motives were not profit, but because of the demands of rent and salary the need to generate money had become more of an issue than in the days when all labour was voluntary.

In the mid-1960s much of the strategic and research work of the Federal Council was done in the committees but by 1970, although convenors of committees were still members of the executive, committees, as usually understood, did not exist. Ten committees were established at the 1970 annual general meeting but the following year only three convenors— of Education, Legislative Reform and Wages and Employment— presented reports. None of these reports referred to the activities of a committee; rather it seemed that these 'committees' represented the co-ordinating work of one person committed to a particular area such as Barry Christophers in the wages area, Frances Lovejoy in housing and Allan Duncan in education.⁵³ Moreover, at a time when rights to land had such a high profile, no report was lodged by the Land and Reserves convenor at the 1971 meeting.⁵⁴

Communication with executive members outside Sydney was more difficult once the executive moved to Sydney. When Melbourne was the executive centre, Bryant's electoral office phone was used to contact members from other states for their views on agenda items immediately prior to the meeting. Barry Christophers continued to contact the other states from Bryant's Melbourne office and convey their views to the Sydney executive, but this was not as regular an occurrence as when the executive was based in

⁵³ Barry Christophers confirmed in a phone conversation that this was the case for the Wages and Employment Committee, 31 March 2001.

Melbourne and communication was less direct. In November 1970 the executive decided 'it is better for state secretaries to find alternative means of telephoning', thus removing the obligation for the central executive to maintain contact with them. QCAATSI had expressed irritation at the lack of communication by the executive when meetings were in session, writing 'we would like to remind you once again that our state secretary, Mr McBride, is always available at his telephone.'⁵⁵ Bandler, General Secretary from June 1970 to April 1973, appealed for state secretaries to send in regular reports but these were not always forthcoming. Less input from state secretaries and the loss of activity in committees such as Equal Wages and Legislative Reform meant that decision-making was concentrated in the Sydney core executive.

FCAATSI continued to maintain through this period that it was a 'multi-racial organisation' and that 'Aborigines and Islanders and Europeans ... work together with equal status and mutual respect, for the cause of the complete equality of status of all black Australians with other Australians'.⁵⁶ A FCAATSI report to the World Council of Churches asserted that 'Mrs Bandler is now General Secretary and the policy hereafter is that an Aborigine is to take the position'.⁵⁷ This was not reflected in the proposed revised constitution drawn up by Jack Horner, convener of the legislative reform committee, nor was it mentioned in the minutes. Taken together these factors

⁵⁴ Reports and Proceedings of the 14th FCAATSI annual conference, Townsville, Queensland, 9-11 April 1971, MS 12913, box 10/8, Council for Aboriginal Rights, SLV

⁵⁵ H. Gurnett, president QCAATSI, to F. Bandler, 18 June 1971, FCAATSI papers, MS 2999 Y599, Mitchell Library, SLNSW

⁵⁶ J. Horner, Constitutional change of FCAATSI, Council for Aboriginal Rights, MS 12913, box 10/8, SLV.

⁵⁷ 'FCAATSI Report on Racism in Australia to the World Council of Churches, Geneva', p. 15, n.d., ACSPS (Federal Executive) Material, E 226/392, Noel Butlin Archives. This was published in *Smoke Signals*, March 1971

show a picture of an organisation which was losing touch with its members, and which was maintaining structures which were no longer as effective as earlier. Criticisms of the central executive's co-ordination failures were accepted by Bandler at a full executive meeting in September 1972 when grievances against the Sydney executive were aired.⁵⁸ During these years a gulf between the Sydney executive and the concerns of Indigenous affiliates across Australia widened.

The most obvious and damaging effect of the split at the 1970 Easter conference was that FCAATSI could no longer claim to be *the* national body, representing Indigenous people from across the country, when it came to pressuring governments. In a brochure produced in 1969 as a part of a campaign for members and donations the Federal Council advertised itself as existing 'to raise national issues-- to spell out the need for equality. Equal wages, better health, housing, employment, the retention of native culture and sacred objects and the compensation for land - these are some of the new ideas' the brochure explained. 'Aboriginals and whites work together in equality in the Council, but naturally Aboriginal societies or those working directly for their welfare have greater votes' than affiliates such as trade unions or churches. The brochure's final advertising line was to describe FCAATSI as 'Australia's Black Parliament'.⁵⁹ In the years to follow such a boast would take on ironic overtones.

With a commitment to establish a national tribal council, respected Aboriginal elders Pastor Doug Nicholls, Stewart Murray, Kath Walker and

⁵⁸ Full executive meeting of FCAATSI, Canberra, 15-17 September 1972, McGinness

Pastor Don Brady joined with younger activists impatient for control of their own organisations. Bruce McGuinness and Bob Maza were office-bearers in the recently Aboriginalised Victorian Aborigines' Advancement League and Denis Walker, Don Brady and Steve Mam held positions in the new Brisbane Tribal Council. Nicholls, Murray, Kath Walker and McGuinness had all gained experience as office-bearers in the Federal Council, but were no longer prepared to work with white members who refused to relinquish control. Walker and Murray, elected respectively as vice-president and Victorian state secretary for FCAATSI in 1970, resigned from the executive with the defeat of the Pittock motions. These were serious losses of strong Indigenous leaders who were prepared to challenge paternalism and white control, as Walker in particular had demonstrated. This was not the end of it. The bleeding from the division continued.

At the 1970 annual general meeting, 26 year old John Newfong, of Aboriginal and Islander heritage, was elected as General Secretary. This was now a full time salaried position and Newfong was expected to run the office and maintain regular office working hours. Harriet Ellis and Ken Brindle were the other two Aboriginal members of the Sydney executive at this time. Ellis, with experience in the union movement and the last secretary of the Aboriginal-Australian Fellowship when it disbanded in 1969, was appointed as a secretarial consultant in the FCAATSI office and Brindle, also a former AAF member and well regarded for his community work with Redfern youth organising football teams and Saturday night dances, was the NSW state

⁵⁹ papers, AIATSIS, Canberra.
FCAATSI, 'You Can Work for Aboriginal Advancement', n.d., but 1969.

secretary. Faith Bandler, the other vice-president after Walker's resignation, was, as already mentioned of South Seas Islander background and Dulcie Flower, the other secretarial consultant, was a Torres Strait Islander. Emil Witton, the treasurer, of Jewish background, had escaped from Hitler's Germany coming to Australia in 1938. Jack Horner, convener of the Legislative Reform Committee, John Baker, convener of the Trade Union Committee and Allan Duncan, long time convener of the Education Committee were of Anglo-Celtic background. The Federal Council had been accused of being a white organisation and, as Black Power ideology heightened awareness of a black/white colonialist divide, the election of an Aboriginal General Secretary was an important counter to such assertions.

In July 1969 the executive had begun considering its response to the Cook bicentenary celebrations planned for Sydney in the following year. The official program included a re-enactment of the landing at Kurnell on 29 April. After discussion at a 1969 full executive meeting a Pittock/Walker motion stating FCAATSI's opposition to the celebrations was passed. FCAATSI would advise 'Aborigines and affiliates' that 'until such time as the Federal and State Governments begin to change their attitudes on rights to land, on compensation for land alienated, and on rights of self-government and autonomy', members should treat the commemoration of the Captain Cook landing as warranting 'only their boycott and opposition'.⁶⁰ The planned boycott was taken up by Melbourne delegates who organised a car sticker campaign to inform the public of Aboriginal views of the bi-centennial celebrations. The Victorian FCAATSI state secretary explained 'we do not

intend a personal attack on the man... What we are attacking is the complacency and self-satisfaction evident in the preparations for these celebrations.'⁶¹

Sydney planning on the Bi-Centenary protest was late to start, partly because the executive was preoccupied with the annual conference and concern over the Pittock motions. Following the 1970 conference, the new General Secretary, John Newfong, threw himself into organising, with Sydney Abschol, a silent vigil at La Perouse Aboriginal Reserve. Wreaths would be thrown into Botany Bay expressing mourning for the deprivation and suffering caused by colonisation which followed Cook's visit. Support for this action was slow to come from the rest of the executive, according to Newfong.⁶² The executive complained about Newfong not maintaining regular office hours. Conflict between him and the other Sydney members came to a head in early May. Irritation exploded in a high-handed telegram lacking in tact. Brindle, Baker, Bandler, Duncan, Ellis and Flower informed Newfong that 'since the FCAATSI office is seldom manned and contact between General Secretary and Sydney-based executive is virtually non-existent we recommend that the General Secretary's wage be discontinued from this day 7th May until terms of employment of the General Secretary be drawn up at the next executive meeting to be held 18th May'.⁶³

⁶⁰ Full executive meeting of FCAATSI, 18-19 July 1969, Pittock personal papers.

⁶¹ P. Harris to J. Homer, 10 February 1970, FCAATSI papers, MS 3759, ALATSIS, Canberra.

⁶² J. Newfong, Notice to Executive Members, n.d., E226/390 ACSPA (Federal executive material 1964-1973, Noel Butlin Archives, ANU)

⁶³ K. Brindle, J. Baker, F. Bandler, A. Duncan, H. Ellis, D. Flower, 7 May 1970, E 226/390, Noel Butlin Archives, Canberra.

This action led to a further, public, fracturing of the Federal Council. Newfong retaliated with an insulting, accusatory diatribe against Faith Bandler and Ken Brindle which was circulated inside and outside FCAATSI, then resigned from the position.⁶⁴ Allan Ashbolt, a Sydney journalist who covered the Cook Bi-Centenary protest for the London *New Statesman*, wrote to Bryant defending Bandler's organisation of the La Perouse protest and praising her public relations work in organising press coverage.⁶⁵ However these events were viewed, the bitterness involved in the resulting resignations and the loss of an Indigenous office-bearer in the important General-Secretary's position harmed FCAATSI's standing, especially among the young Aboriginal activists in Melbourne, Sydney and Brisbane who were watching FCAATSI's management, or mismanagement, of this situation with interest.

In response to the peremptory treatment of Newfong, Pittock also resigned. He explained to Joe McGinness that 'John Newfong and I decided to stay on the executive of FCAATSI after the Easter split in the hope that we could help bring about effective co-operation and reconciliation' between FCAATSI and the National Tribal Council.⁶⁶ Pittock attributed 'prime responsibility for what has happened' to 'the small group which now controls FCAATSI, who have failed to sense the real grass-roots Aboriginal desire to control the organisation which claims to speak on their behalf'. He predicted that FCAATSI 'as presently constituted will always be in danger of

⁶⁴ J. Newfong, Notice to Executive Members, n.d. but May 1970.

⁶⁵ Ashbolt to Bryant, 28 May 1970, Pittock personal papers.

⁶⁶ Pittock to McGinness, 22 May 1970, FCAATSI papers, MS 2999, Y600, Mitchell Library, SLNSW

misjudging or misrepresenting the views of Aborigines and Islanders'.⁶⁷

Pittock confided to McGuinness: 'It is my hope and belief that the National Tribal Council will be able to foster grass-roots support and participation by Aborigines and Islanders all over Australia, essentially because it is free of white paternalism. This is something FCAATSI has never been able to achieve, and will not achieve, because in essence it is a white man's organisation.'⁶⁸

Some in the National Tribal Council considered that the rift between FCAATSI and those who resigned from it to form the NTC could be healed. They hoped initially to persuade FCAATSI to move to a compromise position 'where only Blacks elect the executive'.⁶⁹ The treatment of Newfong however further strained relations between the two groups. Kath Walker, her son Denis and other Brisbane-based Aboriginal activists worked with Bruce McGuinness, Bob Maza and others based at the Victorian AAL. Barrie Pittock assisted them to formulate a policy manifesto, a constitution and a structure for the new National Tribal Council. In September 1970 its first annual general meeting was held in Melbourne attended by more than 40 delegates, and 260 observers.⁷⁰ Wearing an impressive traditional headdress, Pastor Doug Nicholls was installed as Bapu-Mamus (Great Father – Great Chief) for life at a ceremony which emphasised pride in Aboriginal and Islander cultures. Kath Walker chaired the new body and Stewart Murray was appointed secretary. Seven areas of responsibility were established— land rights, health,

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Pittock to Kath Walker, 6 April 1970, Pittock personal papers.

⁷⁰ Pittock press release, 25 September 1970, Pittock personal papers; 'Tribes Meet in Council', *Sunday Observer*, 13 September 1970.

employment, housing, legal aid, education and finance— and responsible councillors, as well as six state organisers, were elected to office.⁷¹

Philosophical differences between the Federal Council and the National Tribal Council are visible when Jack Horner's work on updating the constitution of the Federal Council is compared to statements from the National Tribal Council's policy manifesto.⁷² Horner described FCAATSI as:

a multi-racial organisation; it is also a Council of affiliated organisations. Aborigines and Islanders and Europeans work together with equal status and mutual respect, for the cause of the complete equality of status of all black Australians with other Australians, in Australia and its Islands; and for the firm establishment of the Aboriginal identity and the Island identity in our society, and for the full rejection of white racism from our society, including the white Australian habits of paternalism.⁷³

The preamble to the National Tribal Council's Policy Manifesto has quite a different tone.

We representatives of the Aboriginal and Islander people of Australia reaffirm our pride in our own history, culture and achievements as peoples. Our people have been shamefully treated at the hands of white settlers, and Governments right up to the present day. This has led to the degradation, dispossession, and pauperisation of many of our people. Despite this we are proud of our race, and of the many achievements of our people in the adversity.

Today we assert our right to stand in full economic, legal, and social equality, beside white Australians with whom we wish to live in peace and harmony. We solemnly commit ourselves to the struggle to achieve such equality and justice. In this struggle we welcome whites as allies, but not as masters.

We stand for self-reliance. We hope for aid both morally and financially, but cannot be dependent on it. We depend on our own efforts, on the united stance of our own people.⁷⁴

The Constitution was based on the principle that only people of Aboriginal or Islander descent were eligible to be full members. Others, such as Barrie

⁷¹ Minutes of the executive meeting of the National Tribal Council, Northcote, Victoria, 13 September 1970, Pittock personal papers; see photo of Bapu Mamus, Doug Nicholls, *Origin*, 25 September 1970.

⁷² Jack Horner, given authority to work on FCAATSI constitutional revision writes 'the Full Executive gave me authority to write these clauses down'. Council for Aboriginal Rights MS 12913, box 10/8, SLV

⁷³ Jack Horner, with the authority of the executive, 'Constitutional Change of FCAATSI', (suggestions made at the October 1971 executive meeting).MS 12913, box 10/8, CAR, SLV

Pittock who was given responsibility for land rights and legislation, had the right to move motions and speak to them but not to vote. This new Council benefited from the beneficence of the World Council of Churches which provided a US\$15 000 grant to establish local "tribal Councils" as a means of effective political expression. The NTC planned to run a national campaign of 'a political and educative nature directed towards the white population and power structure'.⁷⁵

The two statements provide different approaches as to how society might be transformed. The FCAATSI clauses seemed to assert that the disavowing of 'white racism' and 'white Australian habits of paternalism' means that the 'equal status and mutual respect' will flourish between the three groups mentioned: 'Aborigines and Islanders and Europeans'. The National Tribal Council statement suggests an awareness of the need for a colonised group to reassert itself as a group. It recognised the psychological need for encouragement and upheld the importance of group identity for a people who had been subjugated, degraded and pauperised. By contrast, the Federal Council seemed to be focused on changing the behaviour of the majority culture in achieving the mutual respect between different groups by removing 'white racism' and paternalism. It seemed not to consider the need for Indigenous Australians to develop a group solidarity. While the Federal Council overlooked the processes involved in the development of a sense of identity, the National Tribal Council and other Indigenous organisations

⁷⁴ National Tribal Council, Policy Manifesto, adopted September 1970, Pittock personal papers

⁷⁵ Minutes of the executive meeting of the National Tribal Council, Northcote, Victoria, 13 September 1970, Pittock personal papers; '1970 allocations under the W.C.C. programme to combat racism', *Smoke Signals*, September 1970, p. 19.

provided an environment in which those who were aware of the damage of colonialism to Indigenous people could use their anger to distance themselves from the colonising majority.

The ongoing costs of rent and wages placed constant demands on the Federal Council's executive. Donations to FCAATSI were always highest when a particular campaign was being waged, be it for equal wages, the referendum or land rights, and such donations were kept for the purpose of the campaign. In November 1969 in establishing a secretariat in Sydney which involved a paid general secretary and office rent and maintenance, FCAATSI had committed itself to on-going expenses of \$320 monthly.⁷⁶ A further expense was travel costs to get Indigenous members of the executive to Sydney twice a year for full executive meetings. As well, the Federal Council subsidised travelling costs for some Indigenous representatives to come to annual conferences from distant places such as from Western Australia, Northern Territory and Northern Queensland.

Until late 1968 the Federal Council had been financially independent of governments; however, the formation of the Council for Aboriginal Affairs (CAA), its supporting Office of Aboriginal Affairs (OAA) and an operating budget offered hope of assistance. In January 1969 a deputation met with Dr Coombs to seek financial support to bring Aboriginal delegates to Canberra for the Easter Conference. Coombs supported a request to cover the travelling costs of such delegates and thus began an uneasy financial relationship

⁷⁶ At the November 1969 full executive meeting this figure was mentioned by John Baker. Treasurer Jean Horner's estimates were similar: General Secretary's salary \$240.00 per month, office rent \$45.00, office expenses including phone rental and

between the Council for Aboriginal Affairs and FCAATSI. Funds were made available 'specifically to help Aborigines attend your meetings' Coombs explained to Flower.⁷⁷ Barrie Dexter, responsible for the Office of Aboriginal Affairs, was, however, sceptical of FCAATSI's claim to be representative of Indigenous opinion and suspicious of the motives of some of the left-wing executive members. The vote against the 1970 Pittock motions seemed to provide some substance to his reservations.⁷⁸ In August 1970 Bandler complained to McGinness that the grant from the Council for Aboriginal Affairs was \$1228.50. 'Yes to the last cent. So there will not be anything over. Each other grant has been \$2 000.'⁷⁹

In 1970 a further new source of funding assistance presented itself. Dr Frank Engel, Secretary of the Australian Council of Churches suggested that FCAATSI approach the World Council of Churches for financial assistance. A submission was prepared which was, in turn, supported by Joyce Clague, a member of the WCC's International Advisory Committee for the Program to Combat Racism and a FCAATSI delegate well known to the executive. The Federal Council was successful and a grant of US\$10 000 was approved for use 'according to the submissions presented' which related to strategies to

calls \$35.00, Minutes of FCAATSI executive meeting, 8-9 November 1969, Pittock personal papers.

⁷⁷ From December 1968 to August 1972 the Council for Aboriginal Affairs authorised five payments between \$1 200 and \$2 000 to fund travel for Indigenous executive members to get to the bi-annual executive meetings and to the annual conference. These grants totalled \$7 526. Coombs to Flower, 17 September 1968, FCAATSI papers, MSS 2999, Y599, SLNSW; Treasurer's statements 1969 - 1973, Langton papers, ALATSIS, Canberra.

⁷⁸ Tim Rowse quotes Barrie Dexter as recalling FCAATSI as 'essentially a body of fairly left-wing trade unionists anxious primarily for a paid annual holiday in Canberra'. Given that the only people whose travel costs were paid for were Indigenous delegates who could not afford the fare, this is an unjustified remark. See Rowse, *Obligated to be Difficult*, p. 70.

⁷⁹ Bandler to McGinness, 7 August 1970, FCAATSI papers, MS 2999, Y 599, Mitchell Library, SLNSW, Sydney.

combat racism in Australia and to advance the cause of land rights. This was a huge amount, more than ten times the size of any donation received before.⁸⁰ The Advisory Committee for the Programme to Combat Racism had 'agreed that this grant be made without control over the manner in which it is to be spent'; however, the minutes of the FCAATSI October full executive meeting reminded members 'that these gifts were made to combat Racism and Racial Discrimination in various countries'.⁸¹ This meeting appointed three trustees of the World Council of Churches' grant: Joyce Clague, now Northern Territory state secretary, the General Secretary, and the Treasurer.

From humble beginnings with all labour provided gratis the Federal Council was, by 1970, established as a secretariat with regular bills but no regular income. It could apply, cap in hand, to the Council for Aboriginal Affairs for assistance with Aboriginal executive members' fares to meetings and conferences. It had a large grant to put to work combating racism and it had a regular wages and office rental and maintenance bill to meet each month. At the same time most of the work was still voluntary. Some executive members were paid for their work, others were not. Some money came from unions, especially left-wing unions such as the Waterside Workers' Federation and the Seamen's Union, some came from the Liberal-Country Party Government, and the largest amount came from outside Australia, from the World Council of Churches. A comparison of donations received in 1969 and 1972 is revealing. In 1969 supporters donated \$5 237. This represented

⁸⁰ Baldwin Sjollem, General Secretariat, Programme to Combat Racism, World Council of Churches to Jack Horner, former General Secretary, FCAATSI, 4 September 1970, Pittock personal papers

⁸¹ Ibid.; Minutes of the full FCAATSI executive meeting, 3-4 October 1970, E226/393, Noel Butlin Archives, ANU, Canberra.

almost half of the income for that year. In 1972 donations, excluding the World Council of Churches grant, had fallen to \$2 804. This was less than half the income for the year, at a time when the wages bill and rent was taking more of the available income. In August 1972 Faith Bandler made an appeal to trade unions for support. A month later this had resulted in only one donation. In writing about this parlous situation Horner told Barry Christophers with some amazement 'One official actually asked Faith who you were!'⁸² One possible explanation for the drop in trade union support may be that the unions no longer saw FCAATSI as leading the fight against the Federal Government on land rights and Aboriginal representation.⁸³

By 1971 the Federal Council's Sydney office was under a number of pressures that continued, unresolved, throughout the remainder of the period of Sydney control. These were firstly the growing expectation of Aboriginal communities for financial assistance in getting delegates to annual conferences. Bandler explained to the October 1971 full executive meeting that in order to get the Office of Aboriginal Affairs to fund Indigenous fares to the executive meeting she had had to make two trips to Canberra after the written request was made. Funding support from this Office could by no means be taken for granted.⁸⁴ A second pressure was the continued increase in the workload of the office. Communication with government departments and

⁸² 'The BLF [Builders' Labourers Foundation], inclined to the Chinese view, supported young Black Moratorium people and as a consequence the other unions all held back, not just from acting with the Moratorium march, but from anything else to do with Aboriginal affairs'. Horner to Christophers, 29 August 1972, FCAATSI papers, MSS 2999, Y599, Mitchell Library

⁸³ When grants from the Office of Aboriginal Affairs are removed for the annual statements of income and expenditure the following figures show the drop in donations. For the year ended 1969 the amount is \$4 897.37. For the year ended 1972 the amount is \$994.45. Langton papers, AIATSIS, Canberra.

politicians, with Indigenous communities and organisations and with affiliates was constant and time-consuming. A third was the decisions about how to use the WCC grant. And a fourth was the practice, beginning in April 1970, of paying Joe McGinness 'to continue the campaign for land rights throughout Australia'.⁸⁵ Attempts by members of the Sydney executive to relieve these pressures led to further rifts in the leadership which continued to weaken the organisation over the next two years.

'Some features of our struggle for Aboriginal rights is [sic] against tyranny and bureaucracy and to find both these features developing within the framework of our council appalls me' wrote Joe McGinness to Faith Bandler on reading the minutes of the January 1971 executive meeting.⁸⁶ McGinness, who had resigned from wharf work in 1970 when the introduction of bulk handling in the sugar industry drastically reduced work opportunities, had been engaged in fieldwork trips through Northern Australia during 1970. This work had been funded variously by the Waterside Workers' Federation, the Council for Aboriginal Rights and for some months the Federal Council.⁸⁷ In August 1971, treasurer Emil Witton moved that 'since donations by the Waterside Workers' Federation, there has been one donation of \$50 and we cannot see our way clear at the moment to pay any wages to the President'.⁸⁸ In December Witton wrote to McGinness 'as I understand it this money, as it comes out of the trust fund of the World Council of Churches, is only to be

⁸⁴ F. Bandler, General Secretary's report to the full FCAATSI executive meeting, 30 October 1971, FCAATSI papers, MS 3759, AIATSIS, Canberra.

⁸⁵ Minutes of the FCAATSI executive meeting, 20 April 1970, ACSPA (Federal executive) material, E226/392, Noel Butlin Archives, Canberra

⁸⁶ McGinness to Bandler, 8 February 1971, Christophers personal papers

⁸⁷ Minutes of the FCAATSI executive, 20 April, 1970; 6 July 1970; 7 September 1970; 3-4 October 1970, McGinness papers, MS 3718, AIATSIS Library, Canberra

paid out when the regular reports come in on which in turn our reports for overseas are based'.⁸⁹ At a meeting of the Sydney executive in January, at which McGinness was not present, two consecutive motions were passed which would lead to further bitter disagreements between members of the full executive. The first was that:

General Secretary be authorised to pay Mrs D. Flower \$30 per week for whatever period of time the General Secretary deems necessary, from World Council of Churches funds.

This was followed by:

That after looking at the Financial Statement and considering the additional costs of establishing an office in Townsville, the executive regrets that they are in no position to keep paying the President the wage of \$60 per week. However if he feels that his work is unfinished, the sum of \$25 per week would be available, for the time being, but should a substantial amount be realised from the Waterside Workers' Federation levy, the position would be re-assessed.⁹⁰

These motions brought angry responses from Evelyn Scott, secretary of the Townsville Aboriginal and Torres Strait Island Advancement League, Dulcie Flower and Joe McGinness, with Christophers conciliating between the warring parties. Scott wrote to the General Secretary 'this meeting of Townsville Branch [of the Aborigines and Torres Strait Islander Advancement League]... declares it resents strongly the actions of the Federal Secretary to involve this organisation in what we consider a power struggle emanating from the Federal Office'.⁹¹ She referred to a visit to Townsville by Bandler to investigate the possibility of establishing a branch FCAATSI office, writing that the Townsville Branch had never discussed the setting up of a branch

⁸⁸ Minutes of the FCAATSI executive meeting, 3 August 1970, MS 3759, FCAATSI papers, AIATSIS Library, Canberra.

⁸⁹ Witton to McGinness, 6 December 1970, MS 2999, box Y600, FCAATSI correspondence, Mitchell Library, SLNSW

⁹⁰ Minutes of the FCAATSI executive meeting, 18 January 1971, McGinness papers, MS 3718, AIATSIS Library, Canberra ACT.

⁹¹ Scott to Bandler, 13 February 1971, Christophers personal papers.

FCAATSI office, 'but we were told that this was a Federal Executive decision by Mrs Bandler and that the Federal President should be replaced...' Scott wrote of approaches having been made to her to 'oppose Mr J. McGinness for the position of presidency by the Federal Secretary' and expressed the Townsville Branch's 'fullest confidence in Mr McGinness as Federal President'.⁹² She concluded her letter by appealing to the Federal Executive to 'take immediate steps to overcome this disunity which appears to be emanating from the reduction of Mr J. McGinness's salary'.⁹³

Dulcie Flower, working as one of the secretarial consultants, considered that she had been made a scapegoat. She wrote to McGinness suggesting that he needed to be independent 'of a group who doesn't care two hoots' about the work he was engaged in, and to Christophers appealing to him to act as a conciliator.⁹⁴ McGinness' support in North Queensland was particularly strong where, as he pointed out to Bandler 'I am on call seven days a week' assisting people with 'social service applications, education and student grants, wages and trust fund negotiations, legal adviser, tax consultant'.⁹⁵ The Sydney executive, wishing to present themselves to their WCC benefactor as being engaged in 'combating racism', decided that the president's \$60 00 per week could be restored if his work 'on racial discrimination, not welfare work' was satisfactory, by which they seemed to

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Flower to Christophers, 9 February 1971, Christophers personal papers.

⁹⁵ McGinness to Bandler, 8 February 1971, Christophers personal papers

mean supported by written reports which could then be used in reporting to the WCC.⁹⁶

Disputes over money and how it should be expended threatened Federal Council effectiveness as time and energy went into this quarrel and unity of purpose was lost. McGinness criticised the Sydney executive for a lack of involvement with the Gurindji Committee. He was puzzled by the 'strange' decision to set up a Townsville Office but considered that 'the most important thing in all this, it seems to me, is the method of work of our Executive'. This method, 'where only a small percentage of the Executive meet and decide matters that have a National bearing' is 'ripe for review' he wrote.⁹⁷ Flower wrote despairingly to Christophers explaining that she had told Gordon Bryant that 'the national aspect of FCAA's [sic] work had been lost... through failure to communicate'. She argued that there was a 'need to go right back to the beginning, assess and update programmes and proceed from there'.⁹⁸ Christophers reminded Bandler of the 'horrible "blue" last year' and warned of further possible splits to the organisation unless efforts were made to resolve the wages situation.⁹⁹ There had been no record in earlier minutes of discussions concerning the possibility of setting up a FCAATSI branch in Townsville lending some weight to McGinness' suggestions of undemocratic procedures.

⁹⁶ Minutes of the FCAATSI executive meeting, 15 February 1971, McGinness papers, MS 3718, ALATSIS, Canberra.

⁹⁷ McGinness to Bandler, 24 February 1971, McGinness papers, MS 3718, ALATSIS Library, Canberra, ACT.

⁹⁸ Flower to Christophers, 9 February 1971, Christophers personal papers.

⁹⁹ Christophers to Bandler, 6 February 1971, MS 2999, Y599, Mitchell Library, SLNSW

What sort of an organisation was FCAATSI in 1971? A distinction which the Federal Council had traditionally made in describing work in Aboriginal affairs was to separate welfare work from political activism. Shirley Andrews and others involved in establishing the Federal Council in 1958 considered it important that the new movement distance itself from the welfare activities of church missions. Such organisations, which they regarded as being run by 'do-gooders', might have helped individuals but in doing so supported the status quo— discriminatory legislation and parsimonious governments— when it came to expenditure on the needs of Indigenous citizens. The Federal Council had prided itself on an independence from government which had allowed it to pursue its policy objectives, and scorned organisations such as One People of Australia League (OPAL) which received large grants from the Queensland Government which it did not publicly criticise.

This welfare/political activism distinction may have been appropriate for non-Indigenous activists but for Aboriginal activists such as Joe McGinness it was an artificial divide. As he explained to Bandler his work in North Queensland held no such distinction.¹⁰⁰ As he assisted people with welfare issues such as applying for social service benefits or filling in tax forms he encouraged them to become active in a local organisation and work to improve the life chances of their people. The Sydney executive, conscious of its need to show the World Council of Churches that their grant was indeed being spent to combat racism, sought to tailor McGinness' activities so that they could furnish examples in FCAATSI reports to the WCC of work

'combating racism'. At the height of this furore, Jack Horner wrote to McGinness suggesting that he come to Sydney, explaining 'there is of course no suggestion of putting you on the mat', adding 'we thought it only fair that we should know fairly regularly just what it is you are doing'.¹⁰¹ This contribution would most likely have hindered rather than helped relations between McGinness, who was, after all, the President and the Sydney executive. At the same time Bandler was representing some FCAATSI activities to Wentworth, the Minister-in-charge-of Aboriginal Affairs, as 'welfare work, for which the Council is not equipped'.¹⁰² The Minister invited the Federal Council to 'make a submission for reimbursement of \$1 925 spent on welfare work by this Council'. So on the one hand 'welfare work' was discouraged in the interests of pleasing their WCC sponsors and on the other hand it was used as the basis of a request for Federal Government reimbursement. The problems within the organisation at this time suggest a loss of direction, with time in executive meetings being spent on their own problems rather than addressing the needs of those who they claimed to represent.

Although the Federal Council claimed to recognise the importance of land and Indigenous rights to it, other organisations were more active on this issue. Media coverage of land disputes, particularly the Gurindji dispute in which Frank Hardy had popularised with a series in *The Australian* in mid 1970, had led to a growth of a new organisation. On National Aborigines Day

¹⁰⁰ McGinness to Bandler, 8 February 1971, Christophers papers.

¹⁰¹ Horner to McGinness, 18 February 1971, FCAATSI papers, MS 2999, box Y600, Mitchell, SLNSW, Sydney.

¹⁰² Minutes of FCAATSI executive meeting 15 February 1971, McGinness papers, MS 3718, AIATSIS, Canberra.

1970 more than 500 people turned up at a meeting in the Teachers' Federation Auditorium in Sydney to listen to Hardy, recently returned from Wattie Creek. In what was described as an 'impassioned speech' he outlined events at Wattie Creek over the previous four years finishing with a plea for public support to assist them in maintaining their demands for a right to the land they were occupying.¹⁰³ The meeting set up a 'Save the Gurindji' Committee which aimed to 'confront Vestey's and the Federal Government in the North at Wattie Creek' and 'to demonstrate, boycott and agitate in major cities in the South'. The purpose of these activities was 'to achieve the aims of the Gurindji to ownership of 500 square miles of Wave Hill land occupying Wattie Creek'.¹⁰⁴

This committee, supported by members of Sydney Abschol, began its campaign with a demonstration outside Vestey offices on 31 July and a boycott of Vestey products on 28 August. Some members of FCAATSI were represented in this new organisation but the executive as a whole distanced itself from the 'Save the Gurindji' organisation and expressed concern at 'unauthorised leaflets' which gave the impression that the new organisation was a part of FCAATSI.¹⁰⁵ Abschol branches in Melbourne and Sydney were supporting the Gurindji strikers with money and labour.¹⁰⁶ Tony Lawson, the National Director of Abschol reported that 'the dynamic in Aboriginal organisations is with NTC' and that relations with FCAATSI were 'cool, to

¹⁰³ The Publicity Subcommittee, 'Save the Gurindji' Press Statement, 15 July 1970, FCAATSI papers, MS 2999, Y600, press folder, Mitchell Library, SLNSW.

¹⁰⁴ Ibid.

¹⁰⁵ The press statement went out under the name 'Federal Council for the Advancement of Aborigines and Torres Strait Islanders'. Minutes of the FCCAATSI executive, 3 August 1970, FCAATSI papers, MS 3759, ALATSIS, Canberra.

¹⁰⁶ Tony Lawson, Report of the National Abschol Director to February Council 1971, p. 5, Roper papers, Monash University Archives, Melbourne.

say the least'.¹⁰⁷ 'It is to be hoped,' he reported 'that as activities take place FCAATSI will not stand out but will co-operate with other organisations'.¹⁰⁸ To Bandler the 'Save the Gurindji' Committee comprised 'North Shore middle class housewives and Frank Hardy'. 'There is not one Aboriginal person on it', she told McGinness.¹⁰⁹

What was the Federal Council doing about the land question? An examination of FCAATSI minutes for the period 1970 to 1972 shows an enormous gap between an apparent consciousness of the importance of the movement for land rights and the political will needed to campaign effectively. Over an eighteen-month period phrases of good intent are repeated. The September 1970 meeting agreed that 'we should step up the campaign for land rights'.¹¹⁰ The May 1971 minutes record: 'this gathering endorse the campaign waged so far by FCAATSI on land rights and health, and that we request the Federal Council to intensify these campaigns'. The following month they agreed 'that we once again speed up the land rights campaign'.¹¹¹ In October 1971 it was decided that 'we need to get over to the community just what land rights precisely means to us' and that 'a set of guidelines was to be worked out, to educate the white people on what land

¹⁰⁷

Ibid.

¹⁰⁸

Ibid., p. 6.

¹⁰⁹

Bandler to McGinness, n.d. but either August or September 1970, FCAATSI papers, MS 2999, Y599, Mitchell Library, SLNSW.

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Minutes of FCAATSI executive meeting, 7 September 1970, McGinness papers, MS 3718, AIATSIS, Canberra.

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Minutes of FCAATSI executive meeting, 3 May 1971, ACSPA (Federal Executive) material, E226/392, Noel Butlin Archives, ANU, Canberra; minutes of FCAATSI executive meeting, 21 June 1971, McGinness papers, MS 3718, AIATSIS, Canberra.

rights means.¹¹² The 'set of guidelines' were not, in the life of that executive, ever put before the committee.

The other related theme through the minutes of this period related to a planned international conference or symposium. This was firstly conceived as concerning racial discrimination. In October 1970 the executive resolved that FCAATSI propose to the ACTU and ACSPA that 'they join with it, the NUAUS, Australian Council of Churches and the United Nations Assoc. in a national congress in 1971 to combat and outlaw all forms of racism and racial discrimination in Australia'.¹¹³ This idea is not mentioned again but in May the following year a 'World International Conference on Land Rights' was announced. This was likely to be convened in June 1972, with the National Tribal Council collaborating with FCAATSI to organise this conference. Over the following six months further references to the planned conference or symposium reveal that the National Tribal Council was not prepared to join FCAATSI in this venture. Finally, the task of organising the symposium was given to the Australian Council of Churches and the Society of Friends with Faith Bandler selected to act for the WCC as an individual rather than a FCAATSI representative.¹¹⁴ FCAATSI's plans, discussed in executive meetings for more than a year, came to nothing.

¹¹² Minutes of FCAATSI executive meeting, 30 October 1971, McGinness papers MS 3718, ALATSI, Canberra.

¹¹³ Minutes of the FCAATSI full executive meeting, 30 October 1970, E226/392, ACSPA (Federal executive) material, Noel Butlin Archives, ANU, Canberra. These organisations are the Australian Council of Trade Unions; the Australian Council of Salaried and Professional Associations; the National Union of Australian University Students.

¹¹⁴ Minutes of the executive meeting of FCAATSI, 20 November 1972, FCAATSI papers, MSS2999, add-on 1507, Mitchell Library, SLNSW.

These minute entries tell three stories about FCCATSI and the land issue. Firstly, the ongoing expressions of good intent but lack of action suggest a lack of suitable personnel to take on an issue which involved a range of talents. An effective land rights convenor would need to be able to read and interpret legal documents, to keep in contact with some of the communities involved in land rights action, to write to newspapers on the topic and plan actions which would add to community education and advance Aboriginal interests in land. Dulcie Flower was appointed to the Land and Reserves Convenor's position in September 1970 and began with enthusiasm. She wrote to Pittock, National Tribal Council advisor, telling him of her plans, seeking permission to use materials he had produced in 1968, and inviting him to participate.¹¹⁵ Flower was also at this time engaged in work, closer to her expertise (she was a nurse by training) leading to the establishment of the Aboriginal Medical Service in Redfern. There is no evidence of others working with Flower in this demanding area of Land and Reserves, and it is likely that the more familiar work in the health area took precedence. As detailed earlier the committee system was not working. Secondly, the failure of the racial discrimination/land rights symposium indicated that the rift between the Federal Council and the National Tribal Council still existed, with Bandler reporting in October 1971 'I have spoken to Bruce McGuinness and Barry [sic] Pittock but neither have seen their way clear to meet with us'.¹¹⁶ Thirdly, on other matters of national significance, such as the Blackburn judgement in the long-awaited Yirrkala land case brought down in April 1971 against the Yolngu, or the position of the Gurindji in their effective squatting

¹¹⁵

Flower to Pittock, 10 September 1970, Pittock personal papers.

strategy which the Federal Government sought to undermine, FCAATSI minutes are almost completely silent. It is as if these matters are of no concern to the executive.

The campaign against the Queensland Act, and in particular the operation of the Queensland Trust Fund, was the only sustained and partially successful campaign during these years. This work began, as told in chapter four, in 1969 but came to a temporary halt in 1970 while McGinness searched for a suitable challenger of the Queensland legislation. In mid 1971 McGinness met John Belia from Dajarra, south of Mt Isa, a stockman who wished to be freed from the controls of the Act. To gain public support for the action Christophers proposed, and the Federal Council executive accepted, that FCAATSI ask the Commonwealth Banking Corporation, which managed the Queensland Trust Fund, to cease operation of the fund and instead open individual accounts for the Aboriginal people to whom the money was owed.¹¹⁷ The Bank refused and a boycott was proposed, which was most ably conducted by Aboriginal students from New England University where Frances Lovejoy supported and promoted the action. The boycott strategy overall was not successful however. Even the FCAATSI treasurer refused to change the organisation's bank account. In proposing this strategy Barry Christophers underestimated people's conservatism when it came to banking their money.¹¹⁸

¹¹⁶ Minutes of FCAATSI executive meeting, 30 October 1971, FCAATSI papers, MS 3759, ALATSIS, Canberra.

¹¹⁷ Minutes of FCAATSI executive meeting, 3-4 October 1970, ACSPA (Federal executive) material, E226/392, Noel Butlin Archives, Canberra.

¹¹⁸ F. Bandler to B. Christophers 18 October 1969, Christophers personal papers. Prior to the 1971 conference Christophers wrote to Bandler asking her to instruct the treasurer to change the Federal Council's account with the Commonwealth

At the Townsville Conference, the first since the split, two different political strategies against the Queensland Act were presented: Christophers' boycott and a more confrontationist strategy suggested by Denis Walker, present as an observer. Despite difficulties put in their way by the Department of Aboriginal and Islander Affairs, which controlled Palm Island, about 40 people had come across from the Island. Denis Walker and Len Watson from the National Tribal Council were observers at the Conference and apart from Federal Council delegates the conference was dominated by two groups described by Frances Lovejoy as 'anti-FCAATSI people and white students who knew nothing about anything'.¹¹⁹ Walker's approach to political action against the Queensland Act was to 'use any means available to transport as many delegates from this conference to the island without the permission of the manager or director'.¹²⁰ This motion was put to the Conference by a delegate and was carried by acclamation. The next morning, according to Walker, the FCAATSI executive frightened Palm Island delegates with talk of recriminations from Department of Native Affairs officials and the action dissolved.¹²¹ The alternative strategy, for a boycott of the Commonwealth Bank, would have seemed tame by comparison to the large audience of students present. The boycott motion was lost; Lovejoy suggested that this was as much a move against FCAATSI by Abschol and others as it was against the

'otherwise we are going to look absolutely foolish and completely incompetent'. Christophers pleaded: 'I have put more than 100 hours into this campaign, please get Emil to transfer before the Conference'. Witton refused to close the accounts. Christophers to Bandler, 31 March 1971, FCAATSI papers, MS 299, Y599, Mitchell Library, SLNSW; Bandler to Christophers, n.d. but early April 1971, FCAATSI papers, MS 299, Y 599, SLNSW.

¹¹⁹ Frances Lovejoy to Barry Christophers, 7 June 1971, Christophers papers, MS 7992, box 12, NLA

¹²⁰ D. Walker and L. Watson, 'Report on FCAATSI Annual Conference', 15 April 1971, Pittock papers, KRC Library, Monash University.

strategy.¹²² What was clear from this conference was that Abschol, and more generally university students, had become active in Aboriginal affairs in significant enough numbers to outvote, or sway FCAATSI affiliates of longer standing. The two groups, both acting to get the Queensland Aboriginal and Islander Act repealed, were opposing each other rather than the Act.

Concluding a report on this meeting Walker wrote:

The FCAATSI organisation has outlived its usefulness and is now robbing the people of their initiative and ripping the guts out of them, similar to the 'ACT'. I believe it should not be allowed to exist and Aboriginal people should work out ways of smashing the organisation in the same way that we want to smash the 'ACT'.¹²³

By the end of that year Denis Walker had resigned from the National Tribal Council and was establishing a new more militant body.¹²⁴ This was the Black Panther movement, prepared to advocate violence to force change.¹²⁵ Was Walker's view, that FCAATSI had 'outlived its usefulness' shared by other Aboriginal activists at this time?

Conflict with External Critics

When the erection of the Tent Embassy made Canberra the focus in Aboriginal affairs, Alice Springs became the bunker to which FCAATSI retreated to hold its traditional Easter Conference. The 1972 conference was to have been held in Sydney but at the January committee meeting the executive discussed the threats 'from the Black Power militants' who were openly

¹²¹ Ibid.

¹²² Lovejoy to Christophers, 7 June 1971, Christophers papers, MS 7992, box 12, NLA.

¹²³ D. Walker & L. Watson, 'Report on FCAATSI Annual Conference', 15 April 1971, Pittock personal papers.

¹²⁴ The NTC entered a period of dormancy from which Charles Perkins briefly revived it in mid-1972. It campaigned against the McMahon Government in the lead up to the 1972 election. Minutes of the National Tribal Council executive meeting, Adelaide, 12 May 1972, Pittock papers. See P. Read, *Charles Perkins: A Biography*, Viking, Penguin, Ringwood, 1990, pp 139-141 for Perkin's involvement in the NTC

boasting that the proposed Easter Conference in Sydney would be the venue for 'an Aboriginal takeover'.¹²⁶

In December 1971, Bandler had written to McGinness suggesting a change of venue to Alice Springs. McGinness did not agree to the suggestion, confiding to Christophers that 'Faith's real fear is that she has no Aboriginal support left in the eastern states and stands the risk of being outed as g/sec if the conference was held nearer home'.¹²⁷ The decision to change the venue was taken in January with 'no rescinding of previous motion or anything else' as McGinness wrote to Christophers, adding 'I don't know where all the intrigue's going to end...No further mention about the WCC Conference that was to be held there this year but I noticed that the amount of \$6 000 which was earmarked for this which came from the WCC fund originally, had \$1 500 whittled away from it recently'.¹²⁸

Neville Perkins, convenor of FCAATSI's Abschol committee, wrote a persuasive two page letter setting out five reasons why the FCAATSI executive should reconsider the location of the 1972 annual conference. Perkins, born in Alice Springs in 1952 of Arrente parents, was deeply involved in trying to help the Alice Springs community. He gave as his first reason the high Aboriginal infant mortality rate in Central Australia, pointing out that the infant mortality rate more than doubled during 1970 and 1971. Other reasons

¹²⁵ 'Queensland black power militant Dennis Walker, 25, and seven teenage Aboriginals yesterday formed the first Black Panther Party in Australia...' 'Aboriginals Set up Militant Black Panther Movement', *Age*, 19 January 1972.

¹²⁶ A. Duncan to G. Bryant, FCAATSI papers, MS 2999, Y 599, Mitchell Library, SLNSW

¹²⁷ McGinness to Christophers, 29 December 1971, McGinness papers, MS3718, AIATSIS, Canberra.

¹²⁸ McGinness to Christophers, 2 February 1972, Christophers papers.

were the 'deplorable Aboriginal legal situation with many Aborigines finding it difficult to interpret European law', uncertainty about land rights, racism and the lack of an Aboriginal organisation in Alice Springs.¹²⁹ The persuasiveness of his arguments to give attention to an obviously neglected community offered a respectable reason for an eleventh hour change of plans for the 1972 conference.

McGuinness continued to oppose Alice Springs as the venue, arguing that 'personally I don't see any good trying to hold any of the Black power advocates [sic] away from a gathering such as the annual conference .It is no use an organisation like the Federal Council trying to dodge such an issue and the sooner we have a confrontation or more contact with people who have different views to what ours may be the sooner our differences may be resolved.'¹³⁰ He contacted Bruce McGuinness and others urging them to make every effort to get to the Alice. As it happened Pat Eatock was the only representative from the Embassy group attending the Alice Springs conference. The annual conference avoided the threatened 'Aboriginal takeover' as it had the previous year by choosing Townsville over a major population centre. Far from the more spectacular action at the Tent Embassy in Canberra the Alice Springs conference received almost no media coverage. Delegates learned much, however, at this conference, about racial attitudes in Alice Springs.

For the city-centred activists who comprised FCAATSI's executive, the Alice Springs conference was an entry into a different world. A hundred

¹²⁹ N. Perkins to J. Horner, 30 December 1971, ACSPA (Federal executive) material, E

and fifty people attended this conference including members of the Sydney core executive—Faith Bandler, Ken Brindle, Dulcie Flower and Jack Horner—as well as Queensland stalwarts, Joe McGinness Evelyn Scott, Mick Miller and Lambert McBride. Respected elders such as Jack Davis from Western Australia, Geraldine Briggs from Victoria and Jacob Adednego from the Torres Strait were also present. Those attending from the local area comprised two groups—white Australians such as Reverend Jim Downing who had lived and worked with the people of Alice Springs for fourteen years and spoke some of their languages and Aboriginal people of full descent. Unlike earlier conferences the Alice Springs conference was organised to take account of linguistic diversity. Translators from the main language groups represented—Arrente, Walpiri, Pitjantjajara—had the challenge of translating concepts such as a franchise and a postal vote; an impossible task. Representatives were present from government stations—Twupatake (Jay Creek), Amooguna and Papunya; from cattle stations—Willowra, Neutral Junction, Teatree, Mount Riddock, Maryvale, and Aileron; from missions—Hermannsburg and Ernabella. From Alice Springs they came from the local mission and from the five clans who lived in the dry bed of the Todd River. While applauding FCAATSI's interest in people from the Centre, Jim Downing explained that even when interpreted the people found the concepts hard to grasp. Some explained to interpreter Jim Lester 'we understand what you said to us—we could hear it all right. But we can't put it all together'.¹³¹

226/392, Noel Butlin Archives, ANU.

¹³⁰

McGinness to Christophers, 9 March 1972, Christophers personal papers.

¹³¹

Australian Broadcasting Commission, 'Fact and Opinion', 19 April 1972, 8.15pm, FCAATSI papers, MS 2999, Y600, Mitchell Library, SLNSW.

The FCAATSI executive learned that racial discrimination was not just a phenomenon which occurred between black and white. While the all-Aboriginal session was well attended by people of full descent, no 'part-descent people from Alice Springs attended Conference'. The executive learned of the 'strong distinction between "full-blood" people who were classed as Aborigines, and part-descent people who were classed as whites', a distinction which seemed to have been internalised by the people themselves.¹³² This was quite a different situation to that in the cities where 'part-descent' people were reclaiming Aboriginality proudly. Despite this the General Secretary, Faith Bandler, spoke of 'white racism' as the fundamental problem which needed to be solved. She cited Reverend Charles Spivey, an Afro-American member of the WCC with whom she was in correspondence, who had argued at an Australian Council of Churches conference at Southport the previous December that the problem 'is not about racism around the world, but white racism here'¹³³

Bandler's address at this conference offers some clues to what was driving FCAATSI at this time. She began by saying that the most important work that the Federal Council had done related to 'Aboriginal Ownership of Land and Control of existing Aboriginal Reserves'. This was not elaborated, and there was no report from the Land and Reserves Committee. Towards the end of her address she announced that FCAATSI 'will now concentrate on assisting the Yirrkala people', without explaining the reasons for an earlier

¹³² Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 'Report of 15th Annual Conference', Alice Springs, 30 March – 2 April 1972, CAR, MS 12913, box 10/9, SLV.

¹³³ F. Bandler, General Secretary's Annual Report, 31 March 1972, Council for Aboriginal Rights, MS 12913, box 10/1, SLV.

neglect. She referred to a group, Arbeitsgruppe Dritt Welt, centred in Switzerland and campaigning against Nabalco, suggesting that FCAATSI would work with 'the people of Switzerland who do care about the desecration of the sacred grounds of the Yirrkala people' and who, according to Bandler would 'provide all the necessary ammunition for the exposure of the undesirable combine, Nabalco'.¹³⁴ In between these opening and closing remarks about land, she noted the year's achievements as a women's conference held in June which focused on maternal and infant health, and a walk from Sydney to Brisbane the following month supported by NSW Aboriginal organisations, billed as a Journey for Justice. In referring to the achievements of others, such as the Tent Embassy activists, Bandler asserted that FCAATSI 'created the forums for the black people in Canberra'. In a defensive tone she criticised these younger activists as insufficiently informed and 'heard today only because they are on Government grants', comments which would probably not have been made if the conference had been held in Sydney as originally planned.¹³⁵

Faith Bandler saw 'the problem' as a struggle against discrimination, expressed in laws such as the Queensland Aboriginal legislation and in practices such as refusals to serve Aboriginal and Islander people in hotels, a perennial problem. She considered that 'an anti-discrimination Act' was needed and urged that 'all forces should be joined as in the Referendum

¹³⁴ This group, Arbeitsgruppe Dritte Welt, centred in Berne, Switzerland, was a voluntary organisation campaigning against Nabalco, which corresponded with FCAATSI and wrote an open letter to Prime Minister McMahon in the lead up to the elections, asking direct and pertinent questions about the government's policy on land rights and associated matters. See FCAATSI papers, MS 2999, Y600, Mitchell library, SLNSW.

campaign,' to launch a Petition to press for such legislation.¹³⁶ This issue of discrimination, described by Charles Spivey of the WCC as white racism, was the essence of Bandler's approach to Australian race relations and it gave her, as a General Secretary who was neither of Aboriginal or Torres Strait Island heritage, credibility. As Aboriginal and Islanders formed their own organisations, Bandler saw herself as a member of a broad fellowship of Blacks in which 'each of us with black skins' could work together.¹³⁷ She referred to herself and Aboriginal people as 'we Blacks', seeking belonging in a black brotherhood at a time when Indigenous activists were moving away from the influence of pan-Africanism.¹³⁸ For them the establishment of Aboriginal or Torres Strait Islander identity was fairly much a prerequisite for belonging.

While Bandler's address displayed the divisions among those working for the Aboriginal and Islander cause, Joe McGinness' presidential speech hinted at divisions within FCAATSI itself. He began negatively by observing that the Alice Springs conference may 'have the appearance of being of the grass root level', but stating that it was 'virtually impossible for Aborigines from most states of the Commonwealth to reach this centre'.¹³⁹ He continued

¹³⁵ F. Bandler, General Secretary's Report, FCAATSI 15th annual conference, 31 March 1972, Council for Aboriginal Rights, MS 12913, box 10.1, SLV.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ For example, Bandler wrote to Mr S. Vaughn, Secretary of the Operative Painters and Decorators Union of Australia on 21 January 1972 'the whole affairs of all Black people throughout the world are changing and it is necessary for Unions and all other organisations to reexamine the present situation and make the needed adjustments'. FCAATSI papers, MSS 2999, Y599, Mitchell Library, SLNSW. In a letter to Geraldine Briggs and Margaret Wirripunda she wrote inclusively of 'Blacks' a term which could apply to writer and recipients. 6 November 1972, FCAATSI papers, MSS 2999, Y599, Mitchell Library, SLNSW

¹³⁹ McGinness explained that for most the journey would be beyond their means. J. McGinness, President's Annual Report, FCAATSI 15th annual conference, 31 March 1972, Council for Aboriginal Rights, MS 12913, box 10/1, SLV.

by stating that an annual conference 'that excludes Aboriginal representatives and other supporters from the various states is not in the best interest of the organisation nor the people it is supposed to represent'.¹⁴⁰ Like Bandler he spoke of health, housing, employment, education and legislation issues to illustrate to Alice Springs people that Aboriginal and Islander people had a number of problems in common. He urged people to 'do something about it' and suggested:

During 1972, say Aug-Sept, lets have an all black conference of two weeks and talk out all the difficult issues and try and work out a common policy to see where we are going, instead of the present situation where we see individuals and organisations in competition, trying to outdo one another in who can get quoted in the press or TV on different subjects. This is a call for black unity, do you want to be counted?¹⁴¹

The 1972 Alice Springs Conference was publicly billed a success with both Bandler and Chicka Dixon arguing that it was important because of the contact with 'full blood Aborigines participating in a real way'.¹⁴² McGinness' 'black conference' was not discussed in executive meetings. The return, unopposed, of an almost identical executive might have given the appearance of consensus, but from NSW, in the past a most active state from the point of view of Indigenous contributions, there was no nomination for the position of state secretary. This suggested that politically active NSW Aboriginal people no longer believed in FCAATSI. Jack Horner moved that the vacancy be discussed and filled at the first executive meeting in May meeting. There is no evidence in the minutes that this happened.

¹⁴⁰

Ibid.

¹⁴¹

Ibid.

¹⁴²

There was little press coverage of this conference: the *Centralian Advocate*, 6 April 1972 reported Bandler as saying that 'It was the best because we had full-blood Aborigines participating in a real way', The *Melbourne Age*, 2 April 1972 reported the conference. On ABC radio 'Fact and Opinion', 'Aborigines at the Centre went to air on 19 April at 8.15pm. Chicka Dixon remarked 'It's one of the best I've ever attended ... It seemed to me, for the first time in the history of the aboriginal

Meeting Aboriginal people from the centre and hearing of their problems was valuable for city activists as they observed the cultural gulf between Alice Springs and urban centres and the tensions between Aboriginal people and those of mixed heritage in Alice Springs. The Reverend Jim Downing from the Institute of Aboriginal Development reminded the conference that 'the Aborigines have to do their own thinking' on the various matters under discussion and that the changes made would only be valid 'if the people make them'. The most tangible link between the world of the conference in Alice and the protestors outside Parliament in Canberra came from Pat Eatcock, representing the Embassy. Eatcock returned to Canberra with the Arrrente words 'N'ingla- A- Na'. Arrrente people living in the Todd riverbed explained to her 'the land is our mother', and that N'ingla- A- Na literally meant 'hungry for our land'. The expression was used by Embassy activists in the months after Easter, as they campaigned for land.¹⁴³

Back in Sydney, following the conference, relations between FCAATSI and others involved in Indigenous politics worsened. The international conference which the World Council of Churches had been urging FCAATSI to organise in conjunction with the National Tribal Council was clearly not going to materialise as a collaborative venture given that neither Bruce McGuinness nor Barrie Pittock would work with FCAATSI.¹⁴⁴ The position of NSW state secretary remained unfilled for the year, indicating a rejection of the Federal Council by Sydney activists. Neville Perkins, who

¹⁴³ movement, we've got contact at the grass roots level with the grass roots people'. FCAATSI papers, MS2999, Y600, Mitchell Library, SLNSW.
¹⁴⁴ S. Robinson, 'Aboriginal Embassy, 1972', p. 123.

was not a local, was the only Aboriginal executive member present. A request from Gary Foley, Pat Eatock and Billy Craigie, members of the Tent Embassy group, to attend the September executive meeting as observers was allowed though one executive member argued that they should not be allowed to take notes.¹⁴⁵ Bobbi Sykes' public criticism of FCAATSI in *The Review* as a 'white run organisation which has very little grass roots support' expressed a rejection of FCAATSI by the younger more militant activists and a confidence to publicly criticise the Federal Council, increasingly described as a New South Wales or Sydney organisation.¹⁴⁶ As the electorate focused on the coming Federal election John Newfong, writing in *Identity*, considered FCAATSI 'to be "has-been" and anachronistic'.¹⁴⁷ A further perceived insult came to Bandler's notice when one who had been invited to a dinner party by Nugget Coombs told her that Coombs had 'asked a small group of Redfern Aborigines to "form a black block" to oppose FCAATSI acquiring a centre in Canberra'.¹⁴⁸ Bandler wrote to him asking why he had 'put forward ideas that would really divide the Aboriginal organisations at this time'.¹⁴⁹ Coombs replied 'your executive committee appear to be seriously misinformed', explaining that the purpose of the meeting was so that he could listen to the ideas of people living in Redfern 'about the lifestyle which Aboriginal people in that district would wish to seek for themselves'.¹⁵⁰ The point was made

¹⁴⁴ F. Bandler, General Secretary's Report, 30 October 1971, FCAATSI papers, MS 3759, ALATSIS, Canberra.

¹⁴⁵ Full executive meeting of FCAATSI, 15 September 1972, McGinness papers, MS 3718, ALATSIS, Canberra.

¹⁴⁶ See, for example, K. Gilbert, *Because A White Man'll Never Do It*, p. 25

¹⁴⁷ J. Newfong, 'Manfred Cross- Labor's Man for Us?', *Identity*, November 1972.

¹⁴⁸ Minutes of the full executive meeting of FCAATSI, 15-17 September, 1972, McGinness papers, MS 3718, ALATSIS, Canberra.

¹⁴⁹ Bandler to Coombs, FCAATSI papers, MS 2999, Y 599, Mitchell Library, SLNSW.

¹⁵⁰ Coombs to Bandler, 11 October 1972, FCAATSI papers, MS 2999, Y599, Mitchell Library, SLNSW.

however: there was more value in speaking to people in Redfern about Aboriginal ideas for the future than the executive of FCAATSI.

Conflicts Within FCAATSI

Communication failures between the Sydney executive and other members of the executive led to further stresses within the organisation. The executive was accused by its president of being undemocratic. There were other grounds for criticism. Loss of attention to procedure – such as making contact with non-Sydney members before meetings – and the executive's preparedness to market itself according to the formulas of possible funding bodies in the interests of much needed finance. Double standards on the issue of Indigenous people being empowered to manage their own affairs was another factor which alienated affiliated organisations and weakened the Sydney executive's standing with other executive members. More broadly, the more outspoken Aboriginal and Islander political activists did not operate through the Federal Council. They may have attended annual conferences but if they did it was as observers, putting alternative strategies for action and criticising the Federal Council.

FCAATSI executive members who did not live in Sydney (in 1972 they numbered 12 compared to the six Sydney-based executive members) depended on the minutes of the monthly meetings to find out about decisions taken. The quality of these minutes led Joe McGinness, the Federal Council President, living in Cairns, far from Sydney to question their informative value by referring to them as 'minutes'. In May 1972 Jack Horner assumed the position of Acting General Secretary, while Faith Bandler, exhausted after

organising the Alice Springs conference on top of her regular duties, took recuperative sick leave.¹⁵¹

In July, following Bandler's return, a special executive meeting was called to discuss the urgent need for extra paid staff to run the FCAATSI office. No Aboriginal executive members were present. The President had not been notified of this meeting. A motion was passed that 'the need for more staff at the FCAATSI office has become imperative'; and that FCAATSI 'proceed immediately to the appointment of a second officer, on the understanding that the salary of the second officer will be met entirely from the funds raised within N.S.W.'¹⁵² A further recommendation was that 'in view of the urgency of the situation, this is to be implemented from Monday 17th July'.¹⁵³ Jack Horner was appointed to fill this new position.¹⁵⁴

The president, Joe McGinness, was not informed of these events until September.¹⁵⁵ He wrote to the General Secretary recording his opposition to the proposal to appoint Jack Horner, unaware of the fact that Horner was already a paid employee. McGinness argued that 'if we have to have an increase in staff, the position should be advertised calling for either an Aborigine or Islander'.¹⁵⁶ He reminded Bandler of the 'terrific amount of criticism in the past of white domination of Council', and argued that to hand

¹⁵¹ Minutes of the FCAATSI executive meeting of 2 April 1972, McGinness papers, MS 3718, ALATSIS; Jack Horner personal letter, 13 October 2000.

¹⁵² Minutes of a special meeting of the FCAATSI executive, 10 July 1972, FCAATSI papers, MS 3759, ALATSIS, Canberra.

¹⁵³ Ibid.

¹⁵⁴ Minutes of FCAATSI executive meeting, 17 July 1972, FCAATSI papers MS 3759, ALATSIS, Canberra.

¹⁵⁵ McGinness' letters to Barry Christophers and Faith Bandler suggest that he did not receive the minutes of the special meeting called to authorise the payment of a second officer.

¹⁵⁶ McGinness to Bandler, 26 September 1972, Christophers personal papers.

out a position as suggested in the recommendation would have its repercussions.¹⁵⁷

In November when McGinness had realised the actual situation he wrote to Horner voicing his objections: 'If my assumptions are correct your appointment has not been carried out in accordance with the democratic principles of an organisation which is supposed to advocate the rights of people'.¹⁵⁸ McGinness argued that the minutes (presumably of the 17 June meeting) 'gave a false picture of the true position, which could be termed fraudulent'.¹⁵⁹ At the very least this correspondence and the minutes supporting it shows that the constitutional requirement of the General Secretary to 'maintain a correct record of minutes' was not being met. Jack Horner was described as a member of the executive when he had not been elected to a position. At a deeper level, the Aboriginal president of FCAATSI was being excluded from decisions which he, apparently unlike the Sydney executive, could see were deeply damaging to the credibility of the organisation as a time of intense sensitivity to paternalism.

A month later Horner replied to McGinness but he did not answer the specific charges. He explained that 'the work of the FCAATSI office is based on Faith's 20 years and my 15 years of complicated experience...It is part of my job now to be a personal secretary to Faith'. He described himself as having 'built up a following among the NSW Aborigines and Islanders', claiming that 'among Aborigines over the age of 30 born in this State, my name is undeniably linked with the abolition of the old segregation policy on

¹⁵⁷

Ibid.

reserves', asking 'Tell me of a white man in Queensland, of whom that could be said?'.¹⁶⁰ The last paragraph of his two page letter was the only one which directly addressed any of McGinness' criticisms. He wrote:

While the full employment of an Aboriginal staff is a good ideal, it is not necessarily the best practice. There is much merit in the easy interchange of views and experiences of people from different racial backgrounds.¹⁶¹

McGinness criticised the 'minutes' which stated only that 'correspondence had been received from Joe McGinness' without any reference to the content.¹⁶² His criticisms were effectively shelved.

This paternalism was displayed most blatantly in the executive's response to Bobbi Sykes' *Review* criticisms of FCAATSI as a 'white run organisation ... not representative of the people'.¹⁶³ McGinness wrote a reply to Sykes which he sent to Geraldine King, Gordon Bryant's secretary, for typing and despatch.¹⁶⁴ The published reply which appeared, however, over McGinness' name in the following edition was not only not written by McGinness but was sent off from the Sydney office marked 'signed in his absence and with his approval' without McGinness' knowledge. Bandler later explained: 'Jack and I hope you like it. We were sure the arguments would meet your approval...It was Jack who wrote the letter with amendments from me. Jack says he was thinking of ways that would please yourself and the

¹⁵⁸ McGinness to Horner, 13 November 1972, Christophers personal papers

¹⁵⁹ Ibid.

¹⁶⁰ Horner to McGinness, 9 December 1972, McGinness papers, MS 3718, AIATSIS, Canberra.

¹⁶¹ Ibid.

¹⁶² See 'Minutes of the Executive Meeting of FCAATSI', 20 November 1972, FCAATSI papers, MSS 2999, add-on 1507, Mitchell Library, SLNSW; 'FCAATSI Executive Meeting 11 December 1972: Interstate Members Report', Bryant papers, MS 8256, box 171, NLA.

¹⁶³ B Sykes, 'Fruitless Peace Talks', *Review*, 5 August 1972.

¹⁶⁴ J. McGinness, draft letter under heading 'Fruitless Peace Talks', 10 August 1972 Bryant papers, MS 8256, box 171, National Library of Australia.

State Secretaries when he wrote it'.¹⁶⁵ McGinness explained his annoyance to Christophers: 'Firstly because of the unnecessary attack on the unions and secondly because it was signed without my authority. I am of the opinion that a very important principle has been violated which will have to be taken up with the Sydney staff. I mean where does it all end if these people are not checked regarding their bureaucratic behaviour'.¹⁶⁶ Perceptive readers of *Nation Review* may have guessed that he was not the author, as did Bobbi Sykes in asking 'who *actually* wrote the letter which was signed "J. McGinness" last week?'.¹⁶⁷ This undemocratic behaviour and paternalistic justification were clearly deeply disturbing to McGinness, who remained, however, loyal to FCAATSI as an organisation.

A second tension within the executive at this time, linked to the Jack Horner employment issue, concerned the gaping chasm between FCAATSI's rhetoric of increasing Indigenous power and the reality of refusing to relinquish control. In its 1971 report to the World Council of Churches, FCAATSI claimed that while Mrs Bandler is now General Secretary, 'the policy hereafter is that an Aboriginal is to take the position'.¹⁶⁸ This did not happen. In June, Jack Horner wrote to members of the Labor caucus, in anticipation of a Labor victory at the coming election, to gauge attitudes to

¹⁶⁵ Bandler to McGinness, 14 August 1972, Christophers personal papers.

¹⁶⁶ McGinness to Christophers, 20 August 1972, Christophers personal papers.

¹⁶⁷ Style, referring to himself in the third person (The president, Mr McGinness, is an aboriginal'), consistent use of a lower case 'a' in the word 'Aborigines', criticism of the union movement and the final curious statement that negotiations with Mr Hunt over the proposed Canberra centre were 'made by blacks and this is quite acceptable to the FCAATSI whites' all would have indicated to readers who knew him that McGinness did not write this letter; B. Sykes, 'Clearing Black Name', *Nation Review*, 19 August 1972.

¹⁶⁸ 'FCAATSI Report on Racism in Australia to the World Council of Churches, Geneva', nd, E 226/392 ACSPA (Federal Executive) material, Noel Butlin Archives, ANU, Canberra. This report was published in *Smoke Signals*, March 1971.

'Aborigines and Islanders in positions of civil authority within the Office of Aboriginal Affairs'. Horner wrote: 'We would like you to tell us, please, what you think of the view that Aborigines should be in positions of trust, of power, if you like, in the Office of Aboriginal Affairs, with the civil servants advising them.' He concluded his letter: 'we think that it is time that there should be power or authority given to individual Aborigines and Islanders in the civil service'.¹⁶⁹ McGinness drew Bandler's attention to the inconsistency of Horner's position as a white man employed in what purported to be an organisation for Aboriginal and Islander people:

There has been a terrific amount of criticism in the past of white domination of Council, and to hand out a position as suggested in the recommendation would have its repercussions. Further I don't think that in principle, Jack could accept such a decision as his feeling seem to express opposition to the white domination in the O.A.A.[Office of Aboriginal Affairs] with his letter to the Labor Party Caucus.¹⁷⁰

This letter illustrates how much McGinness had been sidelined. Horner was already being paid for his work at the time when McGinness was expressed his disapproval of the principle. There is no evidence in the minutes of this period to suggest that McGinness' objections were treated seriously.

A third tension in the Federal Council at this time was caused by money. By late 1972 with two full salaried officers the wages bill was by far the biggest expenditure. Over the year \$4 171. 10 went on wages, of a total expenditure of \$8 431.45, almost half of the available funds. This is proportionately twice the expenditure on wages in 1969 when approximately a quarter of available funds went on wages.¹⁷¹ Disputes about money occurred

¹⁶⁹ Horner to Jim Keeffe, Horner to Manfred Cross, 8 June 1972, MS 2999, Y599, FCAATSI papers, Mitchell Library, SLNSW, Sydney

¹⁷⁰ McGinness to Bandler, 26 September 1972, Christophers personal papers.

¹⁷¹ In 1969 the wages bill was \$2 969 of a total expenditure of \$11 441, almost a quarter. In 1972 the wages bill was \$4 171 10 of a total expenditure of \$8 431.45, almost a

through 1970 to 1972. As explained earlier in this chapter the World Council of Churches money appeared to be used by the executive to control the work of the President. Bandler argued that McGinness had to engage in 'combating racial discrimination', as distinct from helping people which could be construed as welfare, if he was to be paid money from the World Council of Churches grant. By 1972, however, these scruples about how the money was to be spent were less evident when \$1 000 of WCC money was shifted to general revenue to help pay running costs, including salaries.¹⁷²

Towards the end of 1972 as a result of criticisms at the full September executive meeting concerning the executive's failure to keep non-Sydney members fully informed about decision making, an eleventh hour attempt was made to improve the situation. Lambert McBride, Queensland state secretary, criticised the Sydney executive for its failure to co-ordinate and at the next two meetings Bryant's secretary, Geraldine King, typed and circulated the views of non-Sydney executive members on agenda items. Both Evelyn Scott and Joyce Clague were disturbed about the disagreement between McGinness and Bandler over the employment of Jack Horner. McBride asked the executive again to ensure that he received all minutes and Bandler apologised for failing to circulate executive comments relating to McGinness' objections to the employment of Jack Horner.¹⁷³ The circulation of the views of those

half. Income and Expenditure Accounts for the year ended 31 December 1969 and 31 December 1972, Langton papers, AIATSIS, Canberra.

¹⁷² Income and Expenditure Account for the year ended 31st December 1972, Langton papers, AIATSIS, Canberra.

¹⁷³ Minutes of the full executive meeting 15-17 September 1972, McGinness papers MS 3718, AIATSIS; Minutes of executive meeting 16 October, Bryant papers, MS 8256, box 171, NLA; minutes of executive meeting, 20 November 1972, FCAATSI papers, MSS 2999, add-on 1507, Mitchell Library, SLNSW.

who didn't live in Sydney had come too late, particularly for Queensland delegates. McGinness, loyal to the original conception of the Federal Council as a multi-racial coalition working with the unions and individuals such as Barry Christophers to confront discrimination both formal and informal, had lost faith in the executive. He had, most likely also lost faith in a model in which Indigenous executive members seemed always to be the junior partners. By the end of 1972 plans to run an Aboriginal candidate for the General Secretary's position were underway.

Conclusion

The early 1970s was a period of unprecedented Indigenous political activity across the nation. Tent embassies, not only in Canberra but also in Adelaide and Perth, drew media attention to Aboriginal and Islander demands.¹⁷⁴ Other forms of political activity were explored. These ranged from the threats of violence coming from the Black Panthers to political candidature. In 1968 Joyce Clague had stood for the seat of Stuart and George Winungij for Arnhem in the Northern Territory Legislative Assembly, Winungij polling particularly strongly. Now in 1972 Pat Eatock, Gordon Briscoe and David Anderson stood in the Federal election, Anderson against Howson, the Minister for Aborigines, the Environment and the Arts.¹⁷⁵ The Liberal Country Party Government failed to respond to this growth of assertiveness. The land leasing arrangements which were McMahon's version of land entitlement amounted to nothing when regulations showed that a house to the value of

¹⁷⁴ *A New Era*, quarterly bulletin of the New Era Aboriginal Fellowship Inc., July 1972.
¹⁷⁵ These candidates were unsuccessful, but Minister Howson lost his seat in this election. It is likely that the strategy of an Aboriginal candidate opposing the Minister responsible for Aboriginal affairs contributed to this loss.

\$12 000 had to be built on a lease.¹⁷⁶ At the end of McMahon's Government not one lease had been signed. Other land arrangements kept alive indigenous hopes. The Victorian Aborigines Lands Act entrusted Lake Tyers and Framlingham to the residents of these two places of importance for Victorian Aboriginal people. Although the legislation was flawed, the passage of the Bill was a significant event. In the north the Larrakia people petitioned McMahon for their land, and the Yolngu people of Arnhem Land prepared, under a government which had committed itself to land rights, to continue their battle for land but this time as a political rather than a legislative struggle.

The Federal Council supported these developments but as indicated throughout this chapter it was no longer in the forefront. It contributed few ideas as to how these campaigns might go forward. The world around FCAATSI had changed yet those in the Sydney executive group were still driven by an agenda that had now become a part of an outmoded philosophy. Bandler, Flower, Horner, Duncan, Baker and Witton were linked by their opposition to racial discrimination. Bandler had recalled that 'black people somehow had their place' when she was growing up in northern NSW; Witton had escaped from Germany just before Europe was plunged into the horror of the Holocaust; Horner recalled the discrimination which he noticed against 'coloureds' in London in the 1950s.¹⁷⁷ All were united in a desire to break down racial stereotyping. They paid insufficient attention to an Indigenous

¹⁷⁶ Following McMahon's address Aboriginal elders were prevailed upon to apply for general purpose leases of their land. No such leases were ever granted. See John Little, junior counsel for the Yirrkala, 'Yirrkala', *National U*, September 1973, adapted from a paper given at the International Commission of Jurists, Sydney, June 1973.

¹⁷⁷ F. Bandler & L. Fox (eds), *The Time was Ripe*, Alternative Publishing Co-operative Limited, Chippendale, 1983, pp 1, 61-65, 37

insistence that they would now take up their own fight. This insistence meant that the role of non-Aboriginal people in organisations such as FCAATSI had to change. By early 1973, with negotiations being put in place for a National Aboriginal Consultative Committee Aboriginality rather than 'Blackness' was important. Sykes recalls a meeting in Canberra at this time at which 'Black' people who were not Aboriginal or Torres Strait Islander were expelled; one was Faith Bandler.¹⁷⁸ Bandler wrote to Charles Spivey of the World Council of Churches: 'We Blacks here at this moment are in no happy mood the way things are going' and suggested that she may not be able to continue as the convenor of the WCC Land Rights Conference, hinting at what was to come.¹⁷⁹

Following the success of Labor's 'It's Time' election strategy a full ministry was sworn in, with Gordon Bryant, long time senior vice president of FCAATSI as the Minister for Aboriginal Affairs. Government financial support was now more assured for the organisation, with Bryant immediately overturning Howson's rejection of FCAATSI earlier request for funds to support its office.¹⁸⁰ It would seem that when the Sydney executive heard of the moves by north Queenslanders to contest the General Secretary's position at the 1973 annual conference they decided to bow out. McGinness had conveyed his unhappiness with the Sydney executive to Jack Davis, Western

¹⁷⁸ Sykes, *Snake Dancing*, p. 217-218.

¹⁷⁹ Bandler to Spivey, 11 January 1973, MSS 6243, add-on 2196/5/3, World Council of Churches correspondence, Mitchell Library, SLNSW

¹⁸⁰ This request was approved by Bryant 19 December 1972, F. H. Moy, Acting Director, to the Minister, 24 August 1972, Dexter papers, file 6A, Menzies Library, ANU.

Australian state secretary.¹⁸¹ Evelyn Scott had expressed the view that Jack Horner ought to be dismissed.¹⁸² The minutes of the final executive meeting before the 1973 annual conference in Brisbane show clearly that a decision has been taken not to contest the General Secretary's position, and that the rest of the Sydney executive would follow suit in not contesting their positions.¹⁸³

This executive had alienated its most loyal Aboriginal and Islander supporters from Queensland— Joe McGinness, Evelyn Scott and Lambert McBride— people of influence in their own communities. The loss of the committee system meant that work teams did not exist to plan action systematically so that minutes had come to read as a litany of promises of what would be done. Strategies of Indigenous activists organising their own protests, such as the Tent Embassy, and of Abschol organising a moratorium and the Journey for Justice, successfully competed for media attention with the Federal Council. In the period from 1971 to 1972 when the Federal Government was locked in combat with the Yolngu, the Gurindji and those represented by the Tent Embassy, the Federal Council was silent.

In October 1972, John Belia, the Queensland stockman whose desire to escape from the controls of the Queensland Aborigines and Torres Strait

¹⁸¹ McGinness sent Davis a copy of Horner's letter of December 9th 1972 in which he justified his paid executive position. McGinness papers, MS 3718.

¹⁸² Minutes of the executive committee of FCAATSI, 16 October 1972, Bryant papers, MS 8256, box 171, NLA.

¹⁸³ The Sydney executive recorded a vote of thanks to Jack Horner, awarded Emil Witton a \$200 honorarium for his work as treasurer and tied up the remaining WCC funds for research to be carried out by 'three people experienced in FCAATSI affairs and history'. A financial tidying up motion completed affairs: 'After the cost of the above be met from the World Council of Churches special fund, the balance in that account be immediately donated to the Gurindji people to use as they see fit. This arrangement is to come into effect tonight, 17 April 1973'. Such generosity seemed to be motivated by a desire for control until the end. Minutes of the executive

Islanders Act was taken up by Barry Christophers, successfully challenged the Act. This event, reported as a victory in the *Australian*, and elsewhere seemed to be an isolated campaign, not integrated into the overall work of the Federal Council. Moreover the misconceived Commonwealth Bank boycott which was undermined by the Sydney executive, was unable to capitalise on the Belia victory. This was the work of one committee member supported by the Victorian Council for Aboriginal Rights, the Aboriginal Legal Service, and other committed individuals at a time when the executive appeared to have lost a sense of direction. The Belia action was not a part of any on-going campaign.

At the 1973 annual general meeting in Brisbane Pat Miller, a Queensland Aboriginal teacher who had been outspoken in her criticisms of attempts to stifle her political expression and pride in culture in her school nominated for the General Secretary's position.¹⁸⁴ She was not opposed and Aboriginal and Islander Queenslanders now made up the strongest bloc with Joe McGinness as president, Evelyn Scott an one of the vice-presidents, Pat Miller as general secretary, Lambert McBride as the state secretary and Joseph Abednego as the Torres Strait Island representative. The organisation was still, theoretically, multi-racial with Barry Christophers continuing as the Wages and Employment convener and Frances Lovejoy as the housing convenor, but

committee meeting of FCAATSI, 17 April 1973, FCAATSI papers, MS 3759, ALATSIS, Canberra

¹⁸⁴ P. Miller, 'School Racism Alleged', *Cairns Post*, 21 June 1972; 'Mick Miller and Joe lobbied to get rid of me by getting Pat O'Shane [Miller at that time] to apply for the Secretary's position', conversation with Faith Bandler, Sydney, 20 January 1999.

the balance had changed. Finally, as Evelyn Scott expressed it '*we were determining our agenda*'.¹⁸⁵

¹⁸⁵ Joe McGinness and Evelyn Scott, FCAATSI Oral History Project, 17 October 1996, p. 9, AIATSIS, Canberra.

Conclusion

The election of Federal Labor in November 1972 changed the relationship between FCAATSI and government. The Australian Labor Party's policy of self determination and the appointment of Gordon Bryant as the Minister for Aboriginal Affairs offered hope that the Commonwealth would finally take up the responsibility made possible by the 1967 referendum to pass 'special laws' for Indigenous Australians. As mentioned earlier, FCAATSI's submission for funding which Howson had rejected in October was granted in December 1972 in full.¹ The ALP commitment to land rights led, in February 1973, to Judge Woodward being commissioned to enquire into how such rights could best be granted. As well, the establishment of the new Department of Aboriginal Affairs offered not only employment opportunities to Aboriginal and Islander people, but the opportunity to influence policy from inside the public service.

An early example of Labor's 'self determination' in action was a conference organised by the new Minister, Gordon Bryant, to which representatives of Aboriginal and Islander communities from across the continent, including Tasmania, were invited. This conference, held in February 1973, was to discuss the formation of a National Aboriginal Consultative Committee (NACC). Of the 78 delegates to this conference at least 46 had gained experience of political activism at a Federal level through attendance at FCAATSI conferences either as delegates, members of the

¹ F. H. Moy, Acting Director, Office of Aboriginal Affairs, to the Minister, 24 August, 1972, Dexter papers, file 6A, Menzies Library, ANU.

executive, or observers.² Rowse argues that one way of understanding this is that the 'NACC was Bryant's attempt to institutionalise FCAATSI's lobbying pressure'.³ While this is probably true, it is also worth acknowledging that the twenty years of annual conferences had given these and other Indigenous Australians vital experience in mainstream politics as well as putting Indigenous people from far flung corners of the continent in contact with one another.

The NACC conference was the first attempt by a Federal Government to establish a mechanism which could represent Indigenous views to the Government. Conceptually, the projected role of this new Committee seemed confused if this was to be an example of self determination. The model was developed by Bryant, not by Indigenous people, and was presented to the NACC conference as a *fait accompli*. Invited delegates were asked to elect a steering committee to establish this new body which was not of their design.⁴ The NACC did, however, appear to provide an opportunity for Indigenous political influence. Joe McGinness was elected as president and five other FCAATSI executive members were on the NACC steering committee.⁵ The establishment of the new department early in 1973 and of the NACC by the end of that year meant that Indigenous activists could seek to influence the political process directly as Government employees, without having to establish their credentials through a body such as FCAATSI.

² National Aboriginal Consultative Committee Conference convened by the Minister for Aboriginal Affairs at Canberra, 21 -23 February, 1973, Proceedings, copy in the author's possession.

³ Rowse, *Obliged to be Difficult*, p. 111.

⁴ See Rowse, *Obliged to be Difficult*, chapter 6 for an analysis of relations between the Federal Government and Aboriginal activists in this period.

At a time of rapid political change, when many who had been politically active in FCAATSI were now invited to the February conference to discuss the NACC, the Federal Council needed to re-invent itself. The 1973 executive was, essentially, a new group with experience in their local organisations, and leadership potential but little experience in activist politics at the federal level. Joe McGinness was the exception having been president of the Federal Council for 12 years. Pat Miller, a Cairns school teacher who had been active in the Cairns League, which her mother Gladys O'Shane had led in the early 1960s, accepted the General Secretary's position. Miller was moving to Sydney to commence a law degree and at this stage it seemed that she would take over the Sydney headquarters. This arrangement only lasted a matter of months.

Relationships between Indigenous and non-Indigenous FCAATSI members, between FCAATSI and Government and between FCAATSI and other Indigenous organisations were fundamentally changed by the election of an ALP Government in late 1972 and the resignation of the Sydney executive at Easter 1973.

Tension had always existed in the coalition between those who identified as Aboriginal or Islander, and those of European-Australian background and education with all of the comparative advantages which this implied. This tension increased over the period, as Indigenous contributions grew in number and assertion. In 1962 John Jago was impressed with the

⁵ These were Vince Copley, Neville Perkins, Ken Winder, Jack Davis and Evelyn Scott, Appendix B, NACC Conference, 21-23 February 1973.

degree of deferral to 'what the Aboriginal people think should happen' but in 1969 Kath Walker had told her white colleagues that coalitions 'cannot work effectively, nor can they be sustained on the moral, friendly or sentimental conscience of white behaviour patterns'. She accused FCAATSI of 'patting the backs of selected Aborigines'. She argued that a coalition was psychologically impossible, and that black Australians had to develop into a solid, determined fighting unit and dictate their own terms of advancement. 'Only when black and white Australians can accept each other as co-equal partners who identify their goals as politically and economically similar can there be a healthy coalition' she argued, a 'coalition based on a respect for cultural difference'.⁶ The 1970 conference ended in bitter division when whites refused Kath Walker's invitation to 'throw' their votes on the Pittock amendments in order to see what the Indigenous majority position was. In the period 1970 to '973 the on-going wrangles between McGinness and the Sydney executive was evidence that this tension was approaching breaking point.

Following the 1973 annual conference, this tension had dissolved. The non-Indigenous executive members took a very low profile. Barry Christophers and Frances Lovejoy remained on the executive as convenors of Wages and Employment, and Housing respectively until 1975. Their work was essentially concerned with research in these areas and reporting their findings to the executive. The other non-Indigenous executive member was Stan Pelczynski, who was recruited to be the treasurer. Pelczynski, an active

⁶ K. Walker, 'Coalition of Black and White Australians', n.d. but 1969, Riley Ephemera Collection, SLV.

member of Abschol had been involved on a Gurindji working team in the early 1970s. After a weekend meeting with Joe McGinness and Jack Davis, Pelczynski was offered this honorary position. He recalled that McGinness and Davis were looking for a treasurer who would be 'respectful of their people' and be prepared to be an onlooker rather than a participant in debate at executive meetings.⁶

After the 1970 split, trade union support evaporated. In 1970 trade unionists were a subcommittee of FCAATSI, representing 28 unions and Labour Councils. Seven years later the then General Secretary of FCAATSI Marcia Langton, received a letter from the ACTU, which had in earlier years supported FCAATSI. It seems that by 1977 the organisation was unknown to the ACTU. The letter, much to Marcia Langton's dismay, was addressed to Mr F.Caatsi!⁷

The post 1973 period was a time when the expression of Aboriginal and Islander autonomy was at a high point. At the last FCAATSI annual conference one of the few non-Indigenous observers reported that it 'was announced, from the platform, that whites were not welcome'.⁸ Treasurer Stan Pelczynski considered that this assertion of autonomy, often expressed in blanket anti-white statements, was a necessary stage of development following such a long period during which Indigenous activists were 'the recipients of white people's decision-making'.⁹ Charles Rowley, in a letter to Gough

⁷ P. I Nolan, Secretary, ACTU to Mr F. Caatsi, 21 February 1978. Langton used this as an example of the poor state of relations with the union movement in her 1978 General Secretary's report, Langton papers, AIATSIS, Canberra.

⁸ Annemarie Herd, Report on the 21st FCAATSI annual conference, copy provided by Stan Pelczynski.

⁹ Ibid.

Whitlam, had reminded the Prime Minister that the political assertiveness on the part of Indigenous people was 'what had to be expected from successful policies'. He described the 'entry of the Aboriginal into politics' as

a major development of national significance , for it makes possible a new foundation for welfare in a free society- the freedom to decide what one wants to do in order to alter one's circumstances, and the right to organise , with those who share one's needs, to carry out the decisions.¹⁰

Aboriginal assertiveness at this time alienated those outsiders who did not understand the process and retired hurt and insulted. Pelczynski was prepared to assist with the accounts without requiring any executive voice and Christophers offered advice when he was asked for it. The successful policies that Rowley considered had encouraged Indigenous political action could prove to be, however, a mixed blessing.

The relationship between FCAATSI and the new Federal Labor Government was a complex one. A sympathetic Minister in the person of Gordon Bryant, vice president of the Federal Council until his resignation at the Easter 1973 conference, and a Government which would fund the development of Indigenous organisations seemed to be a great improvement.. Bryant's many years on the FCAATSI executive meant that he had developed a number of close working relationships with Aboriginal and Islander people. But it is worth noting that the Whitlam Government's approach to what became known as Aboriginal self-determination was potentially a two-edged sword for Indigenous activists.

¹⁰ Charles Rowley to Gough Whitlam, 25 March 1974, B2028, CA 2016 , NAA, Canberra.

The proliferation of Indigenous organisations meant that those Indigenous people with the experience and skills to work in them had many, sometimes conflicting, demands on their time. Initiatives in publishing, health, housing, the arts, legal aid taking place in the communities of all major cities tended to draw on the same people. 'There weren't enough of us to spread around' Josie Briggs, assistant secretary from 1974 to 1976, explained.¹¹ Certainly this was the case with the NACC and FCAATSI. 'They took those campaigners away and tied them up' Briggs commented, drawing attention to the silencing effect upon people who were employed by the Government.¹² To some extent Perkins and Briscoe ignored public service etiquette and publicly criticised Government to the media but as public servants their political activism was constrained. At the 1975 conference during a discussion of political direction, Perkins reminded delegates, 'you are all on quarterly grants, every one of you... There is not one organisation here today which is not paid by the Federal Government... you are all public servants but you just get paid a different way'¹³ None of these activist organisations, including FCAATSI, was independent of Government; moreover, the relationship between FCAATSI and Government was muddled by Government beneficence.

The relationship of the Federal Council executive and its affiliated organisations was also different post 1972. was that between FCAATSI and other Indigenous organisations. During the 1960s the Federal Council was

¹¹ Josie Briggs, taped interview, Shepparton, 27 March 1999.

¹² Ibid.

¹³ Transcript of morning session, Saturday 29 March, FCAATSI annual conference, transcribed by Josie Briggs, Langton papers, AIATSIS, Canberra. Tape recording of 1975 conference, copy provided by Pauline Pickford.

truly an umbrella organisation which welcomed newly developing Indigenous organisations and provided a national focus. Following the 1970 split when younger Indigenous activists in particular left the Federal movement, FCAATSI was less successful in providing a unifying rationale. By 1974 more than half of the 46 affiliated organisations were less than four years old. Their representatives who attended annual conferences were not necessarily aware of the role of the Federal Council in the past or of its achievements through the 1960s. The lack of understanding of FCAATSI's past is evident in a letter from Josie Briggs to Joe McGinness in which she seeks information about the Federal Council's history. 'Was the Federal Council created by the Federal Govt. or under any Federal Act?' she asked. And 'Are there any printed Rules and Regulations under which the Council operates?' These questions came from one who had been working as the assistant to the Honorary Secretary indicating the break with the roots of the movement. The post 1973 executive committee members, with the exception of Joe McGinness, knew very little of FCAATSI in its earlier form.

* * * * *

The FCAATSI about which I have written – from 1958 to 1973 – was a coalition in a number of senses. During these years Indigenous Australians strengthened their sense of themselves as a group and worked with those members of the dominant colonising majority who were more conscious than most of the damage to human beings and their communities which was a concomitant to the building of white Australia. FCAATSI was a coalition in another sense: a coalition of idealists who might have appeared to be

philosophically in opposition. While a tussle for influence within the Federal Council was common at annual election time, for most of the year the real work of the Federal Council was carried out by people who were philosophically attracted to one of two dominant views of the world: Christianity and Communism. Stan Davey, Jack Horner and Barrie Pittock all acknowledge that their engagement with the Aboriginal cause had its roots in a Christian morality of social responsibility. Others like Shirley Andrews and Barry Christophers embraced a socialist ideal in which Indigenous Australians shared the dignity of the worker-citizen. Some others on the left such as ALP politician Gordon Bryant shared much of this vision. Some Indigenous members, notable Joe McGinness, were influenced by the socialist ideal though one has the impression that Indigenous members of FCAATSI took a more pragmatic view of white fella politics trusting individuals rather than ideologies and being prepared to align themselves with those people most willing to listen to them.

What is clear is that, despite differences and because of the commitment and work of individuals, the Federal Council movement brought together Indigenous and non-Indigenous delegates and interested observers once a year for 15 years – non-Indigenous people who wanted to contribute to the righting of grave injustices and Indigenous people from all over this continent. I have described in this thesis the hard evidence of FCAATSI's contributions to the strong referendum vote and to the campaigns for equal wages and rights to land. In addition, the Federal Council contributed in a less tangible, but fundamentally valuable way. It provided a forum for emerging Indigenous leaders, and experience in negotiating with the Australian state. It

contributed through annual conferences and campaigns to the education of the broader community and the stimulation of community consciousness and conscience. Federal Council activists, through their public utterances in a range of forums, gave inescapable evidence of the tragic consequences of dispossession, the dispossession on which white Australia had been built. With knowledge came a sense of moral obligation to those dispossessed. Those pursuing similar aims today can learn much from the successes and failures of the FCAATSI coalition.

Appendix 1 Attendance at Annual FCAATSI Conferences 1958-1972

| Year and Place | No. of Indigenous Delegates | Total Delegates | % Indigenous Delegates | Indigenous Observers | Total Indigenous | Total Observers | No. of organisations present | Total |
|--------------------|-----------------------------|-----------------|------------------------|----------------------|------------------|-----------------|------------------------------|--------------|
| 1958 Adelaide | 3 | 13 | 25% | 1 | 4 | 12 | 9 | 25+ |
| 1959 Melbourne | 3 | 19 | 10% | Not reported | 3-10 (est) | 46 | 11 | 65 |
| 1960 Sydney | 3 | 17 | 17% | 24 | 27 | 65 | 7 | 82 |
| 1961 Brisbane | 7 | 17 (est) | 41% | 13 (est) | 30 | 133+ | 12 | 150 (approx) |
| 1962 Adelaide | 17 | 69 | 25% | 23 | 40 | 60 | 28 | 120 |
| 1963 Canberra | 23 | 68 | 33% | 9 | 32 | 52 | 33 | 130 |
| 1964 Canberra | 40 | 110 | 36% | 40 | 80 | 90 | 60 | 200 |
| 1965 Canberra | 45 | 127 | 35% | 20 | 65 | 94 | 53 | 221 |
| 1966 Canberra | 56 | 123 | 45% | 20 | 75 | 30 | 51 | 203 |
| 1967 Canberra | 60 (est) | 178 | 33% | 40 | 100 (est) | 62 | 47 | 240 |
| 1968 Canberra | No record | 217 | No record | No record | 100 (est) | No record | 44 | 300 (est) |
| 1969 Canberra | 76 | 154 | 50% | 54 | 130 | 154 | 54 | 308 |
| 1970 Canberra | 79 | 148 | 53% | 45 (est) | 124 | 201 | 68 | 361 |
| 1971 Townsville | Detailed | figures | not | Available | | | | 140 |
| 1972 Alice Springs | 56 | 111 | 50% | 65 | 150 | 148 | No record | 261 |

Note

The above information is drawn from a number of sources, both official and unofficial. Whenever available, official sources have been used. Other sources include reports by delegates representing their affiliated organisations, news reports and for one conference an ASIO report.

Estimates for some of this information are based on a consideration of all existing known sources of information.

Appendix 2 FCAATSI Core Executive 1958-1973

| | President | Vice-Presidents | Secretary | Treasurer | Secretarial Consultants |
|------|--------------|--|---|---------------|--|
| 1958 | C. Duguid | H. Groves W. Grayden A. Bromham | S. Davey | - | D. Blackburn S. Andrews |
| 1959 | D. Blackburn | J. Horner J. Simms C. Duguid ¹ | S. Davey | I. Kelly | G. Bryant S. Andrews |
| 1960 | D. Dunstan | J. Horner M. Maloney D. Blackburn | S. Davey | I. Kelly | G. Bryant S. Andrews |
| 1961 | J. McGinness | D. Dunstan I. Schultz J. Keats ² | S. Davey | Jean Horner | G. Bryant S. Andrews |
| 1962 | J. McGinness | G. Bryant C. Perkins | S. Davey | Jean Horner | B. Christophers D. Blackburn S. Andrews ³ |
| 1963 | J. McGinness | G. Bryant | S. Davey | Jean Horner | B. Christophers J. Jago S. Andrews |
| 1964 | J. McGinness | G. Bryant S. Cook J. Abednego | S. Davey | Jean Horner | J. Jago S. Andrews |
| 1965 | J. McGinness | G. Bryant J. Morgan P. Roberts | S. Davey | Jean Horner | S. Andrews N. McCracken |
| 1966 | J. McGinness | S. Bryant C. Perkins G. Elphick | S. Davey | Jean Horner | S. Andrews R. Atkinson |
| 1967 | J. McGinness | C. Perkins (to June) L. Major (June-April) J. Moriarty | S. Davey F. Bandler (Acting) | Jean Horner | S. Andrews J. Horner |
| 1968 | J. McGinness | G. Bryant F. Bandler J. Moriarty | D. Flower | Jean Horner | J. Horner H. Ellis |
| 1969 | J. McGinness | G. Bryant F. Bandler P. Roberts | J. Horner | Jean Horner | D. Flower H. Ellis |
| 1970 | J. McGinness | G. Bryant F. Bandler K. Walker ⁴ | J. Newfong ⁵ F. Bandler (Acting) | E. Witton | D. Flower H. Ellis |
| 1971 | J. McGinness | G. Bryant E. Scott M. Miller | F. Bandler | E. Witton | D. Flower H. Ellis |
| 1972 | J. McGinness | G. Bryant E. Scott M. Miller | F. Bandler | E. Witton | J. Horner |
| 1973 | J. McGinness | J. Davis E. Scott N. Perkins | P. Miller | S. Pelczynski | S. McGinness |

¹ For the first three years the past president was a member of the executive.

² Executive chairman.

³ Shirley Andrews was Campaign Officer in 1962 and 1963.

⁴ Resigned after the 1970 AGM.

⁵ Resigned June 1970.

Appendix 3 FCAATSI State Secretaries 1962-1973

| | NSW | VIC | QLD | SA | WA | NT | TSI |
|------|-------------------------|-------------|------------|-------------|-----------------|------------|-------------|
| 1962 | M. Maloney | D. Nicholls | K. Walker | K. Walker | L. Penny | D. Daniels | - |
| 1963 | F. Bandler | D. Nicholls | K. Walker | M. Cooper | Position Vacant | D. Daniels | - |
| 1964 | F. Bandler | A. Jackomos | K. Walker | G. Elphick | T. Penny | D. Daniels | E. Pau |
| 1965 | F. Bandler | A. Jackomos | K. Walker | M. Cooper | F. Kickert | D. Daniels | J. Abednego |
| 1966 | F. Bandler | A. Jackomos | K. Walker | J. Moriarty | F. Kickert | D. Daniels | J. Abednego |
| 1967 | F. Bandler (to Sept) | A. Jackomos | K. Walker | W. Branson | Position Vacant | P. Roberts | J. Abednego |
| 1968 | K. Brindle | D. Charles | K. Walker | W. Branson | Position Vacant | P. Roberts | J. Abednego |
| 1969 | K. Brindle | P. Harris | K. Walker | W. Branson | J. Davis | P. Roberts | J. Abednego |
| 1970 | K. Brindle | S. Murray* | L. McBride | W. Branson | J. Davis | P. Roberts | J. Abednego |
| 1971 | K. Brindle | G. Briggs | L. McBride | W. Branson | J. Davis | P. Roberts | J. Abednego |
| 1972 | Position Vacant | G. Briggs | L. McBride | V. Copley | K. Winder | J. Clague | J. Abednego |
| 1973 | L. Thompson | G. Briggs | L. McBride | V. Copley | J. Davis | J. Clague | J. Abednego |

* Resigned immediately following the 1970 annual conference. Replaced by G. Briggs.

Appendix 4: Convenors of Committees

| | Wages & Employment | Education | Land & Reserves | Legislative Reform | Publicity | Housing | Fundraising | Aboriginal Industries | Publications | Trade Union | Cultural Dev (later called Arts & Crafts) | Health | Abschol |
|------|--------------------|-----------|-----------------|--------------------|-----------|------------|--------------|-----------------------|--------------|-------------|---|-----------|-----------|
| 1963 | B.Christophers | A.Duncan | S.Davey | A.Campbell | R.Hall | | | | | | | INTERIM | COMMITTEE |
| 1964 | B.Christophers | A.Duncan | R. Adams | A. Campbell | E.Gilmour | R. Hancock | | N.Peterson | | | J. Baker | | |
| 1965 | B.Christophers | A.Duncan | J. Keats | L.Lippmann | E.Gilmour | P. Hancock | | P.Gornley | | | J.Baker | | |
| 1966 | B.Christophers | A.Duncan | D.Blackburn | B.Pittock | M.Smith | T.Hardsley | | P.Gornley | | | J.Baker | | |
| 1967 | B.Christophers | A.Duncan | P.McFarlane | B.Pittock | M.Smith | H.Penrith | M. Broadbent | C.French | S.Smith | | J.Baker | | |
| 1968 | B.Christophers | A.Duncan | P. McFarlane | B.Pittock | M.Smith | E.Bacon | | C.French | S.Smith | R.Peckham | | | |
| 1969 | B.Christophers | A.Duncan | P. Close | B.Pittock | | | E. Blackshaw | B.Cohen | M.Broadbent | J.Baker | J. Clague | | |
| 1970 | B.Christophers | A.Duncan | B.Pittock* | J. Homer | | | | K.Hampton | | C Dixon | E. Onus | D.Flower | N.Perkins |
| 1971 | B.Christophers | A.Duncan | I.Smith | J.Horner | | F.Lovejoy | | K.Hampton | | J. Baker | | D.Flower | |
| 1972 | B.Christophers | A.Duncan | | | | F.Lovejoy | | | | J.Baker | | | |
| 1973 | B.Christophers | J.Maffie | T.Widders | | | F.Lovejoy | | | | | | M.O'Shane | N.Perkins |

* Resigned May 1970.

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