

Anatomy of a campaign *John Coldrey*



John Coldrey, Stanley Scrutton, Yami Lester and Geoffrey Shaw recharging the batteries

Wednesday, 2 June 1982 was a sweet and sour day. I had spent the afternoon at Hermannsburg, a settlement on the Finke River 120 kilometres west of Alice Springs. For over one hundred years it had been a Lutheran mission. That day it became Aboriginal land once more.

Against the backdrop of a brilliant blue sky and upon the stage of orange and brown rocks and red earth that

was Central Australia, the newly appointed Liberal Minister for Aboriginal Affairs, Ian Wilson, had presented the Arrernte people with the title deeds to their country. The atmosphere was euphoric. I shared in it because at this time I was privileged to be working at the Central Land Council as Director of Legal Services. Moments like this made the job worthwhile, but the joy was to be shortlived. That evening, at Minister Wilson's request, I met him in the office of the local Country Liberal Party MHR Grant Tambling. After the usual exchange of pleasantries the Minister produced a press release, embargoed to midnight, setting out a ten-point package of proposals containing radical alterations to land rights in the Northern Territory. As I read the document, enveloped in an expectant silence, what came through loud and clear was that these changes would be unacceptable to Aboriginal interests. The hand of the pastoral and mining industries, whose members had consistently attacked land rights, lay heavily upon it. Stripped of the public relations hyperbole, the real reason behind the package was to prevent Aboriginal people who had acquired pastoral leases from converting them to Aboriginal freehold land. This was land which was unalienable and over which the traditional owners had effective control.

At that time only seven out of one hundred and four pastoral properties in Central Australia were under Aboriginal control. It was, of course, possible that more would be purchased with the assistance of the Aboriginal Development Commission. As part of the propaganda

It was claimed that these properties were not being worked productively. The opposite was the case. Aboriginal people, many of whom had been the backbone of the Northern Territory cattle industry, were denied the opportunity to develop their own pastoral enterprises.

One of the most significant effects of preventing a conversion to Aboriginal freehold title was that any control by Aboriginal people of their land would be severely weakened and their capacity to receive royalties directly from the mining companies would be destroyed. Another element in the package was that the Northern Territory Government would enact legislation to provide procedures enabling Aboriginal communities to obtain living areas (also called 'excisions') on pastoral leases owned by non-Aboriginal interests. For many years Aboriginal people had been trying to get back onto their country but had had little success in negotiations with individual pastoralists. There had been only ten excisions since 1971. A tribunal was to determine the validity of each claim. Any resumption of land was not to adversely affect the commercial viability of the pastoral lease.

The basic problem with this proposal was that it was to be limited to Aboriginals who were actually living on pastoral leases in March 1981. This meant that traditional owners who had been previously forced off their land, for example, in the years when the Commonwealth Government policy of assimilation required the herding of people on to specially created settlements, would have no right of claim.

CLC research indicated that of the 97 pastoral properties in Central Australia owned by non-Aboriginal interests, only 35 had Aboriginal communities living on them. It was clear, therefore, that any benefits to Aboriginal people would be very limited.

A further proposal in the package was to grant to the Pitjantjatjara people, whose country was involved in the Uluru (Ayers Rock) land claim, Northern Territory title to this area. What the traditional owners wanted, however, was Aboriginal freehold title.

Since this was to be an 'all or nothing' package, it suffered from the difficulty of offering benefits to some Aboriginal people whilst reducing or denying the rights of others.

The package had been secretly negotiated between the Fraser and Muldoon governments. My first reaction to it was one of shock. In asking some questions to clarify portions of the document (which the Minister had to call upon the bureaucrats present to answer), I told them that the proposals undermined land rights, that there was no way the Aboriginal people of the Northern Territory would wear them and that he had a fight on his hands. It was the Minister's turn to look surprised. The senior bureaucrat present, Bill Gray, responded: 'Well, we're going to give it our best shot.'

What follows is an account of a land rights campaign told purely from the perspective of an Aboriginal land council. It may be that those who sought to change the land rights laws truly believed that they

would confer real and lasting benefits upon the Aboriginal people of the Northern Territory. But the proposals were conceived clandestinely, insofar as the CLC was concerned, and surfaced during a period of ongoing attacks by the Northern Territory Government upon the Aboriginal Land Rights Act. From the perspective of the land councils, the package emerged in a climate in which the Northern Territory Government had perpetrated a series of acts of bad faith. These had included extending the town boundaries of Darwin to an area four times greater than that of London in order to defeat land claims (and in particular the Kenbi land claim); disputing, (ultimately unsuccessfully) the Aboriginal Land Commissioner's right to hear a claim for Aboriginal title made by the traditional owners of a cattle station; and tabling legislation designed to weaken the protection of Aboriginal sacred sites.

Immediately the Wilson meeting broke up I phoned my counterpart at the Northern Land Council (NLC), Grant Nieman, to warn him of the impending announcement. Shortly afterwards I recorded an interview with ABC radio designed to counter the government press release. There was no time for any detailed consultation but the commitment of the CLC to the present Land Rights Act was unequivocal.

The Minister's press release had indicated that one of the bases for the proposed amendments (and no doubt a reason why Minister Wilson thought they would be acceptable to the land councils) was a document signed by the NLC in August 1981 which had given 'in principle' agreement to some of the amendments proposed. Accordingly, next day, when it appeared that the Chairman of the NLC, Gerry Blitner, would react negatively to the Wilson proposals, his actions produced an immediate response from the major protagonist in favour of the changes, Chief Minister Paul Everingham. Everingham was a shrewd and able politician who knew his constituency well. A letter dated 3 June and couched in the typically aggressive Everingham style, was immediately sent to the NLC chairman. It included these passages:

I want you to know before you hold any press conference that an abrogation of the agreement on matters of principle that has been reached with your Council would be regarded by me and the Northern Territory Government as the absolutely last straw and would be the final evidence necessary to satisfy us that the process of consultation with Land Councils is utterly futile.

I am completely at a loss as to why the Northern Land Council should want to disassociate itself from the Minister's statement, but unless an accurate account of evidence and full details of the Land Council's decision of late last year are made known to the press, then I will certainly see that the material is made available to them. I simply cannot understand your behaviour.

Gerry Blitner was not intimidated by this broadside. He rejected Minister Wilson's statement, he asserted that the NLC and CLC were

united on the issue and would make no decisions until full consultation had taken place.

On the following day the *Melbourne Age*, reported that both Labor and Democrat senators had foreshadowed opposition to any legislation that undermined the rights of Aborigines. This was welcome news.

The first aim of the CLC strategy was to prevent the proposed changes ever being introduced into Parliament in legislative form. It was equally important, should that endeavour fail, to ensure that any legislation was defeated in the Senate where the Australian Labor Party and the Australian Democrats had a combined majority.

It was certain that the Northern Territory newspapers, the *Northern Territory News* and the *Centralian Advocate* would promote the Everingham line. This did not matter. On our reckoning the battle for public support would be won or lost in the south. We set out to sell the land rights message to the southern press.

Within five days of Minister Wilson's announcement, on 8 June, the *Age* published an editorial headed:

THE SENATE TO THE RESCUE

It seems that the new Minister for Aboriginal Affairs, Mr Wilson, will be saved from a major policy blunder, in spite of himself. In a matter of principle, changes in Northern Territory land rights legislation agreed to by Mr Wilson are wrong...Thankfully, the opposition forces in the Senate—Labor and the Democrats—have indicated that they will come to Mr Wilson's rescue by blocking the amendments.

The package would do an injustice to Aboriginal people and it would perpetuate myths, some of them propagated by the pastoral lobby, about Aboriginal claims to and use of land...

After explaining the effect of the amendments, the editorial continued:

The pastoral lobby holds out the prospect of more and more land being taken out of production by conversion to Aboriginal freehold. But the lobby spreads false fears, judging by present performances. Aborigines, who, after all were for decades the backbone of the industry, worked the properties, in one case so successfully that they have been able to buy the lease of another. It would be best now if Mr Wilson dropped the proposed amendments and sought instead to seek ways of satisfying Aboriginal aspirations—which are much more soundly based than the Northern Territory Government's alarms.

Although there had been the generalised public statements of support by both the Democrat and Labor parties, the CLC Executive considered that it was necessary to try and lock each into a firm commitment. So it was that on Wednesday, 9 June, Jeff Stead, the senior CLC anthropologist, and I (as the Council's representatives) met with Senator Susan Ryan, the Labor Shadow Minister for Aboriginal

Affairs, at the New South Wales office of the Department of Aboriginal Affairs. We obtained the Senator's unequivocal support.

During the meeting Grant Nieman phoned to announce that Gerry Blitner and Wesley Lanhupuy had signed a document repudiating the NLC August 1981 resolution which the two governments were attempting to use as a justification for the ten-point package. Further, Nieman revealed that, unaware of this development, the Federal Government had arranged for a secret meeting with the NLC in Canberra on Friday, 11 June. The two governments believed they could announce an agreement with that land council leaving the CLC isolated in its opposition. It was the classic divide and rule tactic.

Nieman was very anxious for the CLC to be present and it was agreed that we would ring the Federal Minister's office indicating our desire to attend. The request to be present at the Canberra meeting was met with great hostility. We had to threaten media publicity if our request was refused. After considering the matter for an hour the Minister himself rang back and agreed.

In the meantime, on Thursday, 10 June, we flew to Brisbane and met with Senator Michael Macklin, the Australian Democrat's Shadow Minister for Aboriginal Affairs. After a briefing he also agreed to support the CLC position. Later that day we spoke with Liberal Senator Neville Bonner, a delightful man, articulate yet very humble. He was prepared to cross the floor to defeat any legislation that would weaken land rights and he believed that his closest friend in Parliament, Senator Alan Missen, would be prepared to join him.

On Friday, 11 June, prior to entering the Canberra meeting, we met with Grant Nieman and Chris Clare. Chris Clare was working with the NLC in an executive capacity on secondment from the Department of Aboriginal Affairs. Clare had the signed repudiation with him.

Despite the presence of the CLC at the meeting, Everingham must still have believed that agreement would be reached because, on our entering the conference room, we were met by a beaming Chief Minister who announced that he had booked a table at twelve noon for lunch at the National Press Club. Within minutes that smile had changed to a scowl as Clare tabled the document of repudiation. The Chief Minister was extremely angry. He claimed that what the NLC had done would destroy land rights; that he, Everingham, was the moderating voice in the Country Liberal Party; that now he would no longer be able to hold back the hotheads.

Bill Gray of the Department of Aboriginal Affairs and the Federal Minister took a different line. They attacked the legality of the document. How could it, they queried, overrule a full land council resolution? The very existence of the document could be dangerous for Blitner and Lanhupuy. They should be informed of this.

Chris Clare replied that both men were out bush.

'Our telephone system is very efficient,' said Gray, 'Would you like

to try and locate them.' Chris Clare agreed to do so and he and Bill Gray left the room.

To this point the presence of the CLC had been studiously ignored. I ended that situation by placing on the record our continued opposition to the ten-point package. As the discussion rambled on indecisively I was becoming increasingly concerned about the need to speak to Chris Clare. When a message came through that there was a phone call for the Minister, Nieman and I sought adjournment of proceedings. We found Chris Clare in an ante-room.

'Don't let them bluff you,' I said, 'the NLC has every right to repudiate the August resolution. You don't even have to give reasons. The Council is entitled to change its mind. You have to bite the bullet sooner or later. It might as well be now.'

'I want to protect WL and Gerry,' replied Clare.

WL was ultimately located and Clare soon obtained his instructions to withdraw the document. He refused to let me speak to him.

'At least state that the August resolution has no status until the next Council meeting,' I urged. Clare agreed to do this.

We re-entered the room, to find that, in our absence, Wilson and Everingham had drafted a 'sweetness and light' press release speaking of ongoing discussions. I refused to sign it unless the CLC position was made clear. Everingham was furious. Eventually, after several unsuccessful attempts to alter the document he suggested it be abandoned. This was agreed. Both governments then solemnly undertook not to speak to the press about the state of negotiations. The NLC agreed to this course, but the CLC refused to give such an undertaking.

'Typical CLC behaviour,' sneered Everingham.

We did not lunch at the Press Club.

On 16 and 17 June a full council meeting of the CLC was held south of Alice Springs at Santa Teresa. Once the site of a Catholic mission, the settlement had been restored to Aboriginal ownership by the Aboriginal Land Rights Act. After a lengthy discussion of the ten-point package the fifty-eight delegates strongly supported the earlier decision of their Executive members to oppose it.

In the meantime Pitjantjatjara Council, based in Alice Springs and representing the traditional owners of Uluru, had written on their behalf to the Prime Minister, Malcolm Fraser. In a letter of simplicity and eloquence they said:

Your Government made the Land Rights Law in 1976 and now you are going back on your word and trying to change it. You are saying, 'We are taking rights away from those cattle station mobs but we'll give you Pitjantjatjara mob Uluru instead.'

We have always wanted the paper for this place, but this way you are shaming us. Aboriginal people don't think that way. Country is sacred to all Aboriginals and we are very sad that you want us to get our country by

climbing over those Arrernte, Warlpiri and others in the North. You are using us and our country against other people.

Following the Santa Teresa meeting the CLC sought to discuss the issues directly with the Prime Minister. On 22 June the Executive wrote to him about the proposed amendments. On 7 July he wrote back stating:

The Government's intention to proceed with legislative change reflects concern to achieve a solution to current problems which is fair to all sections of the community and which will assist the significant number of Aboriginal people for whom the Land Rights Act has, to date, been of limited benefit [...]. The Government remains firmly committed to further consultation in the preparation of the detailed drafting instructions in respect of the legislation.

I have taken careful note of your views and have brought them to Mr Wilson's attention.

So much for that!

While the public skirmishing continued, the NLC and CLC accepted membership of a working party, comprising bureaucrats from each of the governments, established to draft legislation reflecting the package. There were two reasons for the agreement to participate. First, on the off-chance that if, despite all assurances to the contrary, legislation was actually passed by the Federal Parliament, the land councils would have had some input into it. Secondly, by emphasising the drafting and practical difficulties associated with each piece of legislation designed to reflect the package, the land councils aimed at delaying as long as possible the final form of any legislative provisions.

On Thursday, 1 July we met with Senator Alan Missen at his Melbourne office. He assured us that he would vote with Senator Bonner on this issue.

On Saturday, 3 July, together with Phillip Toyne, the legal adviser for the Pitjantjatjara Council, and Neil Bell, the local member for MacDonnell (whose electorate included Uluru), I flew to visit the Mutitjulu community at the Rock. We knew that Chief Minister Everingham was planning to meet the traditional owners there to try and prevail upon them to accept the ten-point package including Northern Territory title rather than Aboriginal freehold title to Uluru.

The people were very keyed up to meet the Chief Minister, who was due to fly in at one p.m. Unfortunately, about lunchtime, an old lady passed away in the camp. This caused anxiety and distress. Nonetheless, the people decided the meeting should proceed. The situation was exacerbated when the Chief Minister arrived well over an hour late. By that time the excitement of the morning had given way to a mood which was dispirited and subdued.

Becoming increasingly concerned at the situation which had developed, both Neil Bell and Phillip Toyne spoke out forcefully and there were some heated verbal clashes with the Chief Minister. All this was recorded on video. In the following days, postmortems of the event gave rise to a media slanging match. As the meeting progressed I became exasperated by what I believed was the Chief Minister's failure to spell out the full implications of the package. This led to an exchange which appears in a transcript of the video recording. I have edited it without, I believe, distorting its sense:

Mr Coldrey: I understand that you say some four thousand people will benefit from the living area legislation. Why is that legislation not extended to enable Aboriginal people who just did not happen to be ordinarily resident on pastoral properties as at the date of March 1981 to make claims for living areas on pastoral leases?

Mr Everingham: For the simple reason that is what it is designed to accommodate—the needs of people living on pastoral leases.

Mr Coldrey: But don't you accept the situation that there are many people who would want to go back to pastoral leases but have left them because they have either been made unwelcome or because they have not been able to establish themselves because of lack of water or lack of transport or for some other reason, but still want to get back to their traditional land? If your Government is concerned about giving land to Aboriginal people, why doesn't it extend the legislation to meet the needs of people who want to get back onto pastoral leases but did not happen to be living there on the date of March 1981?

Mr Everingham: Well, presumably, if they were not living anywhere on a cattle station, their attachment to it must have been, you know, not all that strong.

Mr Coldrey: That doesn't follow at all does it? Some people, as you would well know, were made unwelcome on cattle stations. Others can't live there for reasons of transport. People, of course, as you would agree, in the history of things, have moved off cattle stations on to settlements and grew up there. But they still have a desire to get back to their original land...

Mr Everingham: ...In fact, John, you know, we are just going to go on arguing round and round on this because the government is not able to extend the proposals.

Mr Coldrey: Well, why? The question I want to know,

and I think people want to know, is why won't your Government consider extending the proposal?

Mr Everingham: Other people have established rights in the property, that's why.

Mr Coldrey: They have established rights in property in the areas where you are proposing to legislate to allow people to get excisions as well.

Mr Everingham: Those people aren't there.

Mr Coldrey: That's the only reason?

Mr Everingham: And that's that.

As the leader of the Opposition in the Northern Territory Parliament, Bob Collins, remarked in quoting that extract in a speech to the Legislative Assembly on Wednesday, 24 November 1982:

Of course, the Chief Minister could hardly respond in any other way because the logic of that argument is pretty unassailable. It is a funny sort of logic to claim that excisions are not being given because other people have an interest in the property, when excisions will be granted under your own proposals on pastoral leases where other people have an interest in that property as well. It does not make much sense.

As fate would have it, over the weekend the Australian Democrats were holding their annual conference in Alice Springs. On the Saturday Bill Gray had addressed the gathering giving the governments' land rights perspectives. Speaking on the Sunday I had the drop on him. I also had the support of the party leader, Senator Don Chipp and Senator Michael Macklin. The delegates overwhelmingly backed the CLC position.

In late July the Working Party talks reconvened and Jeff Stead and I attended on behalf of the CLC, pursuing the same politely obstructionist tactics.

The next round in the battle opened with Chief Minister Everingham announcing a \$200 000 publicity campaign aimed at winning public support for the proposed changes to the legislation. As a first step he arranged to speak to the National Press Club in Canberra on 28 July. Upon getting wind of this, the CLC and NLC set out to neutralise any impact the speech might have. It was decided to send a group of Aboriginal representatives to be present at the address and to hold a press conference immediately it concluded. That very great Australian Dr Herbert (Nugget) Coombs agreed to handle the arrangements. Those representing the CLC included its Chairman Stan Scrutton, Geoff Shaw and Patrick Dodson (later Chairperson of the Council for Aboriginal Reconciliation).

The Chief Minister appeared extremely surprised when he rose to speak and observed a number of black faces in the audience. The press

conference itself was a great success with Aboriginal views receiving as much coverage as the speech itself. Stephen Mills of the *Age* reported the occasion in this way:

Mr Everingham told the National Press Club that a very real undercurrent of racial tension existed in the Territory.

'It is easy to understand why some Territorians are showing anxiety about the extent of the operation of the [Land Rights] Act,' Mr Everingham said.

'The Commonwealth made the mistake [when approving the Act] of assuming that those representing Aboriginal groups will exercise some restraint in laying claim to land.'

But a delegation of seven Aborigines from Central Australia who travelled to Canberra to speak against Mr Everingham, denied there was serious disharmony. They accused the Northern Territory Government of encouraging disharmony among a 'prejudiced minority' but not allowing the present Act to work.

The men said they wanted the media to know that Central Australian Aborigines rejected the package of changes to the Act because it took away important Aboriginal rights, gave little in return, 'and even what is offered is uncertain'...[*Melbourne Age*, 29 July 1982]

Vince Forrester, then the Alice Springs member of the National Aboriginal Conference, was also present at the Press Club. In his typical colourful style, he was quoted as saying: 'If Mrs Kelly was still alive, she wouldn't let Ned play marbles with Paul Everingham because he might pick up some bad habits.'

In order to cement the CLC and NLC position on the ten-point package a historic meeting was arranged between the executives of the two councils. It was held on Aboriginal land at Alekarenge, a settlement located between Barrow Creek and Wauchope on the Stuart Highway north of Alice Springs, on 10 and 11 August. Details of the package and the problems it created for Aboriginal people were once again outlined. The executives then broke up into discussion groups. Upon reassembling the united policy was confirmed.

On that Tuesday evening a few of us travelled up the Stuart Highway to the hotel at Wauchope. Aboriginal people had been complaining that they had been charged more than whites for take-away beer. We went into the hotel for dinner and were immediately told by a scowling manager that the dining room was closed. In an icy atmosphere we ordered a hot snack from the bar. Later, under the hostile eyes of the manager and customers we played kelly pool. At about 9.40 p.m. I went to the bar to buy a six-pack of Victoria Bitter. 'No takeaways after 9.30 p.m.' said the manager, smiling for the first time that night. A customer on an adjacent bar stool turned to me and hissed: 'You can blame your black mates for that rule.'

On 11 August a press release was drafted which the executives discussed line by line. It stated that the proposed land rights amendments were an attempt to:

retract basic rights bestowed on Aboriginal people by the whole Australian community a mere six years ago. They were rights which constituted the recognition of past injustices and which would provide a basis for the resurgence of Aboriginal culture and dignity.

Future tactics were also canvassed. Bill Gray had been talking to various Aboriginal communities about the package and the executives were concerned that every Aboriginal community be fully informed and educated about its implications.

As a result the CLC produced a cassette containing an explanation of the land rights package in English, Arrernte, Pitjantjatjara and Warlpiri. These cassettes, accompanied by a special edition of *Central Australian Land Rights News* were delivered by CLC field officers to every Central Australian Aboriginal community.

In late August the land councils' campaign entered a new phase. We decided to place advertisements in the *Age*, the *Australian* and the *Sydney Morning Herald* in an effort to counteract the advertisements that the Northern Territory Government had inserted in the major Australian papers as part of its \$200 000 strategy. We also planned a publicity campaign involving a visit by CLC personnel to southern capitals to spread the land rights message. These actions would have the added advantage of providing tangible support for our political allies in the Federal Parliament.

Duncan Graham, a senior and highly respected Australian journalist, was engaged to coordinate these operations. With his assistance I compiled copy for the advertisement which was cleared with the Northern, Pitjantjatjara and Tiwi land councils who had each agreed to join in the promotion. By now all the Northern Territory land councils were firmly opposed to the package. Prominent Australians agreed to assist us. Phillip Adams agreed to do the layout for the advertisement and cartoonist Bruce Petty did the drawings—free of charge. The advertisement also contained an offer of a free booklet on land rights entitled *A Question of Justice* (which also contained cartoons by Bruce Petty). This booklet had been adapted by Duncan Graham from a more detailed treatment of the subject which I had compiled and circulated to key politicians, church groups and conservationists in an earlier phase of the campaign. By this stage we had the avowed support of the Australia Conservation Foundation.

On Saturday, 4 September the land rights advertisements, occupying half a page and entitled 'Land Rights Wrongs', appeared in the southern press. Following that advertisement CLC staff produced an

distributed hundreds of booklets. People throughout Australia sent donations to cover the advertising costs.

The full council of the CLC met again on 7 September 1982. On 21 September the Chief Minister was informed by telex of the resolutions on land rights passed at that meeting. They were as follows:

- 1 The Central Land Council reaffirms its opposition as declared at the Santa Teresa meeting on 16 June 1982 to the proposed changes to the Land Rights Act in their present form
- 2 The Central Land Council supports the continuing campaign against these proposed changes to land rights
- 3 The Central Land Council reaffirms its willingness to talk with the Northern Territory and Commonwealth governments about the land rights legislation
- 4 The Central Land Council supports the stand taken by the executives of the Northern Land Council and Central Land Council at Ali Curung [Aiekareng] as expressed in the joint press release issued on 11 August 1982

On 19 September Stan Scrutton, Yami Lester and Geoff Shaw, accompanied by Duncan Graham and myself, set off to hold media conferences in Sydney, Melbourne and Adelaide. The Aboriginal team members were a remarkable group. Stan Scrutton had spent some years in his youth working on cattle stations in the Centre, the Top End and the Kimberley. He had commenced work as a field officer with the CLC in 1977 and was elected Chairman in 1980. Yami Lester had worked as a cattle station hand from the age of nine. When he was sixteen he was sent to the Royal Adelaide Hospital suffering from an eye disease. The medical treatment came too late for Yami and he went blind. Despite that handicap this extremely talented man had become the Director of the Institute for Aboriginal Development in Alice Springs (just one of many senior positions he would fill). The third Aboriginal member of the team was Geoff Shaw who had been born in the bed of the Todd River in Alice Springs. After leaving school he worked on cattle stations in Central Australia before joining the regular army where he saw overseas service. After helping in 1973 to establish the Central Australian Aboriginal Congress, an Aboriginal-controlled health service, he later founded, and was Director of, the Tangentyere Council which coordinates the housing services for fourteen Alice Springs town camps.

A media kit was prepared containing a statement of the purpose of our visit south, a summary of what the land councils were saying, and the responses of the Federal and Northern Territory governments.

Prior to leaving Alice Springs each of us went through a vigorous briefing session. Lists of possible media questions were prepared and the information and arguments necessary to answer them were discussed.

As a public relations exercise the sweep south was a great success. Apart from coverage in newspapers, the land council case received publicity on both the ABC and commercial radio and television. The print media was particularly effective in getting the message across although, as one might expect, the press looked for an angle. Consequently, the *Sydney Morning Herald*, under the heading 'Shy Stan Champion of Aboriginal Land Rights', commenced its coverage as follows:

Down at the Aboriginal Medical Service headquarters in Redfern yesterday they were talking about locking big shy Stan Scrutton, the head of the Aboriginal Central Land Council, in a room with the Federal Minister for Aboriginal Affairs, Mr Wilson.

Stan happens to be a karate champion and it was thought that under such controlled conditions it was just possible that he might be able to convince the Minister of the force of the council's arguments on Aboriginal land rights in the Northern Territory...[*Sydney Morning Herald*, 21 September 1982]

The article went on to detail the CLC's objections to the package. The *Age* provided its readers with similar information under the heading, 'Council Leader Warns of Land Rights Threat'.

On 1 November the Warumungu land claim commenced before the Aboriginal Land Commission in Tennant Creek. In the succeeding days the Aboriginal claimants told stories of their sacred sites and of their Dreamings in the hope of getting back their land. Unbeknown to the traditional owners, on 29 October the Northern Territory Government had alienated a significant proportion of the land being claimed by them by leasing it to a body of its own creation, the Northern Territory Development Land Corporation.

At the close of the third day, counsel for the Northern Territory Government announced to the Commissioner what had occurred. Stung by the implications of this action I immediately denounced it as 'a despicably insensitive act'. What happened thereafter is another story, but the conduct of the Northern Territory Government was seen by the CLC as yet another example of bad faith.

By November 1982, the Chief Minister was, it seems, extremely frustrated at the lack of progress in achieving his aims. As a new tactic he decided to bring on a land rights debate in the Legislative Assembly at very short notice. This was designed no doubt to catch his political opponents off balance and the sting in the ploy was that the contents of the debate were to be bound in book form and sent to every member of the Federal Parliament. Quite coincidentally, I was in Darwin the day before the debate was due to occur. At the request of Bob Collins, I provided material setting out the CLC position in considerable detail. He also had a thirteen-point programme for land rights reform which

was not a package but a series of sensible proposals which were likely to be acceptable to the land councils.

Bob Collins worked all that day and apparently into the early hours of the morning preparing his speech. In the debate which took place on 24 November 1982, he spoke for more than four hours. Even the *Northern Territory News* recognised his performance as a *tout de force*. His contribution to the land rights debate covers some sixty-five pages of the Parliamentary Record. The Chief Minister, in response, made a speech covering ten pages. Since the Government was committed to forward all this material to the Federal Parliament, this was one occasion at least, when the normally wily Chief Minister had been completely out-manoeuvred.

Summer came and with it the burning heat. Those of the Northern Territory population that could afford the trip, sought relief in the cool southern waters. On Tuesday, 1 February a group of us, including Stan Scrutton, Geoff Shaw and Kumantjayi Ross flew to Darwin to prepare for a round of talks with the Commonwealth and Northern Territory governments scheduled for Friday, 4 February.

On the Wednesday a further session of the working party drafting legislation on the proposed ten-point package was to convene and on Tuesday, I met with Chris Clare and Grant Nieman to discuss tactics. It transpired that in the interim period Clare and Nieman had produced a document advocating a moratorium on the ten-point package pending a Royal Commission into the Land Rights Act. It was further proposed that if, in the meantime, the Northern Territory Government would extend the definition of eligibility for Aboriginal people to obtain excisions on pastoral leases, the NLC would accept the Northern Territory legislation. Nieman saw the exercise predominantly as a stalling tactic.

I was astounded. As far as the CLC was concerned these proposals were totally unacceptable. With considerable emotion I told them that the CLC did not want either the unreliability of Northern Territory excisions legislation or 'some open-ended inquiry in which every bastard opposed to the Land Rights Act would come out of the woodwork and onto the attack'. The CLC position was that nothing be conceded. It was rumoured that Everingham may make concessions on excisions and we should see what other gains could be made at the meeting with the Chief Minister and the Federal Minister on the Friday.

We parted with nothing resolved.

Before entering the conference room on the Wednesday morning I again urged Nieman not to table the NLC document which, in any event, appeared to have no official status. It was important not to preempt any concessions which may be forthcoming at the Friday meeting with Messrs Everingham and Wilson. Nieman appeared to agree to this course.

A meticulous section by section examination of the draft bills occupied most of that day, with Nieman and I making the exercise

appear as complex as possible. Bill Gray, who was in the Chair, was frequently exasperated but, exercising all of his considerable skills as a senior bureaucrat, managed to retain his self-control. As the meeting was about to close, much to my surprise and horror, Chris Clare announced that he had a discussion paper to table. But worse still he was not content merely to outline the NLC document. First, he stated that the NLC would agree in advance to be bound by the results of any inquiry. Secondly, he urged that any inquiry should be conducted as expeditiously as possible. So much for the delaying tactic.

The lack of surprise on Bill Gray's face suggested to me that he had been informed in advance of this development. The attitude of the Northern Territory officials also reflected a high level of equanimity at this turn of events. They quickly agreed to take the document to their government for consideration. Clare disappeared immediately the meeting broke up and it was Grant Nieman who had to suffer my vitriolic criticism of what had occurred. Grant remarked resignedly: 'I think I'll go and join the New South Wales Bar' (In fact he later became a War Crimes Tribunal prosecutor in The Hague.)

On the Thursday morning I briefed our Executive members on the events to date. They immediately arranged to meet the NLC Executive who, we had learned, were in town—'black to black' as Geoff Shaw put it. As it turned out the NLC Executive wanted me to be present.

Just before we set out for the meeting we learned that Prime Minister Fraser had called an election for 5 March 1983.

I was immediately questioned by the NLC Executive about my views on the new document. I recounted them as forcefully as I could. Apart from the flaws to which I had already referred, I indicated that the idea the NLC should handcuff itself in advance to the recommendations of an inquiry was ludicrous. Both the terms of reference and the Royal Commissioner could not, of course, be known. Not even governments bound themselves in advance to act on reports from inquiries or royal commissions. There may still be time to wring concessions from the two governments and, consequently, this was not the time for the NLC to throw in its hand. It was particularly inappropriate to follow this course now that an election had been called. By 5 March there may be a new government more sympathetic to land rights or, at the very least, a new minister for Aboriginal Affairs. These comments received the vehement support of Galarrwuy Yunupingu, and the whole NLC Executive was unanimous in its opposition to the proposals. Galarrwuy Yunupingu remarked: 'We must destroy all the copies of this document before the Government sees it. It's dynamite!'

Clare, who was present in the room with Nieman, then had to admit that he had tabled the document at the Working Party Conference the evening before. In an atmosphere of some hostility he was instructed to announce its withdrawal on the following day.

The two executives then asked the white advisers to leave. In private talks the relationships that had led to the historic unanimity at the Alekarenge meeting were further cemented.

Chris Clare must have immediately contacted Bill Gray and the Northern Territory Government representatives because the NLC document was formally considered a dead letter when we convened on Friday.

The Darwin meeting with Commonwealth and Northern Territory governments was the first at which all of the parties had come face to face with ministers since the acrimonious Canberra gathering in June. Shortly after proceedings commenced, Minister Wilson made a speech which had all the characteristics of an outraged headmaster castigating his students. The gist of his remarks was that the NLC, by repudiating their August 1981 resolution, had betrayed him. In response I told him that, regardless of his perception, he had to confront the present situation. The CLC position was that it could best be resolved by broadening the living area legislation and seeing how that operated in practice. In the meantime, individual proposals should be discussed separately and not as a package. The Minister seemed interested in these points but, before they could be developed, Everingham (whose mood was clearly belligerent) interjected, indicating that he was opposed to them. When I asked him to state reasons for his view he replied: 'They just don't appeal to me.' As the meeting ran its course there were some mildly recriminatory exchanges between Gerry Blitner, Galarrwuy Yunupingu, WL and Chief Minister Everingham but the NLC held firm to its position.

The whole encounter took place in the shadow of the freshly called elections and ended inconclusively after the clichéd 'full and frank exchange of views'—We all knew that nothing would happen now before the federal election.

On a balmy Saturday night in early March, eating barbecued chops and sausages, we watched the election results on a television screen rigged up in a backyard in Alice Springs. By the end of that evening there was a Federal Labor Government in power and the ten-point package was dead.

Our campaign for the preservation of land rights had succeeded. Even if it could be seen as a victory by default, it was still a victory.

What I have written reflects my attitudes and perceptions of fifteen years ago. In the intervening years much has changed but my passionate commitment to land rights remains undiminished. In the era of the Mabo and Wik decisions the battle to convince white Australia of the justice of Aboriginal land rights still rages. It is a battle that must be won. For only then will we have true reconciliation.