

CHAPTER SIX

# A Bigger Stage: The National Aboriginal Conference

As Rob Riley began casting around for a bigger stage, he sought election to the National Aboriginal Conference (NAC). This was the reformed National Aboriginal Consultative Committee (NACC), the so-called Black Parliament, and the only national Aboriginal voice. His decision was driven by two factors. Firstly, Noonkanbah had left its legacy of anger in Rob as it had in other activists. Secondly, Rob had come to see the limitations of direct action in tackling the conservative political structure of the state and its links to the mining and pastoral industries. But his transition from protest politics to mainstream political lobbying involved a leap of faith: would the NAC be equal to his commitment for change?

Rob was elected in 1981. He would become Deputy Chair in 1983 and National Chair in May 1984. In anybody's language this was an extraordinary achievement. Aboriginal politics in these years was

dominated by the land rights issue, and in the period between 1981 and his election as National Chair, Rob played a critical role in helping to shape the Aboriginal response. In the process he made the transition from angry radical to skilled inside operator. He became a Black politician in a white political structure. He mastered the skills of travelling between the two worlds; but these very different worlds were set to clash.



The NAC had a troubled history. Set up by the Whitlam government in 1973 as the National Aboriginal Consultative Committee, to provide Aboriginal people with their first national political voice, it was destined to disappoint. The expectations of Aboriginal leaders and those of the government were fundamentally at odds. How much power and authority should a body representing Aboriginal people have? The government wanted it to provide advice only, while Aborigines wanted to be given the autonomy to manage their own affairs. This struggle for self-determination overshadowed the NACC and its successor, the NAC.

Meeting for the first time on 13 December 1973, the members of the NACC were the focus of great expectations in the Aboriginal community. The NACC excited a new wave of interest among Aboriginal people in the democratic process; many had not previously voted in mainstream politics. In Western Australia, public meetings were held to educate the Aboriginal community about the new organisation. About 70 per cent of the total eligible Aboriginal population had enrolled to vote, and many of these people felt 'that the Committee would give the Aboriginal people a united voice which was urgently needed'.<sup>1</sup> Those harbouring aspirations for the organisation did not appreciate the limited role envisaged for it by the Whitlam government. Indeed, people were misled into thinking that it had more power than it could deliver.

In the government's mind, the Committee was to provide a 'forum for the expression of opinion' on Aboriginal affairs and 'a channel through which the Government might receive representative advice'.<sup>2</sup> Those attending the first meeting saw its role in far broader terms: operating as an executive body with the power to direct funds. Among the first tasks undertaken by the Committee was the drafting of a constitution which proposed a change in name to the National Aboriginal Congress. The proposed constitution also identified fifteen powers and functions

including the ability to negotiate with government, the payment of compensation to Aborigines, the power over Aboriginal assets and the ability to control and distribute moneys. This rush to expand its role unsettled the Whitlam cabinet, which refused to accept the new constitution, including the name change.

Unbowed, the NACC continued to refer to itself as the National Aboriginal Congress for the next few years, showcasing the name with pride at its occasional meetings. At its March 1975 meeting in Townsville, Evelyn Scott, General Secretary of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, echoed the expectations of the broader Aboriginal community by giving the 'Congress' a rousing message that Aboriginal people were waiting to hear what had been done about housing, education, trade training for young people, reducing the burden of everyday racism and the future of Aboriginal youngsters. Governments still did not appreciate, she told her sympathetic audience, 'the fact that many Aborigines with their culture destroyed, their way of life wrecked, our people being corrupted — is due to the lack of understanding of our real problem'.<sup>3</sup>

As Scott's address testified, Aboriginal people were longing for a strong and effective Indigenous political voice. But this was unrealistic in the form of the NACC. A purely advisory body, and especially one that lacked sufficient resources to engage in consultation or even to maintain an effective secretariat, would struggle to be taken seriously.<sup>4</sup> By 1976, the new Minister for Aboriginal Affairs, Ian Viner, acknowledged to members the 'unhappy history' of the NACC and the 'frustrations you as members suffer in trying to achieve an impossible task'. Viner also admitted he had sensed 'the disillusionment of Aboriginal people throughout Australia as to where the NACC fits into the processes and programs of Government'.<sup>5</sup> But Viner rarely consulted the organisation in crucial negotiations he had with Aboriginal communities on issues affecting their interests.<sup>6</sup> He did initiate an inquiry into the NACC which examined its failings and the neglect of government to adequately support it.<sup>7</sup> In response, the Fraser government restructured the organisation, transforming it into the National Aboriginal Conference (NAC).

However, the basic dilemma had not changed. The new body, like its predecessor, lacked any real autonomy. Frustration led NAC members to internationalise their struggle. Almost by accident, they

realised they had the power to embarrass government, giving them some hope of additional influence. In April 1976, the NAC declared that 'all Aborigines in Australian jails should be regarded as political prisoners'. In a proclamation presented to the Governor General, Sir John Kerr, 'the NAC said it would take the claims of all Aborigines to the United Nations in an effort to win support for the fight for Aboriginal rights'.<sup>8</sup> On this occasion the threat did not materialise.

The day before the smashing of the last stand at Noonkanbah, a delegation from the NAC left Australia for Geneva to attend sittings of the United Nations Human Rights Commission's Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Australia's first Indigenous delegation to appear before the United Nations consisted of its chairman, Jim Hagan, the two representatives from the Kimberley, Jimmy Bieundurry and Reg Birch, and Phil Vincent from the ALS as its legal counsel. Rob was in transit to Noonkanbah as it left.

Before their departure, delegates had to confront a worried Prime Minister, Malcolm Fraser. He telephoned members and invited them over to Parliament House for morning tea. The meeting with the Prime Minister emboldened the delegation. Fraser begged them not to go, but his anxiety only made the members of the delegation realise that they had hit upon something. Hagan's media adviser, Peter O'Brien, recalls: 'They became so excited and this was the moment in their mind, the making of the National Aboriginal Conference. Suddenly, they were someone that people had to take notice of ... they could make the Prime Minister beg them to come to morning tea!'

At the United Nations hearing, Jim Hagan's speech created an international stir. Commencing with a sketch of the treatment of Aborigines in Australia, Hagan went on to outline the situation at Noonkanbah as an example of how Aborigines' oppression had continued unabated. Stirring words followed: 'The Noonkanbah Community have sought justice, and have been given obstruction. We have sought peace and have been given violence. The Australian government's acquiescence in this continuing breach of human rights must see it condemned in the eyes of the world'.<sup>9</sup>

To his own surprise, Hagan created the first international furore over the treatment of Australia's Indigenous people. The delegation was told that Hagan's address had achieved the biggest media exposure of any

delegation to the Sub-Committee on Human Rights. Newspapers from Britain to the Soviet Union covered Hagan's speech, and the Australian government was seriously embarrassed. 'They were very angry and there was a flurry of meetings', O'Brien recalls. After his return from Geneva, Jim Hagan wrote of 'the excited reaction of the world's press, the huge support of our own people and the interest of the many other indigenous minorities around the world'.<sup>10</sup>

Government policy on Noonkanbah at both state and federal levels did not change. Nevertheless, Hagan's delegation to the UN revealed the extent to which the protest at Noonkanbah had emboldened Aborigines, and provided the NAC with a powerful focus. As O'Brien recalls, Noonkanbah was among the first issues dealt with by the NAC that was not scheduled by government; 'they got highly excited about it and became very involved and that made them realise that as a body they did have extraordinary influence if they wanted to exercise it and they didn't have to toe the line and say yes sir, no sir, to the Minister'. Hagan also confirmed the impact of Noonkanbah on the evolving Aboriginal rights movement. It had, he explained, 'presented the Aboriginal people with a cause behind which to unite. There had been similar instances, many of them, but none had stirred the emotional consciousness of the people to such an extent'.<sup>11</sup>

In addition, Hagan's UN delegation highlighted how threatening the internationalisation of the Aboriginal cause could be to the Australian government. Hagan foresaw that the trip would energise the NAC with a new determination: 'to adopt this new international role with vigour'. The world had known little of the historical treatment of Aboriginal people; Australia's isolation had insulated its policies from scrutiny. Now, Aborigines had found a new lever of influence.

Emboldened though the NAC was by its international actions in 1980, it was at the same time sliding into self-destruction. Members felt hurt and disillusioned over governments' failure to heed their advice, even more so when figures including the Prime Minister, Mr Fraser, addressed NAC forums with reassuring words about the importance of the organisation.<sup>12</sup> Underlying personality tensions among the members infused meetings with often incapacitating levels of distrust. There was constant lobbying about who was to occupy the Chair. Jim Hagan was voted out and Roy Nichols from Tasmania became the new Chairman.

In 1980, the NAC was failing to develop effective policy advice and was largely irrelevant to the communities it purported to serve.

Part of its dysfunction was due to the confusion of loyalties some of the members had between their Aboriginal roots and their ties to evangelical Christian churches. More broadly, the NAC was cut off from the newly emerging land councils. The Northern and Central Land Councils had been created as statutory bodies as part of the Fraser government's *Northern Territory Land Rights Act 1976*. Underpinned with secure funding and given the task of representing Aboriginal people's interests in the land, they changed the dynamics of Aboriginal politics in Australia.

Indeed the powerlessness of the NAC stood in stark contrast to the autonomy and influence exerted by both the Northern and Central Land Councils. Royalties gave the councils 'a chance to make and pay for their own policies, even when these are not what the Commonwealth government wants'.<sup>13</sup> Rob was well briefed on the operation of Territory land councils, having in his possession a copy of Justice Toohey's 1984 Report into the Northern Territory Land Rights Act, which explained the real power they possessed: 'The Act seeks to implement two principles. One is to ensure that the traditional owners understand and consent to any action that may affect the land. The other is to interpose a Land Council between the traditional owners and those who wish to deal in some way with Aboriginal land'.<sup>14</sup>

Within the federal ALP the Northern Territory Land Rights Act functioned as the benchmark for national land rights. Unsurprisingly, the very existence of the Northern Territory Land Rights Act sent shivers down the spine of the Court government, and served to harden its resolve to oppose any intrusion of Commonwealth legislation on land issues. Government ministers invoked the fear of racial tension which, it imagined, would erupt over the introduction of similar legislation.<sup>15</sup> This fear was part of an historical resistance by successive Western Australian governments to outside interference on Aboriginal land issues.



Thus the challenges facing Rob Riley and Peter Yu when they stood for election in 1981 were enormous. Two young and politically inexperienced activists had set their sights on a fight of David and Goliath proportions. They aimed to take on the history of colonial domination, the power

of international capital and the institutionalisation of racism. Behind them was a group of young activists including Aubrey Lynch, Margaret Mallard and Frank Chulung. Nonetheless, the obstacles confronting them were daunting.

Especially daunting was the entrenched attitude of racism in the community. Rob would not have been able to ignore the return to public notoriety of his boyhood home of Pingelly. The town had recently been under scrutiny again for 'blatant discrimination'. Splashed across one page of *The Sunday Times* on 6 January 1980 was an article about an incident in which a local hairdresser refused to give a haircut to a part-Aboriginal child. Aboriginal groups protested to the media that this was not an isolated occurrence: the townsfolk were so prejudiced against Aborigines they could not get jobs and faced a barrage of police brutality. The hairdresser was said to be scared by the consequences of her actions and sought police protection.

On-going racial tension in Pingelly was part of a broader pattern of discrimination. A compelling insight into racial attitudes in Western Australia was compiled in 1981 by the Office of the Commissioner for Community Relations in Canberra. An inquiry was launched in the state in response to the volume of complaints made to the Office from individuals and organisations, including the ALS while Rob was still Executive Officer. Its Report was an indictment of the failure of successive governments to deal with the level of community discrimination and institutionalised racism within government agencies and the wider community.<sup>16</sup>

The Report highlighted the extent of institutional racism, which was being driven by some of the state's conservative elite. It included the details of a recent outburst from 'a prominent industrialist and leading citizen' of Western Australia who said during an interview on Queensland television that 'half-caste' Aborigines should be sterilised and confined to a small area of north-west Australia. He also said that most of the racial trouble and demands for Aboriginal land rights came from 'half-castes'. His 'solution' was to make their social security cheques receivable only at Karratha. 'When they had gravitated there I would dope the water up so that they were sterile and would breed themselves out in the future. That would solve the problem', he said.<sup>17</sup>

Among other documents produced before the Office of the Commissioner was a letter from a politician who wrote: 'it was a degrading

experience to have to campaign amongst aborigines to the extent I did, and it offended me to know that whilst I was concentrating my efforts on these simple people over the last couple of weeks, I was neglecting a more informed and intelligent section of the community'.<sup>18</sup>

The Commission detailed discrimination against Aborigines in just about every social institution: the magistracy, police, transport, the media, and government departments. Hotels were singled out as a major repository of racist attitudes. In one hotel, three Aboriginal men entered the saloon bar only to be told they could not be served as the bar was 'sacred to whites'. At another hotel, a party of schoolgirls which included Aboriginal children sought to use the toilets during a stop on a bus trip. Hotel staff told the Aboriginal girls that they could not use the hotel's amenities but should go to the 'Aboriginals' hotel' across the road.



Nothing in these reported attitudes would have surprised Rob and other activists who had battled them throughout their careers. Yet the NAC seemed puny in the face of such entrenched racism.

Rob secured a narrow victory and joined the NAC. Elated though he was, not all on his own side cheered his victory. Politically, Rob's rapid rise through Noongar politics put him off-side with sections of the old guard, several of whom were defeated in the 1981 election. Antipathy to Rob and to Peter Yu ran deep among these people, one of whom sneeringly depicted the two as 'hard-core radicals'.<sup>19</sup> Cedric Wyatt remembers handing out 'How To Vote' cards for Rob at a shopping centre during his first election, after which 'some blackfellas wouldn't talk to me again'.

The election highlighted the divisive and unpredictable world of Aboriginal politics which, like its mainstream counterpart, had a reputation for factionalism. Even as a newcomer to this world, Rob could not have escaped the reality that Aboriginal politics was, as *The West Australian* once commented, fraught with 'jealousies and infighting', such that 'movers and shakers can be at the top one day and on the scrap heap the next'.<sup>20</sup> The newspaper failed to point out the obvious similarities with the mainstream political system; but Aboriginal politics was not immune from blood-letting. Throughout his career, Rob would have to fend off sniping and undermining from a few people within Noongar society who were seemingly jealous of his profile or wanted to settle what became the 'old scores' associated with his first victory.

There was also a personal issue arising from his election. Membership of the NAC involved constant travel to both intra-state and national meetings in Canberra and elsewhere. Jeannie could see that his election to the NAC would allow him to become more outspoken on Aboriginal issues, and she was happy that he felt excited about being able to make a difference to the lives of Aboriginal people. However, Rob was acutely conscious of the implications for his family from his constant absence. He was worried that the pressures might break up his family; that he wouldn't be able to be a proper father. By this time, the couple had two daughters: Megan, born in 1979, and Jaymea, born the following year.

Before he was elected Rob talked to Jeannie about how the family would stay together. As Ian Horrocks observed, 'He was patently aware that all the network supports were going to be pulled out from underneath them, that Jeannie would be home on her own ... that he wasn't going to be there enough'. For Rob, family had a deep psychological meaning. Rob was passionate and protective of his family; he could be anywhere, anytime and he would want to know what was happening at home. But in entering the world of Aboriginal politics, Rob created a dilemma he would never resolve. The birth of his children intensified and personalised his interest in politics. Rob didn't want his children exposed to the injustices Aborigines had for so long faced. But, in attempting to provide a better future for Aboriginal people, his family, although proud of the role he was playing, would pay a heavy price.

Despite the personal and political challenges, Rob Riley and Peter Yu began their national careers with optimism. It was an exciting time to be joining the NAC. Irrespective of its internal difficulties, a new climate of ideas had been slowly percolating through Aboriginal affairs: a revisionist history challenging old fictions about Australia's past, an interest in examining new ideas about the legal status of Aboriginal people in Australia, and a growing international outlook among Aboriginal leaders. In Western Australia, the changing political climate was symbolised by the retirement of Sir Charles Court, the old warhorse of conservative politics. On the day of his departure from the political stage, which, some believed, he had so ruthlessly dominated, *The West Australian* noted that he had become a man out of his times; his style of labelling critics as 'enemies' was increasingly out of sympathy with 'the sensitivity of the electorate on matters stirring a social conscience'.<sup>21</sup>

When Rob and Peter came to Canberra for their first meeting, they made a big impression on the NAC. Peter O'Brien recalls: 'I think the whole conference was a bit in awe of these two new exciting, vibrant, energetic young bloods from Western Australia'. Peter Yu and Rob Riley were the two youngest representatives ever elected to the NAC, and their outspokenness and team approach upset some of the older members. They came to the moribund organisation with high expectations of being strong, independent voices.

Rob was driven to succeed in the organisation. He gave every impression of a person comfortable with himself. On one occasion early in his friendship with Peter O'Brien, media adviser to the NAC, he shared the story of his background in Sister Kate's and his rape in the institution. But there was no hint of any emotional trouble: 'I didn't detect any great anger. It was like recounting an overseas trip; this was something that happened and he would seem quite calm in saying the names of those involved, but he'd say, "Oh I don't want you to say that to anyone"'. The subject was rarely raised again.

The exchange is a revealing insight into the layers Rob had placed between past and present. Many of Rob's contemporaries have noted, more in hindsight than at the time, that he was unable to disclose his vulnerable self. This would not have been unusual for someone with his background. Emotional pain from childhood is often difficult to disclose and especially in the context in which Rob was operating. Most of his Aboriginal friends came from backgrounds of hardship and could instinctively understand each other without dwelling on the details. It was also a male-dominated movement, continually focused on the fight ahead. It was not an environment conducive, one suspects, for the sharing of deeper feelings and experiences. It would have been hard for his white friends to understand what it meant to be institutionalised, undergo family reunification and be thrust onto a segregated reserve. The process of distancing and disassociation from his background became routine behaviour, the more so because he had adopted such a purposeful public role.

Rob relished his new role. He liked the perks involved in being at the NAC — the access to government cars and interstate travel and lunches with Prime Minister Malcolm Fraser. In his dealings with Fraser and other Liberal government ministers of the day, Rob developed a dual response; while respecting the office and the chance to influence

attitudes, he had an irreverent attitude to power generally. He never changed his manner when in the presence of senior politicians.

Part of Rob's irreverence was a disdain for the often grinding meetings that were part of the NAC process. He liked things to be happening and he disliked getting bogged down in administrative detail. Peter O'Brien remembers how at the prospect of a bout of organisational tedium, Rob would sometimes whisper, "This is pissing me off, let's go to the pictures". I'd say, "I can't go to the pictures, I've got to go to the meeting", to which he would insist, "Come on, let's go to the pictures", so we'd say, "Oh, we're going to meet the Prime Minister" and off we'd go into Canberra and sit and watch the movies'.

Rob would not shirk, however, when the deliberations became serious. By the late 1970s, the two issues which had come to dominate the work of the NAC were the most vexed matters in Australian race relations: land rights and the call for a treaty. For all the criticisms levelled against it, the NAC did play an on-going role in ensuring these issues remained before government. However, in promoting them, the NAC risked its own credibility. It lacked the resources to consult widely in the Aboriginal community and the necessary political clout to make any real progress through negotiation with government.



By the early 1980s, the idea of a Treaty with Indigenous people was gathering some momentum. It had been first formally raised in 1975 in a motion in the Senate by Neville Bonner, Australia's first Indigenous federal parliamentarian. A second decisive step occurred several years later when a group of interested citizens formed an Aboriginal Treaty Committee chaired by Nugget Coombs, eminent public servant and long-standing supporter of Aboriginal people. On 25 August 1979 the Committee took out a one-page advertisement in *The National Times* newspaper with the opening words: 'We the undersigned Australians of European descent believe that the experience since 1788 has demonstrated the need for the status and rights of Aboriginal Australians and Torres Strait Islanders to be established in a Treaty, Covenant, or Convention freely negotiated with the Commonwealth of Australia by their representatives.'<sup>22</sup>

These words, which went to the heart of Australia's history of colonisation and dispossession, foreshadowed a divisive, decade-long

debate about the legal recognition of Aboriginal rights. Rob lived through this debate, firstly in his capacity as a member of the NAC, and later as adviser to Gerry Hand during his tenure as Aboriginal Affairs Minister in the Hawke government.

The Senate Standing Committee which in 1983 extensively examined the issues surrounding a Treaty, highlighted the fundamental division which it raised. 'On the one hand', the Committee wrote, 'is the legal concept that this country was not conquered or ceded but peacefully settled, a concept that has served as the basis for the settled colony principle, whereby the law has regarded Australia at the time of settlement as *terra nullius* or land belonging to no one'.<sup>23</sup> The contrary view, representing Aboriginal opinion, combined traditional knowledge with a new wave of historical research which highlighted the existence of complex systems of social, cultural and religious networks and land tenure within Aboriginal society at the time of settlement. Drawing directly on the work of historian Henry Reynolds, the Committee debunked the idea of peaceful settlement: 'Aboriginal people set out to defend their lands and their society against the superior force of those Europeans dispossessing them of those lands which were the basis of their identity'.

In 1979, two years before Rob arrived at the NAC, the organisation endorsed its support for a Treaty at a meeting in Canberra. In response to the NAC resolution, Prime Minister Malcolm Fraser indicated the government's willingness to examine the concept, a commitment he repeated when addressing the December 1981 Annual Conference of the NAC, the first which Rob attended following his election.<sup>24</sup>

By the early 1980s, Rob Riley had become an eloquent advocate of the revisionist view of history and the moral obligation it placed on the country's leaders. Writing in the NAC newsletter, he took a swipe at the 'old' version of Australian history:

Historians, however, hold to the belief that this occupation was as peaceful in intent, as it was inevitable. While abhorring the genocidal skills of Australia's first settlers they insist that the intention was never to brutally dispossess the Aboriginal people. This rationalisation however presents modern day white Australia with a dilemma. If the settlement of Australia was not an

aggressive invasion followed by forced occupation, they must accept a moral obligation to recognise the rights of the people that occupied the country beforehand, in retrospect at least. For only under the accepted terms of invasion and occupation would it be inevitable that such rights would be forfeited.<sup>25</sup>

His choice of such bold language is significant. It shows he had grasped the key historical experiences of Aboriginal people and framed them as a political struggle. But he gave no indication in this article that he appreciated just how threatening his newly acquired synthesis could be. The Treaty concept opened up a veritable minefield of constitutional and political issues: what form would a Treaty take, how legally binding would it be, and how could it be sold to a public ill-informed about Aboriginal history and unsympathetic to their rights as a people?

Buoyed by the initial indicators of support from the federal government, the NAC threw itself into the task of producing a draft document outlining its ideas. At a meeting on 12 November 1979, the NAC Executive formed a sub-committee to consult Aboriginal people and adopted the term 'Makarrata' — a Yolnu word from north-east Arnhem Land — in place of 'Treaty'. In a report to the NAC in June 1981 the level of organisational commitment was acknowledged: 'The Makarrata continues to be a major priority of the National Aboriginal Conference and the last year in particular has seen our resources, both physical and financial, heavily committed to bringing preparations for a final draft to a satisfactory conclusion'.<sup>26</sup>

In July 1980, following the sub-committee's first journey around Australia, the NAC issued its *Makarrata Report*. It called for recognition of prior ownership, compensation for losses of land and culture, the return of existing land occupied by 'the tribal people' and freehold title of all land upon which Aboriginal people live. It sought negotiations with the Australian government 'as an equal partner'. In essence, the Makarrata had become an all-embracing land rights treaty.

Yet some Aboriginal groups accused the NAC of watering down its commitment to the concept. For some, there were important differences between a Treaty and a Makarrata. In 1982 *Land Rights News* explained the emerging schism between advocates of the two concepts: 'A Treaty is an agreement between *nations*. A compact is an agreement between *parties*

(groups of people)'. The former, the paper argued, would mean that government recognises Aborigines as a Nation; 'and Nations *own* land'. The latter means different things to different people and could be re-interpreted by succeeding governments.<sup>27</sup>

The emerging complexities over the concept only hardened the scepticism of the Fraser government. In March 1981, not long before Rob's election to the NAC, it stymied the organisation's aspirations for a Treaty. While accepting the idea of recognition of prior ownership, the government drew an ideological line against any notion of separate legal status for Aboriginal people, invoking the principle that they were 'part of one Australian nation'. Hence, the government 'cannot legitimately negotiate anything which might be regarded as a "treaty", implying as it does an internationally recognised agreement between two nations'.<sup>28</sup>

Despite the efforts of the government to bury the Treaty proposal, it would not go away. In 1983 the Senate Select Committee on Constitutional and Legal Affairs examined the call for a Treaty, formalising official concerns about its legal impacts. In its submission to the Committee, the NAC acknowledged legal arguments about the use of the word 'treaty' but supported its use in a domestic sense to describe an arrangement between Aborigines and the Commonwealth. The Committee rejected this view, but it did recommend the need for a compact between the Commonwealth and Aboriginal people and it foreshadowed a prominent role for the NAC in achieving this change. In his capacity as Deputy Chair of the NAC, Rob gave evidence to the Committee, outlining for the first time his frustration with the organisation: 'at times we have thought that because of the lack of resources, the lack of information and the lack of being able to research information in relation to the Makarrata, it was an impossible task'. For now, Rob seemed to be saying, the concept was beyond the capacities of the organisation. But he did not dismiss out of hand the prospect of achieving it, telling the Committee that if its preferred model of a legislative compact (using the race and external affairs powers of the Constitution) with Aboriginal people were to be put on the table, the NAC should be the representative body 'to handle the necessary consultation and negotiation with Aboriginal people'.<sup>29</sup>

In his early days with the organisation, Rob watched the intense focus on the land rights/Treaty issue with some underlying concerns. He was becoming intellectually committed to the ideas behind the

claims of sovereignty, but as an urban Aboriginal person he wanted a broader agenda developed by the NAC — one that spoke to the specific issues of the dispossessed — and he was frustrated that one never really materialised. He always felt that too much emphasis was put on discussions about land rights and Makarratas that took days, weeks, months, and years and came to nothing. He worried that the land rights issue was never going to come to anything, and that it would not impact on the Aboriginal residents of East Perth.

Yet, the land rights issue continued to move at a snail's pace. With the slow demise of the Makarrata, discussions on land rights inside the NAC became 'very muddy'. According to Peter O'Brien, nobody in the NAC during the early 1980s knew or understood or had a vision for how it was actually going to work.



Towards the end of 1982, Rob was growing disillusioned with the organisation's lack of effectiveness. He was frustrated with the lack of government support. To be effective, he claimed, the NAC needed a team of researchers, legal advisers and support staff, not only in the national secretariat, but in the state branches as well.<sup>30</sup> Six months later he told the press that the organisation had 'been rendered a lame duck through lack of recognition by the state and federal governments'.<sup>31</sup> Meetings continued to be fraught with personality conflicts; they even had to be taped because members did not trust each other to get the minutes right.

Despite his waning optimism Rob continued to grow in stature within the NAC. He was made State Chair at the end of 1981 and he continued to make his presence felt on the national body. He was loud when he wanted to be; he had opinions on everything; he was very good at cutting to the chase and coming up with logical responses. He was always on top of any brief. In fact, he was an avid reader of all government reports dealing with Aboriginal affairs. And he impressed those around him with his open, passionate commitment to Aboriginal justice.

One of Rob's developing strengths was his ability to communicate information to the media. Peter O'Brien observed: 'Rob always had media skills from day one. He could front up to the media and say the most impressive things'.<sup>32</sup> He had the qualities journalists loved:

a concise and incisive message, a willingness to confront opponents, and an ability to convey authority through his statements. He strove to develop his command of language because he thought that this was how fights would be won. He maintained this view until the end of his career. Pat Dodson, who started working with Rob Riley in the early 1980s, acknowledges his friend's mastery with the media: 'Most of us were pretty inexperienced in terms of the media and I think Rob was the best at it in that early period'. Media skills were critical in an area like Aboriginal affairs where the lack of formal power had to be compensated for in some other way.

Through its periodic United Nations work, the NAC had discovered the power to embarrass government. More than any other single member of the NAC, Rob would demonstrate another avenue of influence: the power to make a noise in the press. First as Deputy Chair and then as Chair, Rob brought to the NAC a relish for engaging with the media and the skills to do the job. His naturally competitive personality made him a good match for ministers. He is remembered by Canberra-based journalist Kate Legge as being fast on his feet, politically deft and well liked in the press gallery.

Rob's skills in this area inspired other Aboriginal leaders. John Watson of the Kimberley described his influence:

I never knew anybody as straight-talking as Mr Riley. He really put it to politicians. He was very strong. He might have been younger than me but I learnt a lot from him about arguing with gardias [whites]. I argued with gardias, but seeing him arguing with politicians he would say things and I'd be thinking, 'He'll go to jail for that'.

Rob had other qualities that quickly won him supporters within the NAC. Among its often squabbling personalities he commanded attention with his incisive oratory and calm authority. Rob's character came to the fore when discussion between NAC members became heated. Peter O'Brien observed:

When the situation had developed into utter chaos, Rob would come through and say something quite simple and profound ... [the other members] would be at each other's throats, abusing each other and he would just say, 'Righto,

this is the situation' and he would actually calm these people down and get them back on track.

Rob would always be on the front foot, fearlessly taking on opponents, often with little regard for the consequences. He described mine owner Lang Hancock, owner of the *Sunday Independent*, as a 'racist mining magnate', and referred his newspaper to the Australian Press Council over a belligerent anti-land-rights editorial.<sup>33</sup> He was also adept at honing a sharp political line. When, in the 1981 Federal Budget, the funding to Aboriginal affairs was increased to \$147 million, Rob sought to take some of the shine off the Fraser government's announced lift in funding. He argued that in comparison to total budget outlays, the \$147 million represented just 0.003 per cent of government expenditure; 'it is only then that you realise how little the Federal Government is trying to accommodate the needs of Aboriginal people throughout Australia'.<sup>34</sup> He was becoming a Black politician to be reckoned with, and he enjoyed his growing profile.

His abilities were acknowledged with his election to the position of Deputy Chair in 1983 in only his second year with the NAC. But nothing changed the lack of status of the organisation. To the government, the NAC was little more than a political toy, worthy of only occasional formal recognition. One of these rare moments came on 16 February 1982, when the National Chairman, Roy Nichols, was invited to address the Prime Minister and cabinet. In his address, Nichols warned the government that the pressure for results in Aboriginal affairs was accelerating rapidly, and that Aborigines and Torres Strait Islanders were angry and frustrated over the failure of successive governments to come to terms with their problems.<sup>35</sup>

With Rob Riley's growing public profile came other kinds of attention. At the beginning of January 1983, Rob was visited by state police, who accused him of distributing a pamphlet which urged armed revolution by Aborigines. It included a sketch of an automatic weapon and crude instructions for making a self-igniting napalm bomb. No doubt the authorities had cause to be alarmed, especially if the pamphlet could be traced to a recognised Aboriginal group. Rob informed police the pamphlet was a political plant: an attempt to discredit the land rights campaign. Police claimed he was responsible for its circulation in Western Australia, a charge he vehemently denied. He told them

the pamphlet had been mailed to him and other Aboriginal figures in Western Australia. He further explained: 'I had only shown it to Aborigines at consultative committee meetings to illustrate what people are prepared to do to misinform the public'. He decided to go public about the incident, telling the media: 'There is no doubt that some agency in Australia has produced the pamphlet to discredit Aboriginal organisations involved in the land rights struggle'.<sup>36</sup> The claim that some Aboriginal land rights activists were terrorists was bizarre, and Rob's counterclaim of a clandestine attempt to discredit the movement highlighted the undercurrents being stirred in extremist political circles.



At the beginning of 1983, a change in Aboriginal affairs was promised by the election of a rejuvenated ALP under the leadership of the charismatic Bob Hawke, the former ACTU leader. Hawke was armed with a new approach to government: one based around national unity and consensus. It was a style of leadership which might be able to find a resolution to the deep divisions in the community over Aboriginal issues. But it was also clear that Hawke aimed to entrench Labor in power in Canberra by blending caution and popular opinion into the mix of decision-making. Which side of this fault-line Aboriginal aspirations would fall was unclear.

Rob was guardedly optimistic about the federal Labor government's prospects. Attending a conference on legal pluralism in Vancouver in June 1983, he told the audience that the incoming Australian government offered hope that the 'political voice' of the NAC would be heeded: 'Under the former Conservative Government this did not happen and the NAC found itself obliged to pursue its campaign for equity and justice in the international arena in the belief that world indignation would force a change of attitude'.<sup>37</sup>

This was Rob's first overseas trip and, apart from his comments on the political situation, it marked a significant step in his evolution as an activist. Accompanied by Peter Yu and Margaret Mallard, NAC member for the Geraldton region, the delegation used the opportunity as another occasion to promote their cause internationally. Rob gave his reflections on the trip when, on his return, he was invited to speak

to the Aboriginal Treaty Support Group of Western Australia. He told the gathering:

One of the discoveries made by the first international NAC delegation was that basic facts about the Aboriginal situation were largely unknown outside these shores. A succession of governments, with the exception of the Whitlam Government, had approached international forums with the aim of showing how good it was in Australia for the Aborigine. They quoted increased spending, new projects and so on without feeling any obligation to accurately relay the corresponding picture of homelessness, joblessness and general oppression of the Aboriginal people. The NAC saw then that it had a responsibility ... to use every opportunity to expose the realities of our situation. Our trip to Vancouver was to be no exception.<sup>38</sup>

The new Australian government promised to address these long-standing injustices through its commitment to introduce national land rights, to increase funding to Aboriginal affairs, to examine the possibility of a treaty, and to expand the role and funding of the NAC, while also backing an inquiry into the organisation to examine ways to make it more effective. At much the same time, Labor returned to power in Western Australia, led by the youthful and energetic Brian Burke, after nine years in the wilderness. As opposition leader, Burke had given a strong commitment to land rights to a delegation of Central and Western Desert Aborigines in 1982. This new commitment from federal and state Labor governments ushered in a change in status for the NAC, and hence for Rob's role. Gradually, the NAC was drawn closer to the centre of power.

Land rights quickly occupied centre stage in Aboriginal affairs. In their initial embrace of national Aboriginal land rights, both the state and federal ALP had been influenced by the events at Noonkanbah. In the last days of the dispute, the ALP's federal spokesperson on Aboriginal affairs, Stewart West, publicly declared that a federal Labor government would solve the dispute by invoking the so-called 'race power' in the Constitution (based on the power conferred by the 1967 referendum for the federal government to act in the interests of Aboriginal people), and

he went on to commit Labor to a national approach on the matter even in the face of acknowledging 'the probability of a divisive white backlash in Western Australia and Queensland on these matters'.<sup>39</sup>

However, consensus about land rights within the ALP proved elusive. The party was divided along factional and geographic lines. The commitment was strongest in Victoria, which was controlled by the party's left wing, and weakest in Western Australia, especially from the time Brian Burke became Labor leader in 1983.

Burke's approach to governing was a complex amalgam of populism, pragmatism and factional hatred. Deploying his background in journalism, he had successfully projected a 'good bloke' image: that of an ordinary man representing a housing commission constituency. His father, Tom Burke, had been a Labor member in federal parliament, and the son carried the scars of his father's battles with the party's left. Burke's allegiances were solidly with Labor's right-wing faction, a base from which he represented a new face of the Labor Party: pragmatic, shrewd and pro-business.<sup>40</sup>

None of these complexities were evident to Aboriginal leaders in the lead up to the 1983 state election. In the aftermath of Noonkanbah, Brian Burke worried that a softening on land rights might cost the party votes in what the Party hierarchy considered would be a close election. Rob Riley had predicted a year earlier that land rights would be a major state election issue,<sup>41</sup> and following the poll he maintained the Aboriginal vote 'was instrumental in the defeat of the Liberal Government'.<sup>42</sup>

The representatives of the Western Australian branch of the NAC — led by Rob Riley and Peter Yu — had tried to develop a working relationship with the ALP preceding the state election. Literally hours before the election campaign commenced, Burke and senior backbencher Peter Dowding came to an NAC meeting in Rob's office to reassure them of the Party's commitment should it win office. Burke said that he would be assuming the responsibility for Aboriginal affairs, such was the importance of the land rights issue. In addition, the government would appoint an inquiry into land rights and then proceed with legislation. Peter Dowding then jumped out of his chair and declared his total commitment: 'If Brian doesn't do it I'll resign'. Rob and Peter were reassured but sceptical.

On the other side of the political divide, the mining industry viewed with alarm the election of the Labor government in Western Australia.

The sector was infused with extremist views about the incoming government and its agenda. Peter Dowding, in his newly appointed role as Minister for Mines in the Burke government, recalls how the industry's lobbyists categorised the government as threatening the future of mining in the state 'because the Marxist-Leninist Labor party is in charge'.

Initially, federal Labor also approached its land rights agenda with enthusiasm. The newly installed federal Minister for Aboriginal Affairs, Clyde Holding, told his first national meeting with the NAC, at which Rob and Peter were present, that the government was rock solid on the issue. 'The principle of land rights', Holding told members, 'is non-negotiable ... we cannot in any way erode or whittle away our commitment to the principle'. He also conveyed a message from the Prime Minister to NAC members, letting them know 'of his firm personal commitment to your cause'. Rob, in his role of Deputy Chair, congratulated Holding for 'his sincere approach'.<sup>43</sup>

So began a frenzied two and a half years in Rob Riley's life: a merry-go-round of meetings, press conferences, and protests to try to secure advances on land rights and justice issues. Adding to the hectic pace was the need to fight simultaneously on both the federal and state political fronts. On the home front, Jeannie was left to bring up the children virtually alone, a 'political widow'.



In their home state, Rob Riley and Peter Yu had to provide oversight to the land rights inquiry which the Burke government established in May 1983 against the advice of Holding.<sup>44</sup> An inquiry posed certain risks for the state government; firstly it would provide a public platform for extremist groups to air their views, and secondly it risked raising expectations in the Aboriginal community that the NAC was now in a constructive engagement with a progressive government. For Burke, the political stakes were higher than simply managing Aboriginal aspirations. The inquiry was a pre-emptive move. Burke had a desire to keep the federal government out. He saw it as electorally unpopular for the federal government to move in on land rights in Western Australia, and a great loss of power to the state in terms of its mining and development.

Paul Seaman was charged with heading the Inquiry and was later joined by Deputy Chair Graham McDonald, Rob's old colleague from

the ALS. Seaman's appointment was a bold one for Burke's government to make. He had a distinguished history of conducting litigation on behalf of Aboriginal people, including acting for Ernie Bridge in his challenge to the 1977 election result in the Kimberley, and he had also acted as counsel in the subsequent Electoral Act inquiry. Consequently, he was well regarded in the Aboriginal community and, in equal measure, viewed with suspicion in conservative political circles. He was forced to wait a long time to become a QC.

Nevertheless, at least one senior government minister believed that the Burke government expected Seaman to produce a politically palatable report. Clyde Holding claimed that there was a belief:

that Seaman would recommend the automatic giving of reserves and areas of land to Aboriginal people and that at the same time he would recommend against any form of Aboriginal control over mining in respect of Aboriginal lands. I did not share his optimism in that. I thought he was trying to read into that situation his own expectations of what would have been, for him, a politically acceptable formula.<sup>45</sup>

If Holding's assessment is accurate, then clearly Burke did not fully grasp the nature of the person he had appointed. Seaman was about to commence a quiet crusade which would have national repercussions for the direction of the land rights debate.

The Inquiry had a rocky start. Within a few weeks, Rob threatened to boycott it unless the government guaranteed greater Aboriginal involvement in planning the Inquiry.<sup>46</sup> In July 1983 substantial money and assistance was allocated to enable Aboriginal communities to make submissions to the Inquiry.

Such was the scale and complexity of the land rights issue that the Seaman Inquiry came to have significance beyond Western Australia. No other process offered the potential for such detailed findings on the issues involved, and especially on the highly contentious matter of the right of veto over mining. Confirming its strategic importance, Clyde Holding later told federal Parliament that 'the Seaman Aboriginal Land Inquiry is of tremendous relevance. Our duty is to get legislation on land rights properly based. We are waiting on the outcome of that inquiry'.<sup>47</sup>

However, the findings were months away. In the meantime federal Labor kept good its promise to establish an inquiry into the NAC, which it did in July 1983. It appointed highly respected public servant and promoter of the treaty committee, H.C. ‘Nugget’ Coombs, to conduct the inquiry. Holding offered reassuring words to the NAC about the conduct of the Inquiry; it was to address long-standing concerns over the structural weaknesses in the organisation. He left no doubt about his commitment to its future. The Conference, he said, would ‘play a very substantial role’, alongside the Department for Aboriginal Affairs, in working up the government’s approach to land rights, ‘and in securing the kinds of political answers that we need’.<sup>48</sup>

The Inquiry proceeded without disrupting the NAC. Rob was closely involved. He and Peter Yu gave evidence to the official hearings and Rob was in regular personal contact with Coombs. However, behind the scenes Coombs was devising a very different view of the NAC than foreshadowed in his original brief. Rob sensed that Coombs had a predetermined agenda.



While land rights and the future of the NAC were dominating the government’s agenda in Aboriginal affairs, the running sore of police violence in Western Australia was about to explode onto the national stage. In the remote Pilbara town of Roebourne, described by one journalist in the early 1970s as ‘the saddest place in the North’ because of its growing ‘dispossessed black population’,<sup>49</sup> a tragic incident occurred which would shape race relations throughout Australia for the next decade, and sweep up Rob Riley into yet another campaign on police violence.

On the night of 28 September 1983, sixteen-year-old John Pat died in the juvenile cell of the town’s police station lock-up from ‘closed head injuries’. Pat was typical of many Aboriginal youth in remote Western Australian towns. Born to a teenage mother and a father who drank too much, Pat’s family life was marked by poverty, dislocation, early school leaving and unemployment. It was a background destined to get him into trouble.

The Roebourne police closely patrolled the areas of the town frequented by Aborigines, and at night, homes in the area known as the Aboriginal Village were regularly spotlighted by police.<sup>50</sup> This

surveillance had long been deeply resented by local Aborigines and had become the catalyst for the downward spiral in race relations. As a consequence of continual and intrusive surveillance, Aborigines were subjected to an endless round of arrests, mainly for offences relating to alcohol and fighting.

In the three years before his death, young John Pat had been trapped in the web of racial antagonisms between police and his own people. He had been arrested several times for liquor offences and for assaulting police officers. He claimed to have been provoked by police on these occasions and, with no permanent ALS representative in the town, had pleaded guilty each time.

Just what occurred on the night of 28 September was to be the subject of claim and counter claim up to and following the Royal Commission into Aboriginal Deaths in Custody, which in 1991 investigated the issues surrounding Pat's death. One thing was not in dispute: a fight took place outside the Victoria Hotel between off-duty police officers who had been drinking in the hotel and several Aboriginal men, one of whom was Pat. One version of events claims that the fight broke out when one of the police officers told an Aboriginal man to 'piss off'.<sup>51</sup> It is surprising that so much else is in dispute given the very public nature of the brawl. Much was at stake: the possible prosecution of members of the local police for manslaughter, and the exposure of the racist culture rampant in sections of the police force.

On the night of John Pat's funeral, a riot broke out when Police Commissioner Leitch ordered the very men who, Aborigines alleged, were responsible for his murder to go on duty with other officers to control drinking in the hotel. Within weeks, Aborigines in Roebourne were loudly proclaiming that the police were guilty of Pat's death. They believed he had 'died as a result of police action during a brawl outside the Victoria Hotel'.<sup>52</sup> From this point, John Pat's death became a symbol of injustice and oppression for Aboriginal people across the nation and a rallying cry for emerging demands for an inquiry into Aboriginal deaths in custody.

For Rob Riley, Pat's death was reason enough to step up the campaign against police violence which he had begun several years earlier at the ALS. Rob was familiar with this ground. Ironically, just days before Pat's death in September 1984, he had dispatched a press statement critical of the police for their 'hypocritical' outrage at the screening of a

controversial ABC drama — *Scales of Justice* — depicting police corruption. Speaking with all his ALS experience and in a barely disguised tone of indignation, he said: ‘Aboriginal legal agencies have plenty of evidence of police brutality and corruption in relation to Aborigines ... those who champion the squeaky clean image of the police force had never been threatened with firearms, been beaten up in a cell or forced to give “favours” to avoid a prosecution’.<sup>53</sup>

Sharp words: and ones which ensured Rob Riley’s name was kept uppermost in the minds of many police officers.



Throughout much of the second half of 1983 Rob worked tirelessly to bring a broader voice to the NAC by linking it with other Aboriginal organisations and especially with the Federation of Land Councils. This was groundbreaking, if unheralded, work. It was in the development of these linkages that the modern Aboriginal rights movement became fully formed. Part of his thinking on the need to broaden the reach of the NAC was influenced by Sally Weaver, a visiting Canadian anthropologist who undertook an academic study of the failings of the NACC and who acted as unofficial advisor to some of the members of the NAC. She later sent Rob a signed copy of her 1983 paper ‘Australian Aboriginal Policy: Aboriginal Pressure Groups or Government Advisory Bodies?’ which he kept among his personal papers.

Weaver’s study examined the challenges facing Aboriginal people when federal governments attempted to stymie ‘the protest mode in Aboriginal politics’ by sponsoring national Aboriginal organisations in ways that were designed to contain and manage them.<sup>54</sup> In other words, Aboriginal organisations like the NAC would have to strike out on their own or be rendered irrelevant like the NACC. Certainly, Rob was trying to position the NAC to shake off its past irrelevancy and become a more influential player in Aboriginal politics. Unity was the key to his thinking.

Nothing served to highlight the underlying weakness in Aboriginal politics more than the divisions between the various organisations, especially those existing between the NAC and the land councils. The Federation of Land Councils was formed to provide an organised voice for its constituents. By the early 1980s, considerable bad blood existed between the Federation and the NAC. From the Federation’s perspective,

the NAC had not given it any support nor any protection against the vilification that went on in the corridors of power.

Rob linked up with another emerging Aboriginal leader, former Catholic priest Pat Dodson, to forge historically important links between the two arms of the Aboriginal rights movement. Ordained in 1974, Dodson had recently transformed his commitment to the Aboriginal cause by becoming Director of the Central Lands Council. Even at this early stage of his career, he combined a striking physical presence with an intellectual and philosophical rigour that increasingly placed him at the centre of the Aboriginal political movement.

The two emerging leaders shared a common aim: to get more power in their relationship with government and a stronger strategic direction to the objectives which should drive the rights movement. Rob took the view 'that all these people in together made the strength of the Aboriginal movement'. Rob's role was crucial in creating this unified force. Secretary General at the NAC, Les Malezer, remembers: 'He was the person that could pull all these people together and hold them together and feel united. He was great at keeping people positive and supporting a common goal'. Rob had to stake some of his credibility within the NAC in forging these relationships, because not everyone in the organisation welcomed the creation of this broader alliance. In fact, on occasions Rob had to go out on a limb within the NAC to get a hearing for the land councils in policy processes. The testiness within the NAC was partly because some members feared a reduction in the organisation's status, but it also reflected a difference in cultures between the two arms of the Aboriginal movement. As Dodson recalls, the 'roughness' of the remote areas was foreign to the experience of the mostly urban-based NAC members: 'We went to battle for people who lived in humpies ... and to stop the pastoralists from locking their gates and shooting Aborigines' dogs'.

However, Rob was learning as much from this process as he was contributing to it. In linking up with people like Pat Dodson and the Federation of Land Councils, he was discovering another dimension of the land rights aspirations of Aboriginal people. At Pat's invitation, Rob attended a number of the Federation's meetings. These were held under 'Federation rules': in the bush, around a camp with a swag, sitting on the ground, eating from a common kitchen. It was the Federation's way of demonstrating that 'if we're talking about land we sit on the land'. Such

occasions could only have stirred Rob's passion for the cause. However, to these meetings Rob brought the position of the urban dispossessed and how to deal with their issues. Through such linkages, a united Aboriginal voice was being formed.

Through Pat Dodson, Rob was also introduced to a wider network of Aboriginal political strategists. The Northern and Central Land Councils, in particular, were influential. As the key advocates for the principles of the Northern Territory land rights model, they had spent considerable time perfecting their abilities to deal with the lobbying process in Canberra.

The importance of the emerging alliance between the NAC and the Federation of Land Councils is described by Pat Dodson: 'When Riley came onto the scene we were able to work out a strategy for how best to engage other organisations and how best to orchestrate our lobby on the federal government in a far more concerted and consistent way'. This involved ensuring 'that all bases in the parliament were covered': monitoring the committees dealing with Aboriginal affairs; ministers' offices; factional heads in the ALP; ALP conferences and the federal Liberal opposition. The outcome of this effort was to ensure that 'policy positions were being set in a way that wasn't detrimental to us and to provide arguments to those who were supportive of our views'.

But how unified was this emerging voice in Aboriginal affairs? There were contradictory signs in the early to mid 1980s. On the one hand not all Aboriginal organisations embraced a united political voice with the same enthusiasm as did parts of the NAC and the land councils. Beyond them were a range of Aboriginal community service organisations which had a more closed political culture. And, as mentioned, urban-based Aborigines had a tendency to political infighting largely absent among traditional communities because of the presence of cultural rules emanating from responsibility for land. Still, Rob saw the potential for a pan-Aboriginal voice to deliver good outcomes for communities.

A positive indicator of the cooperation achieved in Aboriginal politics was a formal agreement struck in early October 1983 between the executive of the NAC and the National Federation of Land Councils for a cooperative and joint approach to pursue Aboriginal rights.<sup>55</sup> It was an historic agreement uniting for the first time Aboriginal people in the city and the country in a political framework. The rapport between Rob Riley and Pat Dodson and their combined capacity to

realise the political importance of unification was central to the process. In practical terms, the agreement resulted in the establishment of an Aboriginal Land Rights Steering Committee — formally combining representatives from both organisations — to try to bring greater conceptual clarity to an Aboriginal position on land rights. Rob would have had a major input into this, representing the NAC. The report of their deliberations was subsequently published as a discussion paper in February 1984.<sup>56</sup> The 80-page document is a detailed consideration of the moral, legal and political issues involved in land rights as perceived by the Aboriginal leadership. The approach taken was grounded in historical, if not political, realism:

It may be argued that the Aboriginal people as a *sovereign nation* were deprived of the continent of Australia in 1788, and have continued as a sovereign nation who seek the restoration of their lands ... This starting point leads inevitably to the conclusion that compensation must be paid for the harm done, for the culture lost, and for the deprivation of land, payable to the successors in title to the sovereign nation concerned. This argument proceeds upon the assumption that sovereignty has never been lost, since the contest has never been the subject of any resolution or treaty, yielding up such sovereignty.<sup>57</sup>

As expressed in the paper, sovereignty and the need for compensation became the twin pillars of the emerging unified Aboriginal position on land rights. By the early 1980s, the matter of compensation had gained added intensity for Rob, who by now had researched parts of his family history and felt a personal sense of responsibility for what his relations had suffered. However, the new federal Labor government was increasingly sensitive about these ideas, especially the claim of sovereignty. Minister Holding ‘expressly rejected’ the Committee’s position, categorising it as ‘politically unacceptable’ because it challenged ‘the foundation of and the existence of the Australian government’.<sup>58</sup> Battlelines were already being drawn.

Rob was also a member of the Steering Committee on Land Rights set up by Holding soon after the Hawke government’s election in 1983. It comprised senior members of the NAC and representatives from the various land councils. Charles Perkins, Secretary of the Department of

Aboriginal Affairs, attended meetings along with Holding. The stated purpose of the Steering Committee was to 'decide the policy issues in the national land rights legislation'.<sup>59</sup> The Steering Committee was assisted by a panel of lawyers to advise it on options and for drafting the actual Land Rights Bill. To all appearances, it was a powerful body. At the time of its establishment it was envisaged that legislation would be ready for presentation to the Australian parliament by August 1984. However, the final version of such legislation required the approval of the full NAC membership.

Land rights continued to dominate Rob's efforts at the state level as well. In December 1983, the state NAC, of which he was Chair, prepared a submission to the Seaman Inquiry. Rob immersed himself in this task, working long hours and often late into the night to help put the submission together.

By this stage, Rob's position on land rights reflected the views discussed and later published in the NAC discussion paper. They were based around historical claims of sovereignty and the attendant legal/moral issues flowing from occupation and dispossession. The Western Australia branch adopted this as the framework for their submission and applied it in a political context: as the rights had never been ceded, Aborigines had a 'right' to the land of Western Australia from which legislation was needed to cover 'the moral right of Aborigines to reparation and compensation for their dispossession, exploitation and other injustices suffered by them'. More than anything it was intended as a philosophical statement offered to Seaman as a guide to formulating his recommendations.

Largely ignored by the Western Australian press, the submission was seized upon by *The Australian* newspaper which, over several days, ridiculed the contents in a front page article, an editorial and cartoon. 'Aborigines lay claim to all of Western Australia' screamed the front-page headline. The accompanying article stated that the NAC 'has claimed on behalf of the Aboriginal people all of Western Australia and its waters up to the 200-mile international limit'. It did not acknowledge the context in which the statement was made.<sup>60</sup> The paper treated the submission's philosophical statement of principle as an actual land rights claim and, hence, categorised the submission as the most 'all-embracing' made to an Australian government by an Aboriginal organisation. The next day, the paper's editorial accused the submission's authors of stupidity

and of inciting a white backlash against land rights. It argued that the sympathy of the broader Australian community 'will evaporate if claims which could only be met in a dream world are made to such bodies as the West Australian Aboriginal Land Inquiry'. Such 'ludicrous' claims, the paper moralised, would not only fuel anti-land-rights campaigners, 'but ordinary people must begin to doubt the integrity of the NAC and its supporters'.<sup>61</sup> To complete its denigration of the NAC submission, *The Australian's* cartoonist, 'Mitchell', depicted a crowd in central Perth falling about in uproarious laughter at hearing the news of the land 'claim' and with a lone Aborigine trying to gain a hearing amid the hilarity with the words, 'seriously though'.<sup>62</sup>

Overlooked in *The Australian's* denigration of the submission was an important point central to the Noongar experience: the intergenerational impacts of colonisation. Rob, like most of those involved in the submission, could draw on first-hand experience of the plight of their families when commenting that:

The effects of colonisation are now being experienced by Aboriginal people throughout the state. The socio-economic position of Aboriginal people is not the result of maladjustments in the social system, such as those which create inequality in the general population. Rather the position of Aborigines has been created and is sustained today by the continuing processes of colonisation and dispossession.<sup>63</sup>

These were significant comments to place on the public record. Rob and others were warning of a social crisis brewing: its incubator the sense of hopelessness pervading those living on reserves, in fringe camps, or in East Perth. By the early 1980s, the crisis was beginning to manifest itself among jobless school dropouts. Although Rob would develop a more powerful language with which to describe their alienation, he had signalled that he would champion the dispossessed.

The warning about mounting intergenerational disadvantage was ignored. There was little time to worry over this because of the pressing need to respond to the treatment the Western Australia NAC had received over the land rights submission. Outraged that they had been set up by the media, Rob accused them of 'lending strong-arm support to an already well orchestrated anti-land-rights campaign'.<sup>64</sup> The Western

Australia branch issued an immediate complaint to the Australian Press Council which was not resolved until six months later. Ever the toothless tiger, the Council, upon hearing all the evidence, found that the article was 'erroneous, resulting in the public being misinformed'. However, the Council 'did not believe this was done deliberately or mischievously, but it did result from a misrepresentation of a complex and lengthy submission'. The Council merely censured the newspaper.<sup>65</sup>

It would be easy to conclude that Rob and the others working on the submission paid insufficient attention to the way in which they presented their case and the possible misinterpretation it might receive in a highly charged political climate on land rights. After all, the submission acknowledged 'the public's feeling of resentment to them'. In this context, Rob may have allowed his passionate convictions to override his political judgement. Peter O'Brien believes that the submission was symptomatic of the continual dilemma facing NAC members: the need to present positions to their own constituency in a forceful manner while, at the same time, trying to influence the debate within mainstream politics. He believes the NAC often did not get the balance right.

On the other hand, a significant issue arising out of the Western Australia branch's grilling at the hands of the media was the very point raised in their submission, namely the need for an urgent public education campaign. In its preparation of the submission, the Western Australia branch was acutely aware that reference to concepts such as 'dispossession', 'genocide' and 'colonisation' were foreign to most Australians. Consequently: 'There needs to be a concerted effort by the government to mount a real program of public awareness which will adequately and seriously support the Aboriginal point of view on land rights'.<sup>66</sup> As a media-savvy activist, Rob was frustrated about the obstacles the Aboriginal rights movement encountered in obtaining media coverage to present their case. It was ironic, to say the least, that the Western Australia branch became a victim of the very lack of understanding they were calling on government to address.

The NAC submission was only one of several hundred submitted to the Inquiry. Aboriginal organisations, communities and individuals from throughout the state petitioned Paul Seaman in an overwhelming demonstration that land rights and access by miners were grassroots concerns. The NAC may have provided the political context, but out among the disparate Aboriginal communities there was overwhelming

support for this political struggle. Rob was familiar with all these submissions, having, at some point, gained a copy of most of them.<sup>67</sup> The submission from the Djugerari community on Cherrabun Station in the South Kimberley gives the flavour of this grassroots movement for land rights. Spokesman Warford Badjiman told Seaman,

We are Walmadjeri people, we speak Walmadjeri and we are all looking at Walmadjeri country. We are all the same people. If our mob got some land Walmadjeri relatives from other communities and Fitzroy [Crossing] would come and visit and work. People want to get out of town and back to their own country ... We would like freehold land for ever and ever ... We want to picnic and hunt anywhere, even National Parks. We would like to be asked if National Park can be made. We want our language taught in schools as well as English. We think mining mob should see our local organisation (Marra Worra Worra) first and then they would arrange meetings with the right mob. We can show companies where not to go, and we can put this on a map ... We don't want any big holes made in hills, usually they are important. If a mining company is working we don't want them to come too close to where we live. They mustn't stay for ever. We should get a royalty if a mining mob find anything.

Rob does not record his feelings about the submissions but the expression of such direct and assertive views must surely have highlighted the purpose behind the fight for land rights: it was to represent people like Warford Badjiman. With so many submissions from Aboriginal communities calling for land rights, the conservative claim, long propagated by Sir Charles Court, that their aspirations were the work of 'stirrers' was exposed as the scaremongering it had always been.



In remote parts of Western Australia, Paul Seaman was completing the transformation of his understanding of the depth of Aboriginal attachment to the land. His was a journey of self-discovery as well as investigation. His willingness to see the world through Aboriginal eyes stood in stark contrast to the historical denial and racial antipathy of

most whites at the time. His close contact with Aboriginal communities brought some emotionally affecting experiences. At One Arm Point, several hundred kilometres north of Broome, he was taken out to an island the community regarded as part of their traditional land. The party left in two boats in the early evening under cover of moonlight and across a sparkling silver sea. When they arrived on the island one of his guides alighted from the boat and immediately glowed with pride 'like a woman with a child'. On the return journey, strong currents threatened danger, which was averted only by the intimate knowledge his guides had of the local conditions. It seemed impossible not to acknowledge that this was Aboriginal country.

Similarly in the Western Desert Paul Seaman was confronted, like few whites ever had been, with traditional cultural ties to land. In an area just below the Gibson Desert, in a locality whites had given the nondescript name of Well 33, Seaman met the Western Desert people. Arriving by light plane in the dark, guided by a line of spinifex torch fires, the travelling party was greeted by a big mob. A night of singing and dancing by firelight followed, after which custom dictated where everyone slept. In the morning, all the people appeared ready for the business of relaying their evidence to the Inquiry. Proceedings were nearly derailed when one of the accompanying local white officials, familiar with Aboriginal protocols, ventured into an area held to be sacred and commenced taking photographs. The Aboriginal people became distressed at the site being mistreated in this manner and invoked the power of a mythical being which would bring destruction upon them. The situation was retrieved only by the official handing over his camera and being escorted from the site.



Meanwhile, the federal ALP was finalising the framework of its approach to land rights which Clyde Holding announced in a speech to parliament on 8 December 1983. By this time, New South Wales, under the Wran Labor government, was about to introduce land rights legislation covering that state, and South Australia had undertaken a similar measure in 1981. Queensland, Western Australia, Victoria and Tasmania were without legislation. National land rights legislation, in addition to its application to these states, would ensure consistency and continuity of approach.

These continued to be Holding's aims. But Holding placed them in a broader context. In what was arguably the most expansive and inspiring declaration of political intent in Aboriginal affairs to date, Holding sponsored a motion to Parliament outlining 'a new set of principles' to guide race relations in Australia. The specific five principles on land rights were included as part of this broader agenda. The goal of this agenda, Holding announced, was 'a Government of national reconciliation'. In addition to land rights, the government undertook to work towards 'real justice and equality' for Aboriginal people; to recognise the 'pain and anguish' of children removed from their parents under assimilation policies; to value Aboriginal culture; to address the crises in schooling and health and the national need to come to terms with the past. This commitment to reconciliation, Holding promised, would usher in 'a new phase in black-white relationships in this country'.<sup>68</sup> To complete the impression of the opening up of an exciting new era in Aboriginal affairs, Holding reiterated the central role to be played by the NAC: 'On the great issues of policy, I expect the NAC to advise me and I expect to be guided by that advice'.

The year could not have ended on a more hopeful note. Yet aspects of the land rights issue troubled Rob. He sensed the battle was being lost in the media. Through the public hearings to the Seaman inquiry, the media was giving publicity to the often extremist anti-land-rights views of organisations representing miners and pastoralists and their supporters in the Liberal and Country parties. In November, Rob publicly called upon the Commonwealth and Western Australian governments to back up their land rights initiatives with a public awareness campaign, accusing both governments of failing to counteract the 'spread of confusion and fear about the land rights issue'.<sup>69</sup> The publicity he received generated a letter of support from the Minister. Holding wrote: 'you can be assured ... that the issues you have raised are currently matters being considered by the Government and in which I will be seeking the full involvement of the NAC'.<sup>70</sup>

As Rob clearly understood, the need for a public awareness campaign was growing more urgent. Land rights were beginning to be exploited by talkback radio, a new form of political discourse steadily growing in popularity. Local Perth talkback identity and *Sunday Times* columnist Howard Sattler, one of an emerging breed of commercial radio's right-wing populists, focused on the land rights issue in his

column of 20 November 1980. Sattler began with the high-minded, if conservative statement that: 'We owe nothing to Aborigines except equality of opportunity'. However, he then continued by painting a picture that would inevitably have alarmed many a reader: 'first Ayers Rock, tomorrow ... who knows ... maybe they'll declare your street and your house a sacred site'. As was his custom, Rob couldn't allow such a wrong claim to go unchallenged. He rang Sattler's show to challenge his views which, as it transpired, simply became grist for Sattler's next newspaper column, which he focused specifically around the call he had received from Rob, 'one of my most vocal critics'.<sup>71</sup> The encounter was an early lesson on the new media formula: presenters laid down the terms of 'debate' and controlled its course. 'Mr Riley did not want to pursue the argument', Sattler enthused, as if claiming a verbal victory, that equality of opportunity, not land rights, was the most important issue facing Aborigines. Moreover, 'over 85 per cent of callers supported my stand on the issue'. Riley and Sattler would cross swords many times in the coming decade, their exchanges conforming to much the same pattern. Rob would ring in, compelled to defy what he and many others saw as Sattler's brand of inflammatory opinion and populist stereotyping of Aboriginal issues. The format was well-suited to Sattler's particular style, and while critics would often verbally spar with him, they were rarely able to score points. It was testimony to Rob's commitment and competitive spirit that he continually entered the fray knowing he was on a hiding to nothing.

As if talkback radio was not enough of a challenge to rational debate on land rights, the extremist League of Rights added yet another layer. Throughout 1983 and 1984, the League was very active across Australia, but especially in country Western Australia and in outer suburban centres where they gave public addresses on their anti-land-rights stance. National Director Eric Butler and Queensland State Director Geoff McDonald travelled Western Australia with an updated version of Cold War rhetoric: land rights was a communist plot and the Aboriginal rights movement had been infiltrated by Marxists.<sup>72</sup> Strangely, Rob did not draw particular public attention to the League's activities, though he was fully aware of them. In the early 1980s he attended one of their meetings in the country town of Northam, north of Perth. The League had hired the town hall, where about thirty locals were in attendance. A look of shocked surprise overcame the organisers as Rob and a few colleagues

walked in and sat down. Rob understood the speakers' messages to be the last gasp of 1930s biological racism. While contemptuous of their beliefs, he saw the League as a sideshow to the main game of fighting the mining industry and its political supporters.

The rise of a politics of fear over land rights was only one issue unsettling Rob at the end of 1983. The second concerned the drifting apart of the federal and state efforts on land rights. Rob raised the issue. There was little public comment at the time on the obvious ambiguity of the two governments producing parallel legislative frameworks. In early December Rob wrote to both Burke and Holding about the NAC's concerns. To Holding he wrote: 'It now seems that neither Government is willing to confide in nor have confidence in the other. The N.A.C. members in W.A. consider that this situation is putting at risk the ambition of both Governments and of the Aboriginal people to have Land Rights granted in this State'. Rob urged Holding to develop a more cooperative approach to achieving uniformity of legislation.<sup>73</sup> In a separate press release he referred to fractures in Hawke's consensus politics regarding land rights.<sup>74</sup>

Rob's letter to Premier Burke was written in a different tone, hinting at perceived personal differences between the two. Rob had been sceptical about Burke's commitment to land rights. After an opening salvo at the emerging drift in state–federal policy on land rights, Rob wrote:

The excitement at your announcement of the state land Inquiry has faded in the light of the confusion that has emerged as to its direction and final intent. Members of the state Branch, attending meetings of Aboriginal communities around the State, have become aware of growing disenchantment and doubt ... If we are to be criticised as 'one issue zealots', then so be it. We can make no apologies for concentrating on an issue which is at the very heart of Aboriginal hopes and dreams for a better life by way of a more equitable share of the responsibilities and benefits of equal citizenship.<sup>75</sup>

Rob also raised with Premier Burke his worries about 'the barrage of anti-land-rights propaganda in the media' and the need for a public education campaign. Several days later, he received a reassuring letter from the Premier which affirmed his view that complementary state/

federal legislation offered the best protection to Aboriginal people; Burke said he was in continual dialogue about this with the Commonwealth. He also informed Rob that he had set aside money to counteract the 'irrational and ill-informed Land Rights propaganda'.<sup>76</sup>

As events unfolded the next year, Rob's feelings of unease about the underlying political climate proved to be correct.



Meanwhile, in January 1984 Paul Seaman issued a discussion paper which jolted the land rights issue to the forefront of public debate. Although he clearly signalled that existing freehold titles were safe, Seaman advocated, among other things, that Aborigines be granted inalienable freehold title to land and that they should have the power to veto mining on their lands. A power of veto was guaranteed to raise the ire of the mining industry, but Seaman believed it was necessary to be upfront about the issue and to confront the powerful industry lobby groups.<sup>77</sup> In his discussion paper he offered the following rationalisation for a veto:

It seems to me that Aboriginal land owners who have the power to permit or veto mining development have every opportunity to protect their concerns and to control the social impact which results from development. They have the opportunity to provide by contract for their 'compensation' and for payments in the nature of 'royalties'.<sup>78</sup>

Complementing his clear preference for the right of veto was the need to revamp the Aboriginal Heritage Act which, he wrote, 'offered weak protection ... [and] no realistically enforceable legal protection in its present form'. Hearings had revealed to him 'the most profound anguish' caused by 'the desecration of certain sites'.<sup>79</sup> In these and other statements on key issues, Seaman had served up a political *tour de force* on land rights; but not necessarily a comprehensive one. Rob offered his assessment on the discussion paper in an interview with the media. In his capacity as Western Australia NAC Chair, he said that Seaman had not completely fulfilled the organisation's expectations. While acknowledging some positives in the paper, missing was the exemption of pastoral leases from land claims and the matter of compensation for

the dispossessed. The latter was shaping up as a central plank in the framework of the Aboriginal rights movement's view of a just land rights settlement.<sup>80</sup>

Miners, on the other hand, condemned the discussion paper. Duncan Bell, from the Chamber of Mines in Western Australia, who would emerge as one of the key spokesmen in the miners' anti-land-rights cause, drew attention to Seaman's advocacy of the veto as the prime focus of the industry's concern. 'It would', he said, 'have harsh consequences for the economy'.<sup>81</sup> For now, he held in check a fully fledged attack on the land rights cause.

Behind the scenes, the release of the discussion paper mobilised the mining lobby into devising a strategy to persuade the ALP to drop its commitment to introducing state and federal legislation. Their opposition had been brewing for several years. From the time Hugh Morgan took over as president of the Australian Mining Industry Council in 1981, he provided much of the ideological backbone to the campaign by arguing that the industry had to reclaim its legitimacy from its opponents. To do so, miners had to 'rediscover the religious basis' of their activity: 'miners could only counter religious arguments for land rights with religious arguments of their own'.<sup>82</sup>

The miners were on fertile ground in opposing the land rights agenda. For decades the industry had presented itself as essential to Australia, and therefore mining lobbyists found it relatively easy to sell the message that what was in the interests of developers was in the interests of Australians.

The first shot in the miners' campaign was devised by the Chamber of Mines. On 9 March 1984 a full-page advertisement defending the mining industry's economic contribution to the state appeared in the press; the \$3 billion in revenue and the \$100 million in royalties. The advertisement — run over several weeks and supported by similar radio material — depicted a cheque symbolically written out to 'the people of Western Australia' beneath a banner headline which read, 'Every time our mining industry makes a successful discovery, we all strike it rich'. Only by inference was their opposition to land rights mentioned through invoking 'the principle of Crown ownership'. A separate advertisement, more dramatic in its tone, was run several times from 7 April. It was headlined: 'Beware future prosperity hangs in the balance' and featured the scales of justice weighing 'security' in perfect balance with 'crown

ownership'. This 'balance', this 'democratic principle', central to Crown ownership of land, the Chamber asserted in the accompanying 'advertorial', would be undermined by land rights because 'all rights in land should be equal'; minerals below the ground belong to 'all the people'. It was an appeal to fairness with an accompanying threat to the loss of continued prosperity should Crown ownership pass to Aboriginal ownership. Run to coincide with the Seaman Inquiry hearings, it is hard to avoid the judgement that the purpose of the campaign was to condition the public perceptions against the Report's eventual findings, in light of the controversial pro-land-rights perspectives which had emanated from the discussion paper.

As events later unfolded, the first phase of the miners' campaign was a softening-up tactic designed to reinforce the historic ties to the benefits of developmentalism. It was a foretaste of a comprehensive campaign which Rob came to view as linking fear, politics and land rights. Its impact had already been felt. Holding acknowledged as much to the March 1984 NAC meeting, telling members: 'What is happening in Western Australia and the pressure that is being applied by the mining companies are doing a lot of damage in the land rights area'.<sup>83</sup>

Indeed, the damage was more multi-layered than Holding acknowledged. The first phase of the miners' publicity campaign coincided with the efforts of a number of conservative political leaders. The Western Australian Liberal leader at the time was Bill Hassell, whose path Rob had crossed in his days at the ALS. Hassell painted an alarming picture, warning in March 1984 that the granting of such rights would 'do untold damage to this State', which he listed as economic destruction, a racist backlash and a divided society.<sup>84</sup> The following day, Rob tackled Hassell's views head-on, dismissing them as 'wild and unsubstantiated' and accusing the opposition leader of declining to put in a submission to the Seaman Inquiry because, unable to be specific, his anti-land-rights views were 'based simply on racist grounds'.<sup>85</sup> Rob accused Hassell of appearing to 'believe that mere repetition of wild and groundless allegations will make the public accept them as facts'.<sup>86</sup>

The conservative press had also been galvanised by the simmering anti-land-rights campaign and duly came to the industry's defence, reinforcing the concerns Rob had previously raised about the propaganda effect of the media. Foremost among the cheer squad was the influential *Bulletin*, which in a series of articles abandoned any

pretence at objectivity to argue that land rights amounted to national economic surrender: without mining and mining-related investment 'the rest of the Australian manufacturing industry is exposed as a sheltered employment agency'.<sup>87</sup>

The pace of events quickened. In April 1984 the Coombs Report was released with its key finding that the NAC had failed to perform. Few could question Coombs's intellectual commitment to working to find effective approaches to the problem of Aboriginal governance.<sup>88</sup> In light of previous findings on the NAC it is not surprising Coombs found a range of failings in the organisation. His favoured model for Aboriginal self-management — a congress based around regional assemblies integrated with the existing department of Aboriginal Affairs (in other words the foundation model for ATSIC) — had some compelling logic. More contentious was his recommendation that the NAC be abolished immediately, with no interim organisation, until negotiations produced a new structure.

In the opening sentence to his report Coombs laid out the case for change: 'There has been almost unanimous agreement among Aborigines with whom I have been able to consult, that the NAC in its present form is ineffective as an instrument of Aboriginal political influence or action'. The organisation was, he said, unlikely to develop into a political instrument with which Aboriginal groups and communities would identify or one which would be capable of providing Ministers with sound advice.<sup>89</sup> Coombs believed the failings of the organisation could be explained by a lack of adequate resources provided by government and inexperience on the part of many members. While he did not single out inadequacies in the leadership of the NAC, he privately thought that it 'seems to lack leaders with political and executive capacity'.<sup>90</sup> Publicly, he wrote: 'In the conduct of its own affairs the NAC's performance has also been disappointing; being marked by its inability to manage staff, by a failure to mobilise expertise, by poor communication with communities and other Aboriginal organisations and by periodic bouts of destructive internal dissension'.<sup>91</sup>

In hindsight, Coombs did not fully analyse the possibilities of the NAC being transformed by effective leadership. Once Rob was elected Chair, he would demonstrate its potential; with strong leadership it turned into an effective political lobby group, if not a fully representative one. Of more pressing concern was the likely fallout from Coombs's

report. In the lead-up to crucial decisions being taken on land rights, he had handed the Hawke government the rationale to disband the organisation in the event that it proved politically troublesome. While Coombs may not have been able to foresee exactly how the politics of land rights would unfold, it was a dangerous scenario to call for its abolition in the midst of one of the most critical times for Aboriginal people in living memory.

While Coombs's recommendations awaited a response from the government, the work of NAC members went on regardless. The demands on NAC representatives were equal to, and perhaps greater than, those on parliamentary backbenchers. In Aboriginal politics, achieving credibility meant regular face-to-face contact with communities. In addition, their job was to consult with a range of interest groups and government agencies and attend NAC meetings. The travel was constant; they were never at home. Rob and Peter lived together on the road, always staying in the same hotel, and hardly ever unpacked their suitcases. Peter stayed at Rob's place when coming down from his Kimberley base to Perth. As Peter Yu explains: people 'don't appreciate how exhausting it is, how tedious, how boring, how lonely it can be when you're away from your family and your kids ... we both had young families and the first word they probably learn is aeroplane'.

As the future of the NAC hung in the balance, it remained actively involved in working with the federal government on its land rights agenda. Through the mechanism of Holding's Steering Committee, work was proceeding slowly on the drafting of national legislation. However, the Steering Committee immediately became bogged down in the technicalities of the legal issues involved. Interim Chair of the NAC during the first half of 1984, Lyall Munro senior, issued a circular to NAC members reporting on this process; the panel of lawyers had posed thirty-eight questions requiring policy directions from the Steering Committee, which then requested the lawyers to prepare options on the various issues. This resulted in a discussion paper to guide the Committee's deliberations.<sup>92</sup>



As the Steering Committee slogged through the technical issues of national land rights legislation, the parallel issue of protection of sacred sites re-emerged. As opposition to land rights had started to

mobilise both in and outside federal parliament, Holding decided that introducing sacred sites legislation could be a Trojan horse, helping to break down some of the impending resistance to achieving the broader objective of national land rights legislation. The recently unified Aboriginal rights movement, which Rob had worked so hard to achieve, helped draft legislation for Holding, which had its first reading in the House of Representatives in May 1984. As the Minister explained to the House, the Aboriginal and Torres Strait Islander Heritage Bill had two purposes. First, it would preserve and protect areas in Australia and Australian waters which are of particular significance to Aboriginals or Islanders in accordance with their traditions; secondly it would preserve and protect objects, including Aboriginal and Islander human remains, which are of particular significance to these groups. The Bill was designed only as an interim measure until national land rights legislation was implemented, and it would only be used in emergency situations where state governments were not upholding their own heritage laws. In outlining the need for such a measure, the Minister referred to the events at Noonkanbah, but only as the most recent example. As Holding explained: 'Time and again the Federal Government has been powerless to take legal action where State or Territory laws were inadequate, not enforced or nonexistent, despite its clear constitutional responsibility'.<sup>93</sup>

As one of the senior members of the coalition of Aboriginal groups, Rob was part of the framing of the Bill and the political objectives behind it. The Head of Research at the NAC at the time, Les Malezer, recalls, 'the Bill was in our view hasty but we agreed with Holding that let's get it passed through parliament and worry about amending it afterwards'. The introduction of the Bill certainly achieved the immediate objective of flushing out the mining and pastoral industries and Liberal and National parties, both of which immediately declared their opposition to the use of such wide-reaching Commonwealth powers for the protection of Aboriginal land.

Whether the Bill succeeded in breaking down the opposition, or whether it provided a dress rehearsal for the lobby against national land rights, is of more than passing interest. The mining and pastoral industries mounted a strong lobbying campaign against the legislation, claiming it was land rights by 'the back door'.<sup>94</sup> The opposition parties also worked themselves into a lather, as debate in the House raged on throughout May and early June. Leading the charge against the Bill

was the opposition spokesman on Aboriginal Affairs, James Porter. He pursued a conventional line of attack: the government had conferred on itself unlimited discretionary powers; it had failed to consult on the Bill; mining and pastoral interests opposed the measure; and it was an attack on the power of the states. Among the most florid assaults on the Bill was delivered by Tasmanian Liberal Max Burr, the plain text of which revealed the depth of conceptual opposition in sections of the Party to the notion that Indigenous people had rights: 'This legislation gives advantages and privileges to one class of people because of the colour of their skin. Other Australians who do not have the same skin colour or are not of the same racial background will be denied those privileges and advantages. That is apartheid. Apartheid is being practiced in this country by this Government'.<sup>95</sup>

Linking support for land rights as somehow akin to the near-universal moral repugnance of the South African apartheid system was symptomatic of the extremist language in which a range of conservative groups — miners, pastoralists, the conservative press and sections of the state and federal Liberal parties — couched their opposition to land rights. The recourse to such language is interesting. A range of conservatives at the time experienced profound difficulties with the meaning of race. Explaining this difficulty goes to the heart of contemporary debates about the nature of modern racism. Theorists of race argue that 'old-fashioned' racism based around perceptions of biological superiority and stereotyping were replaced in the modern era — at least among officials — with symbolic racism: focussing on Blacks as a group and their excessive demands for special and undeserved treatment.<sup>96</sup> This was the context in which Rob fought for Aboriginal rights during the 1980s. He certainly believed the anti-land-rights cause was fundamentally racist. But as the concept of racism itself became more complex, the charge became harder to make stick.

No doubt, the Heritage Bill was a hasty measure. It might well have been improved by a consultative process. But to what end? Of the Liberal/National Party speakers, only Philip Ruddock conceded as a matter of principle the need to protect sacred sites. In fact, in protesting so loudly about the unrestrained power to protect sites being granted to the federal Minister for Aboriginal Affairs, nearly all on the conservative side conveniently overlooked the fact that some state ministers had long been able to use such power against Aboriginal interests. Moreover, the

adoption of extremist language to express their opposition was a driving force in polarising debates about Aboriginal Affairs policy.

On the government side, the debate over the heritage legislation raises a specific question about the relationship between the Aboriginal rights movement and the Hawke government. Was it good politics to proceed with the sweeping provisions of the Heritage Bill? Together, had they enhanced or damaged their longer-term cause? The full impact of the passions raised over the heritage legislation would not become clear for several months. For now, the signs were ominous. As *The Australian* summed up the situation: 'the Bill has been noticeably successful in creating yet more antagonism towards the justifiable needs of Australia's original inhabitants'.<sup>97</sup>

But the real antagonism was occurring behind the scenes. The passage of the legislation was straining the relationship between the mining industry and the federal government, but in a way which demonstrated the lengths to which the industry would go to secure the defeat of the legislation. Representatives from the industry peak bodies were tough on the issue. Holding had publicly criticised the mining industry for its 'overreaction and dishonesty'. The industry was infused with the belief, he said, 'that they have a divine right to mine anywhere there is an ore deposit ...[and] that is not acceptable to the average Australian'.<sup>98</sup>

Holding had, in fact, grown alarmed in his dealings with the industry. In a confidential briefing to a joint meeting of the NAC and the Federation of Land Councils, held in October 1984, at which Rob was in attendance, Holding expressed forthright views about the mining lobby. He said that 'putting it mildly, I found them a body that is very difficult to deal with. They will often distort what seem to be the facts of the situation to suit their own preconceived political position'. The situation had become so serious, Holding said, that the Prime Minister had to twice inform the Australian Mining Industry Council that it had misrepresented the government's position on the legislation.<sup>99</sup> Holding instanced the following example: 'I understand that during the discussions in the Caucus in Western Australia notes were circulated to members of the Labor Caucus there which purported to represent the agreement of the Commonwealth with the mining companies. That was basically a circulation of the notes which AMIC had sent to us and which had in fact been repudiated by the Prime Minister'.

Rob was present at the 5 October joint meeting of the NAC and the land councils at which Holding was candid about the government's response. Holding told those present: 'I was also concerned about the kind of footage which was being pumped out over the television stations by the Australian Mining Industry Council. I have told AMIC and the Prime Minister has also told them that not only do we regard that material as inaccurate ... but we also regard it as racist'.

Rob would have been deeply disturbed by such revelations. The miners' lobby groups must have appeared to him as a hydra-headed monster, capable of influencing public opinion while exerting significant political pressure on politicians, including the Prime Minister. This would surely have added to his underlying uncertainty about the ultimate fate of national land rights.



By the close of May 1984, Rob was about to be elected to the position of Chair of the NAC. The political environment in both Canberra and Perth on land rights was contradictory. Publicly, the federal Minister had remained resolute and the Seaman Inquiry remained on track. But behind the scenes Labor governments in Canberra and Perth were growing nervous about fulfilling their commitments. Land rights was proving more complex and contentious than governments had expected. Sovereignty, compensation, a right of veto over mining and the protection of sacred sites had begun to unsettle conservative white opinion. Miners and pastoralists were already at battle stations. The Liberal and National parties were sniffing the opportunities of ramping up their opposition to land rights. At this critical juncture, Rob was one of a handful of prominent Black politicians in the country. For the lonely boy from Sister Kate's and the later, angry young radical of Black Action, it had been a remarkable journey. But as tough as the struggle had been so far, it was about to get still harder.