

HOMELESS PEOPLE FIGHT FOR JUSTICE: Dulcie's complaint to the Anti-Discrimination Commission.

An extract from Bill Day's PhD thesis,
UWA, 2001

Reprinted by the author in 2011



Above: Homeless people deliver a petition to Parliament House.

**Warning – this booklet contains
pictures of deceased Aboriginal
people.**



**In memory of Bob Bunba,
a longgrass martyr who passed away in 2010.**

Bob Bunba is pictured above on Vestey's Beach with his grandson Nathan McKenzie in a portrait by Darwin artist Therese Ritchie.

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Dulcie's complaint to the Anti-Discrimination Commission in 1997.

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The Burarra People in Darwin

In 1973 Aboriginal men and women who were walking overland to Darwin in increasing numbers were praised in the local newsletter, the *Maningrida Mirage*, as demonstrating their 'courage and integrity' (Benn 1994:181). A non-Aboriginal activist, Stella Simmering, who has assisted the Fish Camp people compile their case for housing in Darwin, records the stories of several who came overland to Darwin (Simmering 2000a). One elderly woman told Stella:

Me and my husband, five days to Darwin, we were walking all the way on the beach and King River, we couldn't swim across, we came through... where that creek?... South Alligator, and we swam across, and we came Shady Camp, they used to live there, all the Burarra people.

Another man, aged fifty-six, told Stella how he walked from his Blyth River homeland to Pine Creek with his brother:

[N]o road, no motorcar, no nothing... we didn't have any clothes, only ngarndam (loin cloth), no shirt all the way... At Pine Creek we got the transport half way to Darwin... There at a camp close to Coomalie Creek but further up to Batchelor way my people were camping there, relation mob, three grandfathers... We were there a long time, Berrimah [compound], big billabong, two billabong, still there.

Other stories Stella has recorded come from the pensioner who was institutionalised at the East Arm Leprosarium and Johnny Balaiya, a sixty-four-year-old Burarra man who had been the doyen of the old 'Pipeline Camp' at Palmerston, near Darwin, since being evicted from Lee Point in 1996 (see also Simmering 2000b). He told Stella that he worked as a ticket collector in the Star Cinema in his first years after walking to Darwin as a young man.

In late July, 2001, I visited Johnny Balayia's camp near Palmerston with Bob, Stella Simmering and a White lawyer from the Darwin Community Legal Service. Johnny was concerned that he had been give one month's notice to move from his camp. On this day another Burarra man, Bob Bunba, joined him. Bob had been camping on vacant land around Darwin's northern suburbs for about three years after he and his wife were evicted from their unit in Palmerston. He is Dulcie Malimara's brother. In July 2001 he was living with a group of about ten men and women, mostly from central Arnhem Land, at a camp known as 'Leanyer Lake'. The camp, which was hidden amongst eucalypt trees and cycad palms, had no facilities.

Shortly after we arrived with Bob to visit Johnny Balaiya, an ABC film unit drove into the camp to film a segment showing a census collector gathering information for the national census. As the filming was finishing, Bob spontaneously stood up and began a speech on issues that affected him. There was no alcohol in the camp that afternoon. The television crew listened as Bob began his tirade, but did not film or take notes. However, after they had gone Stella used her video camera to record some of Bob's views.¹ In the following chapters I describe how the actions that Bob Bunba and his wife found intolerable led to an open expression of anger by homeless Burarra people a few weeks later. The following transcript, which is taken from that video recording, suggests some answers to Esman's (1989:223) question, 'What is the threshold beyond which [tactics of everyday resistance] become confrontational...':

Bob (standing): Long as we born in the fire and this ground. I'm telling you, my mother been put me this one (picks up handful of soil). My mother, she was put me in the dirt. I was born in the bushes. We can sleep any way we like. Before Captain Cook, he was around the world.

Johnny (sitting on a tarpaulin): Long time, before the White man come. I was eight years old and I see Captain Cook. I say, 'Who this one?' and we run. This is a big boat ... [Johnny gives his account of the first contact with White people]

Bob (sitting in front of Johnny): How come the City Council they push us - that's wrong. When they see your fire they tip it up water, when we cook something...

Stella (behind camera): And what else they doing?

Bob: They take it out that saucepan. Everyday they come there, everywhere.

Johnny: One day they come here. I said, 'Hey don't do that again. You not from this country here. You're from long way. We're the Black people this country'.

Lawyer: They give you a paper?

Bob: They put my name. And they think I'm going to pay fifty dollars. But no. I can't give fifty dollars from me, no!

Lawyer: How many paper you get?

Bob: I start from Daisy Yarmirr back way [illegal camp]. They gave it to me a lot of paper [infringement notices]. I said this your paper, you watch, I cut 'im off [tearing motion]. I put in fire. They used to come early in the morning. Six o'clock they wake us up, 'Wakey, wakey!' What's that mean, 'Wakey, wakey?' Try tell me...

Lawyer: They come last week?

Bob: Always. How come I carry me gear? Look at that. I was camped at my sister's place in the top and they came and tell me, 'Get your gear and go'. I was carrying all my gear, mattress everything, me and my wife. Why that? All the White people. I try find out that kind.

Lawyer: And they take you to court?

Bob: No I can't go to court. I might put in court. What they doing, to [to] us mob, all Black people. Not you [referring to visitors] but you know? [stands] How come they come and see us they say, 'What you doing here? Get your gear and go'. And we pack up and take another place. And after that they see us and they say, 'Ah, you're here Bob' [points down].

[I say] 'Yeah, but I'm staying here - I might see Legal Aid'.

'No, just go right now.'

Well I carry all the gear, myself and my wife [mimes carrying swag on his back]. Well, I carry, carry all the gear. Come back and get another one [acts out returning for another load]. Come back get another, get 'im, hide it, you know ... Well I carry to another place and they come and see me. Why is that? So I want to make sure what they doing, all the [Darwin] City Council. They want money, or what? I want to try ask you.

Lawyer: Government they make this law. Bad law.

Bob: Bad law? But this our country [stamps on the ground].

Nobody tell us [what to do] like Black people. No! Old man, my old man, he know, he's working for me too [points to me]. Even you, mum [Stella]. No matter where I go, I'm still there. I can sleep in the bushes, my mother in the bush and my father. But White people they get smart. You too smart you mob. every people, my people too and they say, 'Ah, we'll get that mob. How come they get all the bag, all the gear and they take in Berrimah [points towards the police station]? And we come and look, 'Hey where that my gear?' Nothing. And I make fire and sleep with my trousers, no blanket.

Bob then described how he and his wife contacted a White friend he calls his 'boss' who had worked at Maningrida and who helped them get their gear back from the police station. He continued:

Bob: Long as we can stay in the bushes -we a Blackfella, you are white, you are different. But us mob, how they doing like that? And they say, 'Get out! Go somewhere else'. That not right, long as we born in this ground ... All the city council mob, you know, they working, that not their business. We can camp anytime, long as we bush...

Johnny [interrupts]: I'm a black man, I can sleep anywhere. On the grass, that's all right. I don't swearing. I don't kill a man. No, I'm not a killer, no! I'm not a dog. I can sit down - quietly. That's not funny [to Stella]. That's true story what I'm talking. I tell a policeman too when he come here too. I say, 'Hey, that not your fuckin' country' [describes incident with police]. Four times they kick out.ⁱⁱ

Bob: Like, we like stop in the bushes, we don't like to stop in the town. Like when we get a house, all the young boys and young girls, they break everything. I was get three times house in Palmerston, and they [Housing Commission] kick me out, me and my wife, and I said, 'No more'.

In the newsletter *Kujuk* (September 2001:3), published by a small group of Aboriginal and White supporters of fringe dwellers, another camper expresses opposition that appears to be more than simply a reaction to the treatment that the campers receive. Mark Winter Norris is quoted:

This land is for black people. My family was here, [world war one, world war two], my dad, my mum, they was here before too, long time ago. Those are our people, that is, white people they come here, must be gold or something, you know what I mean. This black people area in Darwin before that, not white people, no, no way in the world. This world will be coming, black and white, where they share one another, and the Larrakia people ... Night patrol, they tell us stand up with one leg. We not long bird, Jabiru... They talk, like 'stand up, one leg up', they hate us. They shouldn't be, they shouldn't do like that to black people, this black people area, Darwin.ⁱⁱⁱ



Above: The late George Banbuma from Ramingining (Dulcie's partner in 1997) who fought for the rights of homeless Aboriginal people in Darwin, known as 'long grassers'.

[After Gojok died] Dulcie Malimara, Gojok's niece living at Fish Camp, lodged a complaint against the Minister for Lands, Planning and Environment. Dulcie lodged the complaint as an individual, to satisfy the legislation. As in Gojok's case, the complaint would presumably lapse if Dulcie could not complete the process. The requirement to act as an individual also caused friction in the camp, which Dulcie attributed to 'jealousy'. Dulcie's husband was suspicious of my consultations with her to check drafts and send and deliver mail to and from the ADC. Ongoing domestic arguments worsened when he was photographed in his role as a renowned Aboriginal 'singer man', beside the Darwin Chief Magistrate at a Darwin Festival dinner (*NT News* September 9, 1997). He claimed that his familiarity with the Chief Magistrate was evidence of his greater importance. It appeared that the requirement for individual complaints under the Anti-Discrimination Act had contributed to the increased tension in the fringe camp community, at least between Dulcie and her husband.

On September 3, Dulcie was informed by mail that the complaint of discrimination on the grounds of race, which I had helped her draft, had been accepted. In the letter she was asked 'to read the [draft copy of the complaint] carefully to make sure that it is an accurate account of your allegations', before the ADC delivered the final version to the Minister for Lands, Planning and Environment. Although, unlike Gojok's complaint, I had no appointed status in the procedure, the letter was addressed to my post box and would not have been fully understood by Dulcie without an explanation. In the first six points of her complaint Dulcie alleged:

1. She is a traditional Aboriginal person from Maningrida.
2. She came to Darwin from Maningrida to live at the age of seventeen. Although she returns to Maningrida for family business and traditional ceremonies she regards Darwin as her home;
3. She has four children who were born and reside in Darwin. her grandchildren also live in Darwin;
4. Herself, her family and others had been living at Lee Point for approximately four years until they were evicted from the area in July 1996;

5. They moved to the Kulaluk community until they were asked by members of the community to move to the area known as Fish Camp. As there were no basic amenities such as water or sewage at Fish Camp herself and other campers requested that a town camp be established at Lee Point.
6. As Minister for Lands, Planning and Environment you have refused to consider her needs and those of others because of their race. She believes statements made by you on Northern Territory television reflect your position on this matter. You stated on Channel Eight news on April 24 1997,^{iv} in response to complaints about Fish Camp: 'Their home is in fact at Maningrida as I understand and that is their traditional land'.
7. You also stated on the ABC program 'Stateline' on 23 May 1997:^v

Well could you tell me what we should do? I mean, these people have their own homelands. Ah, we've heard so much over the last two decades that if people are given their land back and they've got full control over their land then they will have self-esteem and be able to accept ah, on behalf of themselves their responsibility. These people have their own homelands. They have never been taken off them in fact, being Arnhemlanders, yet we still have this circumstance where the taxpayer is expected to run after people the moment that they have some demand on the community.

On 19 November 1997 the Minister mailed a ten-point response to the ADC. He stated:

1. I have never met Ms Malimara.
2. I have no knowledge of the matters stated in paragraphs 1 - 5 of your letter of 19 September.
3. Prior to 15 September 1997 I was Minister responsible for the Department of Lands, Planning and Environment and ceased to be responsible for that Department thereafter.
4. I categorically deny that I 'refused to consider [Ms

Malimara's] needs and those of others because of their race' as alleged, or at all.

5. I note that you have me as having made certain statements to the media on 24 April 1997 and 23 May 1997. I cannot recall all that was asked, or said by me in reply, on those occasions and would be grateful if you would provide me with the full tapes of those interviews, which I assume you have, so that I may see the full context in which the statements are alleged to have been made.
6. In any event, I deny that my statements evidence any intention to discriminate, and state that at no time did I intend to discriminate against any person by reason of race.
7. As you know, there are a number of political issues associated with campers at Lee Point, and to my recollection my comments were of a political nature and in response to questions by the media.
8. I know of no application by Ms Malimara or any other person to the Department for permission to camp at Lee Point, and am quite certain that there was no application on foot at the time I was interviewed. Had an application been made, the Department would have processed it in the normal way and I do not expect that I would have had any involvement. I would not have interfered with that process, or given any directions as to an outcome, and certainly would not have sought to have the Department discriminate against any person on the basis of race. I did not have any discussions with any person in the Department about how to respond to an application (if filed), and at no time did I intend to do so.
9. As at 15 September 1997, when I ceased to be Minister responsible for the Department, I do not believe an application had been made by Ms Malimara or anyone else for permission to camp at Lee Point.
10. I cannot comment upon the alleged beliefs of Ms Malimara as to my intentions, or upon her alleged stress, mental anguish, emotional abuse or hardship, except to say that my comments were not intended to cause distress to Ms Malimara.

I trust that the foregoing clarifies the matter and will enable you to determine the complaint.

If this matter is to be taken further, I would be grateful if you would allow me to be represented by the Solicitor for the Northern Territory as I am no longer responsible for the relevant Department, am often interstate on government business and unfamiliar with the details of this matter and the legal issues which may arise under your legislation.^{vi}

Consulting with the people involved, then drafting and typing replies had become a large part of my fieldwork. This attention to Dulcie may have aroused the jealousy of her Djinang husband who often disputed with her as to who was the leader at Fish Camp. The residents advised me to ignore him when he drunkenly demanded I leave the camp in his almost nightly outbursts against me. He usually apologised to me the next day and claimed he had no memory of what was said. However, for a period it made living at Fish Camp unpleasant. My fear was that the aggravation could escalate if the husband's kin from outside the camp took his side. However, despite the verbal abuse from this man, I remained welcome in the camp and the complaint procedure continued. Four years later, Dulcie's husband and I remain on friendly terms.



Above: Dulcie Malimara beside Therese Ritchie's portrait of 'long grass legend' the late Johnny Balaiya. Photo by Bill Day

In a reply to the Minister that I wrote and Dulcie signed, it was pointed out that the Minister had inferred a knowledge of her situation in his public statements and in a letter that stated, ‘you have chosen to live at this location’ (Fish Camp). Dulcie’s reply continued:

Mike Reed replied to an application by Ms Malimara and others: ‘There are a number of areas specifically set aside for town camps in the Darwin and Palmerston region and there are large vacant areas within these sites’ (23/7/97). This reply infers that because Ms Malimara is an Aboriginal person she should move to areas set aside for **Aborigines**. However, she considers these are areas set-aside for other **language groups** and she would not feel comfortable living there.

Ms Malimara has never received a written response from the department of Lands Planning and Environment or any visit from representatives of the department or Minister despite the written requests for a resolution signed by herself and others. The Minister’s public statements suggest that Ms Malimara as an Aboriginal person has a home elsewhere and for that reason her requests would not be considered.^{vii}

The ADC called for copies of correspondence between the Minister and Fish Camp that fortunately I had retained. No legal representation had been forthcoming for the fringe dwellers in their negotiations with the ADC. After satisfying every requirement of the complaint process, by January 1998 the offer was made to settle in a mutually acceptable outcome as is done in the majority of cases, or wait for a *prima facie* decision by the ADC on the evidence before it.^{viii}

Ranged against the resources of the state, it would be difficult for an unrepresented Aboriginal camper to gain the provision of communal living facilities, using an Act that made no allowance for group complaints. As Dulcie’s complaint had now spanned six months and I was about to leave Darwin, I advised her to opt for settlement terms that we sent to the Minister via the ADC. The Minister then agreed, in part, to:

facilitate talks between Ms Malimara and others and relevant Government officials with the aim of resolving the application for a

town camp or appropriate living facilities for Ms Malimara and her group. As you know, I am no longer the Minister for Lands, Planning and Environment. However, I am happy to report the circumstances to the current Minister and urge him to meet with Ms Malimara to explore all possible avenues to resolve the problem of accommodation in Darwin for Ms Malimara and her group.^{ix}

As I describe below, with the continuing help of their White friends, the Fish Camp group, in allegiance with other Burarra fringe dwellers around Darwin, remains hopeful that an area of land will be set aside for community housing for people from central Arnhem Land (see Appendix II).

6.14 The NT Health Department, a TB outbreak and fringe dwellers

There were no more formal protests by the homeless during my fieldwork in Darwin; however, interaction with the Territory Health Services provided both an example of everyday resistance and a demonstration of the practical application of my work. In January 1998, activity between fieldworkers from the Health Services and members of Fish Camp attracted my attention. I learnt from my interlocutors that a man who had lived in the camp for several months had been diagnosed with tuberculosis. At least two other regular Fish Camp visitors amongst the homeless Burarra people of Darwin were being treated for the disease at the Darwin hospital.

Despite the *NT News* (January 14, 1998) front-page headline, ‘Deadly disease tests in Darwin’ followed by the paragraph, ‘Health officials are rounding up hundreds of Darwin itinerants to test them for the killer disease tuberculosis’, there did not seem to be any knowledge of the previous movements of the TB patients or a concerted effort to trace their contacts. My record of residents and visitors to Fish Camp (see Figure 3) was not requested. I was never officially warned that three TB cases were found in the camps, although I had been living at or visiting Fish Camp for over a year.

I joined a bus that came to Fish Camp with a few people from Spot On Marine camp, named after the commercial business nearby (see Map 3). Other buses that were to take all homeless Aboriginal people to the hospital for blood tests and x-rays drove away empty when the campers hid. The

campers did not want to spend hours waiting at the hospital. Tuberculosis patients also have to spend months in the air-conditioned hospital's infectious diseases wards. The disappearance of most people when the buses arrived in the camps can be interpreted as an act of everyday resistance to the procedures within the Health Services.

The TB outbreak caused a belated though temporary public concern for conditions in the fringe camps. However, due to the constant movement between camps, Aboriginal land and institutions such as the prison, there was no effective way to trace contacts. According to the Director of AIMSS, many people brought into the sobering-up shelter 'had symptoms consistent with TB infection' (*NT News* January 14, 1998). Because of the nature of the centre's work, the staff at the shelter said that knew 'where to look for long-grassers'.

The Health Services Disease Control Unit claimed that the mass screening was a precaution after a single recent case of TB amongst the homeless, although they admitted that there were thirty-six cases in the past year, making the Territory rate four times the national rate (*NT News* January 14, 1998). Judging by the prevalence of TB amongst the Burarra, the rate in central Arnhem Land is higher again (see Burns 1995).^x The mobility of the people from central Arnhem Land and the conditions in which they live around Darwin could also be a factor in the spread of the disease.^{xi}

6.15 The struggle continues

In the *NT News* on February 12, 1999, the Anti-Discrimination Commissioner criticised the Mayor of Darwin after he again urged that homeless Aborigines and 'white trash' be driven from the city streets (*NT News* February 11, 1999). The commissioner urged that the mayor use his influence to help set up appropriate accommodation, including serviced camping areas for remote area Aborigines in Darwin (*NT News* February 12, 1999). However, in reply to my letter supporting the statement by the Anti-Discrimination Commissioner (*NT News* April 20, 1999), the mayor claimed that he had received 'no contact from the Anti-Discrimination Commission relating to providing camping areas for remote area Aboriginal Territorians' (*NT News* April 29, 1999). Meanwhile, the Darwin City Council continued to fine homeless 'long grass' people for sleeping in a public place. In a report on the jailing of homeless Aborigines in Darwin

for not paying these fines, the journalist Paul Toohey claimed: ‘But after five years of by-law 103, it is clear the fines neither raise revenue nor deter people from returning to their camps’ (*Australian* April 29, 1999).

The North Australian Aboriginal Legal Aid Service (NAALAS) wrote a letter of support to the commissioner:

I would like to commend you on your swift response to [the mayor’s] recent comments concerning itinerant people in Darwin. Stable and decent housing is a cornerstone of public welfare. Many social problems might be met at minimal public cost if serviced and secure camping areas were available in Darwin.

Your office would be familiar with the case of Ms Dulcie Malimara, who in late 1997 or early 1998 lodged a complaint under the Anti-Discrimination Act, regarding comments [the] Deputy Chief Minister had made regarding itinerant Aboriginal people in Darwin.

Ms Malimara and her fellow residents of ‘Fish Camp’ have just applied for project funding under the Commonwealth Community Housing Scheme ... Ms Malimara’s experiences suggest a case can be made for the proposition that NT housing policy has the practical effect of discriminating against Aboriginal people from remote communities, by failing to provide ‘culturally appropriate housing’ ...^{xii}

The government reply to the application for funding offered some hope in future budgets.^{xiii} Meanwhile World Vision had prepared a detailed four-page report on the situation at Fish Camp (Darby and Wenitong 1998; see Appendix III). A covering letter commented: ‘Our involvement with the Fish Camp Community has shown us the determination of this group of people, as well as the crucial need for adequate housing’.^{xiv} In April the introduction to an ‘update’ on the ‘Fish Camp Housing Project’, issued by the Darwin Area Housing Association (DAHA 1999) stated:

It’s been nearly a year since the people at Fish Camp became members of [DAHA]. In this time we have achieved a submission of an application to the NT Department of Housing and Local

Government for the construction of three houses consisting of four bedrooms each. Much work has been done by DAHA members in the form of background information of members housing history and appropriate housing needs for this particular group of people. We have received many support letters, also kind support from NAALAS, Council for the Aging and World Vision Indigenous Programs'.^{xv}

The same month a NAALAS solicitor wrote to the government, listing twelve possible areas of vacant Crown land in Darwin suitable for the housing project. He explained: 'The project calls for an area of land with a minimum size equivalent to four suburban house blocks, to house a minimum of about 20 people. On 5 April the Project Coordinator and I went with Fish Camp residents to look at possible sites, after identifying them from maps we viewed at Land Information Office'.^{xvi}

Later that year it was announced that the DAHA 'Fish Camp Project', was the national winner of the National Bank's Community Service Award section of the 'National CommunityLink Awards' for non-profit groups (*NT News* October 16, 1999; *Community Link* December 1999, p.31). Although the project no longer had 'Fish Camp' in the title, until August 2001 the corporate community which used to be known as Fish Camp continued to pursue Gojok's dream of home from their other hidden camps and the state house which had been obtained for the pensioners from Fish Camp.

6.16 Another Parliament House protest, August 3rd, 2001

By the year 2000, after continued representations, Dulcie and George and several pensioners from Fish Camp had moved into an NT Housing Commission home in the northern suburbs, while others prefer to camp on vacant land near the airport and visit the house. Although there had been no direct result from Dulcie's complaint to the ADC, her extended family group had used a more reconciliatory approach to gain access to state resources. However, when I returned to Darwin in July 2001, they were under threat of eviction after persistent complaints from neighbours and in September 2001 the group was evicted.

Others I knew at Fish Camp and at Lee Point were camping in thick bush and mangroves between the suburb of Tiwi and the Casuarina Beach

Conservation Reserve, in an area known amongst the campers as 'Daisy Yarmirr back way', after the Aboriginal Hostel nearby. Burarra people were also living on the edge of mangroves behind Alawa sports fields near the NT University. Other predominantly Burarra camps I visited were located near Leanyer Lake, in bush near the suburb of Karama and near Palmerston. I also observed that campers had built shelters in hidden locations near Railway Dam and at Lee Point.

Since my fieldwork between 1996 and 1998, an Aboriginal Night Patrol had been established which had largely substituted for the police in the task of removing intoxicated 'itinerants' to the Coconut Grove sobering up centre. For the campers, the yellow canopies of the night patrol vans distinguished the 'yellow tops' from the police 'blue tops'. Complaints were loud and frequent against the actions of the night patrol uniformed officers when I visited the above camps in July. Homeless Aborigines claimed that the night patrol officers, who were urban and Islander people unrelated to the majority of the campers, were chasing people into the bush, making them stand on one leg to test their sobriety and coercing people into the van 'for no reason'.^{xvii} Particularly the elderly, the lame and women complained that, after being kept for six hours in the sobering up facility, they had to walk back to their camps, where they may find their possessions removed by Darwin City Council or Conservation Commission employees. I observed where city council officers had stapled a notice to a tree informing the owners that their swags, bedding, bags or other gear had been impounded under By Law 100 which prohibits 'stacking and storing goods in a public place'. A survey amongst homeless Aboriginal people in February (AERC 2001) found similar concerns, confirmed in a media release later in 2001:

Jinang mob from Lee Point have also been harassed for living in the longgrass:

We moved here, Lee Point, and the Conservation mob they told us, 'You people not allowed to camp here. Pack your bags and go, it's against the law, go somewhere else.'

They told us, 'we might burn all the tents and clothes for you if you don't go', they said, 'if you mob stay here, you have to pay \$25 each for the fine.'

If we leave this stuff and nobody here, they will come and burn it. When we come back - all ashes. So three or four of us stay here and look after camp.

Night Patrol and police grab people, City Council giving us the fine every minute and stealing our bags and ranger Conservation mob they think they're policeman now. Every time they say go somewhere else they don't give up the reason. They say there's not enough room here at Lee Point, but there's a big mob of room here. They should be shame of themselves when they hear this story, treating us like a dog, making us sleep everywhere...

Longgrass people are going to prison for unpaid fines. If the NT Government is serious about addressing the high rate of imprisonment of Aboriginal people in the NT, longgrass people must be allowed to camp and live in peace. 'The government are only interested in using the homeless people as a political football, and they will continue to do so,' June Mills, spokesperson for the Darwin Longgrass Association said. 'They are not interested in solving the problems.'^{xviii}

On several occasions in mid 2001, Darwin activists had organised protests against the new Public Order and Anti-Social Conduct Act targeting, 'by and large, Aboriginal itinerants' (Howse 2001:15).^{xix} When these activists called for a protest to coincide with the visit of a Senate committee to Darwin, I printed fliers to be distributed in the camps advising that 'Homeless people have rights' and should gather at Parliament House on August 3rd to express their grievances. I received an interested reception everywhere except inside the Bagot Community. As I have suggested, the 'illegal' camps are notable for their politicisation which contrasts with the relative conservatism of housed Aboriginal groups in Darwin. After visiting the camps I was asked by the organisers if any Aboriginal campers would be prepared to address the rally on the day. I replied that almost everyone appeared to want to speak.

The NT University Guild supplied a free bus and driver to collect Aboriginal campers around the northern suburbs. A fund was provided by a community organisation to hire minibus taxis to go Bagot and to suburban

camps at 'Spot On Marine', Palmerston, Knuckeyes Lagoon and Leanyer Lake. I joined the university bus as it drove from camp to camp. Small Aboriginal flags hand-painted by a university activist were handed out and whenever the bus stopped the Aboriginal passengers improvised by attaching the flags to straight sticks which they gathered. No one on the bus except myself showed any nervousness at what might happen that morning. Scott (1990:65) notes the license that is promoted by 'autonomous gatherings' of 'normally disaggregated inferiors', in contrast with the tactical prudence of anonymity in everyday resistance (p.15. See also Scott 1985:xv, 1986:29, 1987:422, 1989:6). The 'exhilaration of declaring in face of power' (Scott 1990:66) was perceptible amongst the crowd on the bus and at the rally.

By 11.30 am the buses had arrived with a representative gathering. About sixty mostly Burarra Aboriginal campers and relatives had gathered in Civic Park ready to march to Parliament House where the protest organisers had assembled with others. No one came on the bus from the Bagot Community and very few housed Aboriginal people attended. Before the campers moved off from the park, I handed out placards which I had painted the day before and explained the plans for the protest, which included street theatre and speakers followed by a march to the Darwin City Council Building. Being a Friday of a pension week, many of the protesters had been drinking, but in my estimation none seemed overly affected. Later ABC radio and *NT News* reports commented that the protesters were rowdy and that some appeared to be drunk (*NT News* August 4, 2001, p.2; ABC Drivetime, August 3, 2001).^{xx}

As we moved towards Parliament House, angry chanting began amongst the 100 people that the media estimated that joined the protest. As the White MC announced the prearranged speeches, emotional Aboriginal participants surged forward and grasped the microphone. The gathering of 'long grassers' that day had been planned by the MC, myself and others who were not homeless, but it was the Aboriginal participants who seized the moment and took possession of the protest from the activists. The invited speakers stood back watching as one after another of the homeless expressed their anger into the microphone. Despite the loss of control by the organisers, many who were there declared it to be 'the best protest in Darwin for years'.^{xxi} The singing of traditional songs by George, in the Djinang language, incited spontaneous Aboriginal dancing by protesters,

surrounded by a thin ring of media representatives. The protesters then moved from outside Parliament House across the park to the Darwin City Council chambers where they noisily occupied the reception area of the council building for another twenty minutes and caused consternation amongst the council staff.

The Aboriginal speakers at the rally were accompanied by loud shouting, chanting and cheering that caused most White media representatives present to later comment that they could not distinguish coherent statements. An Aboriginal community worker who was also present later commented:

I think it was great to give the itinerant people a voice, but I was aware that a number of them were intoxicated. I question the effectiveness of the rally and the methodology behind the itinerant involvement when some of the people were picked up intoxicated by buses sponsored by community agencies. Following are some of my concerns presented primarily in the form of questions:

1. It was very hard to hear what any of the speakers were saying while I was there because of the noise coming from the crowd. It appeared very chaotic and disorganised. Was it meant to be like this?
2. Does not the way the itinerant people were encourage [sic] to participate reinforce the very stereotype that the government is using to justify their draconian measures?
3. Has anyone been working with the itinerant people so they could understand and present their voice clearly and rationally in the debate?
4. Does the way they were encouraged to present themselves help them to present their true feelings and thoughts on government measures and policies?
5. Has there been any ongoing work and support with these people to debrief them from the action they took, build them up as community and keep them strong in the movement? I do not know

who was directly responsible for the itinerants' involvement, but maybe you could pass on my concerns. Thank you.^{xxii}

The apparent uncoordinated nature of the protesters may have been because they had been left without representation, as I claim in Chapter Seven. Instead, Aboriginal homeless people in Darwin have been 'objectified as disordered', like the 'townies' described by Kapferer (1995:70) in his analysis of a town meeting. In contrast to the concerns above, for many observers on August 3 the protesters attempted to transform a negative 'erased identity' into a positive one (see Kapferer 1995:79). Kapferer describes noisy disruption by an Aboriginal woman that 'disconfirm[ed] the validity of those non-Aboriginal values that lay beneath the surface civility' (p.78). In another example of a community 'making their own experiences relevant' by acts of resistance (Vike 1997:213), Vike describes vulgar language, interruptions and the rejection of hegemonic speech styles as 'counter strategies' to institutionalised political discourse (p.210). Similarly, Scott (1985:41) writes of the 'demystifying language of peasants' as a form of resistance.

Always in my experience, similar protests by an apparently disorganised section of the community cause surprise and accusations of outside manipulation. Fringe camps are not obviously 'political' sites. As Scott (1985:297, 1986:28, 1987:423) notes, there has been a 'Leninist' privileging of formal organised protest, typically the preserve of 'middle class intelligentsia' (Scott 1985:xv). Although the camps were without a formal representative organisation, actions like the August 3 protest were facilitated by informal networks similar to those noted by Scott (1989:23, 1990:151) in peasant societies. Amongst fringe dwellers, I have observed the efficiency which kinship and other traditional networks are used to organise for ceremony in the urban situation, sometimes at very short notice (see Section 5.2 and Section 6.10 of this thesis).

As I have discussed, and Scott (1989:6, 1990:151) notes, the lack of a formal organisation may be a tactical advantage in thwarting appropriation of subordinate groups (see also Duncan 1975:59). A Larrakia dissident, June Mills, had founded a 'Longgrass Association' whose banners first appeared at the 2001 National Aborigines Day rally (see Chapter Seven) and had issued media releases. However, as I discuss in Chapter Eight, most support for the Aboriginal campers between 1996 and 2001 came

from White activists.

The above actions appear to be further evidence of how the everyday resistance of fringe camps can be politicised as open protest with intervention by outside activists. Scott (1987:419, 1989:4) suggests that because everyday resistance is not declared openly as ‘politics’ and is not seen as group action, as this is normally understood, it has not been considered as significant. However, ‘insults and slights to human dignity [by practices of the dominant group] in turn foster a hidden transcript of indignation’ (Scott 1990:7). This discourse is elaborated amongst a restricted public and hidden from others (p.14). In some circumstances, as I have related, ‘the entire transcript may be spoken’ (p.30).

Unlike the observer quoted above, others present were able to distinguish some of what was shouted openly at police and officials and into microphones during the protest, as is illustrated in the following anonymous fragments, transcribed from a video soundtrack in the newsletter *Kujuk* (September 2001). In further response to the above questioner, I suggest that the homeless Aborigines appropriated the August 3rd protest *despite* attempts by outsider organisers to direct proceedings in a more controlled manner. Referring to incidents of open resistance, Scott (1989:30) notes that it is ‘unlikely that we can account for the *content* of this action by reference to outside agitators’.^{xxiii} I maintain that the words and actions of the fringe dwellers on August 3, 2001 express the ‘hidden transcripts’ fostered in the camps:

‘Doesn’t matter what colour you are, black or white, we are all one family. Why government is treating us like we are animals? ... We are not animals, we are family. We not animals, not dogs, we not kangaroo, but we are family. See yourself outside, yeah, you are different colour, but we are all the same, you got to see yourself inside, what you got inside for your own self. We all the same, we all one blood. Why you treating us wrong way?’

‘I was going to make a complaint about this mob here, the ‘yellow tops’ [Night Patrol]. Even when you looking around for bumpers, you know, cigarette butts, they’ll just chuck you in the back of the bloody cab and you’re gone now... Why can’t they show some respect and come up and say good evening or good day? Instead

they just pick you up, and I wasn't even bloody drunk. A couple of times they picked me up walking back from the spin dry.'

'That's what we are, we are long grass. That's what I stand for, and it's our land. We were the first people, not you people over there. It was only Black people that was here first. And nobody is gonna kick us out from our long grass. It's our land and it's what we are doing for our futures, to stand up for ourselves and fight for our rights.'

'We had freedom before Cyclone Tracy, We used to have Lameroo Beach, you know we had everything down at Lameroo Beach, the hippy days... freedom. And it's a new century now, and you get this so-called 'wedding cake' [Parliament House] that they've got up here. You call it the wedding cake, there's nobody in there, there's just nothing but disappointment, they can't even understand themselves.'

Police stood by and took no action while the angry protesters occupied buildings and verbally abused them. As the above complaints suggest, the homeless had been taken into custody for much less. The grievances expressed by campers and their preparedness to openly confront the symbols of power, in contrast with other Aboriginal groups, had again suggested the political nature of fringe camps. Their participation with non-Aboriginal activists also suggests that this opposition is not solely within an Aboriginal domain. I discuss these issues in the following chapters.

After I returned to Perth on August 16, 2001, in the more sympathetic environment of a new government, activists organised a successful follow-up action in conjunction with the Longgrass Association, in the form of a 'sleep-out' outside Parliament House. Headed, 'Freedom to Sleep' (Darwin Longgrass Association 2001) their media release stated:

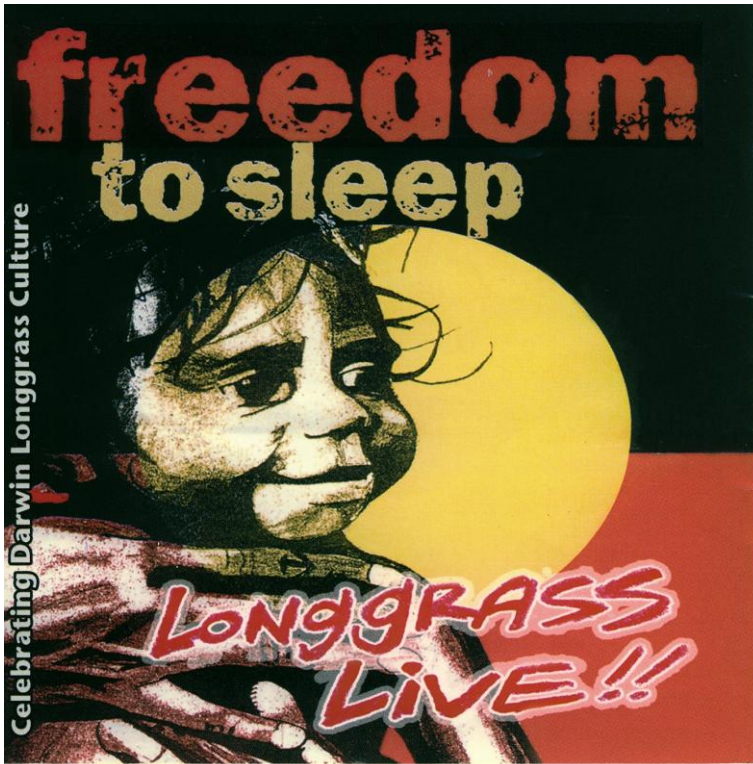
Longgrass people have the right to live in peace

Come along and hear their stories

A camp will be set up at Parliament House, on Sunday October 7 [2001] from 3pm, by longgrass people and their friends, to highlight increasing police and council harassment. Longgrass people are tired of being pushed from camp to camp, being locked

up, fined for sleeping, having their belongings confiscated and burnt by Darwin City Council and going to prison for unpaid fines. The camp has been established to give politicians and the community the chance to talk with people who live in the longgrass, and hear their stories. Longgrass people demand an end to the harassment. Chief Minister Clare Martin and Darwin Lord Mayor George Brown have been invited to come to the camp and talk to people at 9am, Monday October 8.

In the above protests outside Parliament House, the Aboriginal protesters, objectified as 'itinerants', reclaimed both their rights to resist as citizens and their Aboriginality that was denied to them. As such, their actions blurred the boundaries of identity politics and equal rights, of persistence and resistance, and of 'settled' and 'remote' Australia.



Above: CD cover of the album, 'Longgrass Live!!' released in 2001

ⁱ On August 15, 2001, Stella won awards for both the best documentary and the most popular film in the 'Fist full of films' Darwin fringe festival short film competition. Titled 'I'm a Black man', the video (entry #22) included sections of the above video, a protest held on August 3 that year and scenes of Johnny's camp moving to make way for construction works.

ⁱⁱ See Illustration 5; *NT News* June 5, 2001, p.4; *Delirra* August 2001, p.12.

ⁱⁱⁱ The practice of Night Patrol officers demanding that fringe dwellers stand on one leg to test their sobriety was also reported as a complaint by Aboriginal people in the February *Analysis of interviews with itinerants in Darwin* (AERC 2001). The report quotes one man: 'Night Patrol have got an attitude, cheeky feller. They make you stand on one leg, if lose balance, you go in. But I got a gammy knee. I'm not a broлга'. For many of the campers, being forced to stand on one leg offends religious beliefs. Bob is reported in *Kujuk* (September 2001:4):

Eric, he always just comes and wakes us up. And how come he says, 'one leg up', why's that? That's my dreaming. Broлга. I'm saying myself, that's broлга, that's mine. And all the night patrol tell me, 'Hey get up, come on get up,' like that. And I come. That's my broлга, fucking idiots, they can get fucked. That's my dreaming...

^{iv} After the two pensioners had scattered red dust on the steps of Parliament House.

^v During the second Lee Point protest.

^{vi} Letter from Deputy Chief Minister to Anti-Discrimination Commissioner, 19 November 1997.

^{vii} Letter from Dulcie Malimara to Delegate of the Anti-Discrimination Commissioner, 24 November 1997.

^{viii} Letter to Dulcie Malimara from Delegate of the ADC, 8 January 1998.

^{ix} Settlement agreement between Dulcie Malimara and Mike Reed, January 1998. The agreement is a further example of how institutional racism disadvantages Aborigines thorough terms like 'all people', 'equally to all' and 'any person'.

^x This appears to be confirmed by reports that claim that Maningrida has a TB infection rate of 532 in 100,000, five times the national average (*Land Rights News* March 2001, p.9; *West Australian* March 14, 2001). The reports blame overcrowding and an inadequate treatment program for the high incidence of tuberculosis. By September 2001, ATSIC had promised 2.45

million dollars for housing at Maningrida and the local newsletter claimed: 'Some of the Council Members believe that the TB issue given wide coverage by local and national media was influential in getting the ATISC money' ('Housing improvements make a difference', *Manayingkarirra Djurrang* August-September 2001).

^{xi} During my fieldwork there were regular warnings from the Disease Control Unit in the media of the dangers of Ross River Virus in Darwin. Residents were warned to stay inside at night, use insect repellent and avoid mosquito bites. I am not aware of warnings directed to fringe dwellers who sleep under the stars every night with no protection from mosquitoes.

^{xii} Letter from Director/Principal Solicitor, NAALAS to Anti-Discrimination Commissioner, 3 March 1999.

^{xiii} Letter from Housing Client Services - Special Housing Programs, Department of Housing and Local Government to DAHA-Fish Camp Coordinator, February 1999.

^{xiv} Letter from Manager, World Vision Indigenous Programs to Coordinator, Fish Camp Project, DAHA, 3 December 1998.

^{xv} Available at <www.geocities.com/rainforest/canopy/6905>

^{xvi} Letter from Solicitor, NAALAS to Department of Lands, Planning and Environment, 16 April 1999.

^{xvii} Two Burarra men who had lived 'in the longgrass' in Darwin were working for the Aboriginal night patrol in Katherine. In Darwin one of these men accused the night patrol of entering his mother's house and dragging him outside. It appeared that the Darwin night patrol was acting as a defacto police force. In August 2001, the Darwin Community Legal Service expressed concern at the role of the night patrol officers (see supplement to *Kujuk* September 2001).

^{xviii} Darwin Longgrass Association, September 5, 2001. In a leaflet titled 'Us mob Jinang', Stella Simmering (2001) describes a scene at the Lee Point camp:

Tammy and Jedda, twin sisters, are sitting with their Aunty Agnes at a picnic table at Lee Point. Rosemary their other sister is scrubbing clothes under the outside shower at the public toilet block. On the table is a billycan with cold tea, a stereo is playing songs from their peoples' language. Agnes is talking about buying a throw net next pay day, how much it will cost and where she can get it?

On the ground at Tammy's feet are littered the bright orange seed stems from the black acacia seed, some seed, some shell, and bones from a fish collected from the Lee Point area. She is making necklaces. Tammy is

using green fishing line to string a bunch of ten shell and ten seed necklaces together which she hopes to sell for about \$8 each. Rosemary has finished the washing and lays out a couple of bright coloured skirts and tops on the green grass in the hot sun to dry. Rosemary joins us at the table.

^{xix} Protests were held before and after the Act became law on July 4, 2001 (*Green Left Weekly* July 11), including from the public gallery of the NT Legislative Assembly (see Howse 2001:15; Hansard 4 July 2001). According to Howse (2001:16), in defence of the legislation the NT Chief Minister stated on June 5th in the Legislative Assembly:

We are not being paranoid when we say that Territorians are beginning to feel unsafe on their streets. We are not being commercial when we say that tourists - visitors to out [sic] Territory should not be confronted with this behaviour. And are we being racist when we suggest that many of our urban problems might not be there if some of the people went home?

^{xx} The evening news on both local TV stations and ABC online did not mention drunkenness (<http://www.abc.net.au/news/state/nt/metnt-3aug2001-15.htm>).

^{xxi} On August 9, 2001, a community showing of videos made of the protest was held at Railway Dam town camp. The videos were projected onto a screen to an appreciative audience of representatives from camps around Darwin and their supporters. A thirty-minute video of the August 3rd protest, called 'We live in the long grass', was later produced for general release.

^{xxii} Email forwarded to the Democratic Socialist Party, Darwin by the Social Justice and Human Rights Sub-Committee Coordinator, AASW NT, 12 August, 2001.

^{xxiii} Scott (1989:29) suggests that resistance may become a direct and open political challenge if 'the perceived relationship of power shifts in favour of subordinate groups' (see also Colburn 1989:x). Perhaps not coincidentally, in the election held in the Northern Territory two weeks later, a mood for change produced a Labor government for the first time in over twenty years.