

CHAPTER SIX

Fringe dwellers and representatives of the state.

6.1 Introduction

In Chapters Six and Seven I discuss the relevance of my work to the recent anthropological debate between Peter Sutton (1998, 1999b) and Basil Sansom (1998, 1999). Sutton is the anthropologist representing the Larrakia language group in the Kenbi claim to land near Darwin under the *Aboriginal Land Rights (NT) Act, 1976* (Sutton 1995a). In his monograph, *Native title and the descent of rights*, Sutton (1998:103-113) claims that the Larrakia group is an example of a 'post-classical Aboriginal society'. As I have already discussed, Sansom is noted for his processual, or 'fluidist', analysis of Darwin fringe dweller society. I discuss the Sutton-Sansom debate more fully in Chapter Seven. In this chapter and the next I apply events during my fieldwork in Darwin fringe camps to the theories of the two anthropologists.

Both Sutton (1998) and Sansom (1982b:120) describe Aboriginal cultural continuities which are an 'expression of a recreated culture' and an 'emergent culture'(see Sutton 1998:59). Sutton (p.59) describes a 'distinctive form of Aboriginal social organisation ... combining features of both classical Aboriginal and modern European societies, as well as a number of innovations...' Sutton (p.59) states that he does not dispute Sansom's descriptions of an 'Aboriginal commonality' (Sansom 1982b); however, Sutton describes an overarching system 'dominated by classical forms of thought, language, religion and social organisation'. The continuities that

Sutton (1998, 1999b) describes are those more traditionally associated with Aboriginal social structure than the socially negotiated processes Sansom (1980a) describes in the Darwin fringe camps.

In this chapter, an account of the fringe dwellers' actions in the 1990s, in addition to my earlier discussion of resistance at Knuckeyes Lagoon in the 1970s, acts as a corrective to Sansom's thesis that Aboriginal resistance is 'rooted not in rebellion but in the resilience of cultural practice'(Sansom 1988a:152). That is, I expand my argument that a study of fringe dwellers' cultural continuities in a 'segregated social field' is incomplete without examining the political context of their lives. In the next chapter I give examples of how the long-standing understanding between fringe dwellers and the Larrakia owners is now being tested by the resurgent Larrakia, as one of Australia's 'new tribes' as defined by Sutton (1998:105).

In keeping with my multi-sited study, I 'follow the conflict' (see Marcus 1995:110) as the determination of the fringe dwellers at Fish Camp and their allies to find space in Darwin brings them into conflict with the state and with formally incorporated Aboriginal organisations such as land councils. Firstly, I detail the case of three complaints to the NT Anti-Discrimination Commission (ADC) by fringe dwellers against Local and Territory Governments. I describe how media interest gave the fringe dwellers access to government, which had otherwise been refused. The government response then gave impetus to fringe dwellers' claims of discrimination. These complaints eventually led to government consideration of the fringe dwellers' claims, in a process that continues into 2001. The ideology supporting the government insistence that all Territorians are treated equally is also examined.

6.2 Previous contact with government and its agencies

The Tangentyere Council (1984/5:1) reported: 'Historically, Australian towns have been European institutions to which Aborigines were expected to adjust by abandoning their own values'. Although the NT Government (1990:44) claimed it 'adopts a non-discriminatory approach to the allocation of its houses', typically Aboriginal tenants are said to have a 'lack of urban living skills' (NTG 1990:45). Alternatively, Coulehan (1995a:339) notes: 'Lacking a territorial or property base in Darwin, the Yolngu have had to pursue much of their wider group sociality in public places'. Homes get overcrowded and residents evicted (Coulehan 1995a:255). In this regard, the family of the Fish Camp doyen was evicted from her state house years before my fieldwork. 'Dulcie Malimara's story' on the Fish Camp home page on the world wide web emphasises the ways in which Aboriginal people find life in a town camp community more meaningful and familiar than in suburban housing (see Scougall and Osborne 1998:57):

Anyway, we had a Housing Commission house and we was in a house for nearly 19 years. and my people come along making a lot of noise so I get kicked out. But I was in the hospital when my kids got kicked out. My kids was staying in the house. I had injury neck. I had injury leg. My kids was in the house but no one didn't look after them. Somebody came along - I mean my people, eh - came along, and making a lot of noise. My kids got kicked out and I was in the hospital, and when I came out it wasn't there. And that's my big problem.

I didn't want to go back in the Housing Commission. I'm happy staying outside so I can sing, dance, cry - whatever I like. So I'm free enough to stay here. The Housing Commission, it's really hard. You

can't even take your family. It's really hard for us to go back in a Housing Commission, cause I've tried that a lot of times. I told my people not to make noise 'cause that house, it wasn't mine. Neighbours complaining, it was really hard for me and my kids. But I had all my kids in Darwin, and I've been in Darwin when I was 17. Even my brother... and my other brother - he's blind, he can't see - they was walking from Maningrida to Darwin, and we've been staying in Darwin all our lives. And we're still here.

The home page explains how Dulcie was born in Arnhem Land and came to Darwin with her two children after leaving her promised husband. This move is typical of many Arnhem Land women who seek to improve their 'life chances' (Coulehan 1995a:305, 1995b:220). In Darwin with her daughter and son, Dulcie married a White man and bore two more children. While Dulcie was in hospital after her second marriage failed, she was evicted from her state house. Since then she has moved between fulfilling her ceremonial responsibilities at Maningrida and living in various Darwin fringe camps. In the late 1990s, three of her grown children either lived with or regularly visited the campers, while the youngest son uses his musical talents to promote Aboriginal rights and reconciliation (Wild Water 1996).

For Dulcie, the 'lack of urban living skills' translates into prohibitions on traditional activities of dancing, singing, cooking and mourning, which all involve extended family. As Sansom (1982c:8) states, 'the model of the stable household simply does not fit the way in which Aboriginal people in urban settings manage their affairs'. By restricting her guests and asking her people to be quiet because the neighbours might complain, she recognises the cultural restrictions of living on a suburban housing block. Only by compromising her Aboriginal values can Dulcie experience the autonomy

which Coulehan (1995a), Collmann (1979b, 1988) and Burbank (1988) suggest Aboriginal women attempt to achieve by moving to the towns. Coulehan (1995a:33) notes that in the city: 'The State's policies and agencies particularly offer [Yolngu] women and children more autonomy from "patriarchal authority", but largely in exchange for dependence on the State'.¹

6.3 NT Government, Local Government and fringe dwellers

The Northern Territory Chief Minister was criticised for his public statements threatening harsher measures in response to Aboriginal public drinking in Darwin:

I go for a walk every night and I am totally disgusted with what I see and I'm sure other Territorians are too. These people have usually come to Darwin from remote areas. They should go back to their own communities and their own land. They have every right to visit Darwin, but if they do, they have got to behave properly. If they don't they deserve to be monstered and stomped on by the community. This is not a question of racism - it also refers to white itinerants with drinking problems. Enough is enough. They have no right to hijack our lifestyle (*NT News* April 13, 1997; see Illustrations 2.2, 2.3).

In his defence of 'our lifestyle', the Chief Minister appears to privilege the residents of an enclave of settled Australia and confirm the fringe dwellers' perception of their exclusion. The dispossession of Aboriginal people also appears to be defended by calls for them to be 'monstered and stomped on by the community'. The *NT News* (April 15, 1997) editorialised: 'Mr Stone's choice of words was unfortunate. Such comments will do nothing to improve the worsening problem of drunken itinerants'.

Andrew Coward (1997), who was the director of Special Projects in the Chief Minister's Office from 1988 to 1995, claims the Territory is socially divided between 'the non-Aboriginal New Territorians who are the haves and Aboriginal True Territorians who are the have-nots'. In a document he circulated widely in 1997 he wrote:

For New Territorians, urban Territorians, the non-Aboriginal Territorians, self-government has been a dream run. They belong to a group that has among the highest incomes in Australia, the most extensive subsidised housing program in the country, multi-car families, many with boats, paid holiday air fares for some, superannuation and more than adequate services and facilities...

They will in the main deny any overt racist sentiment, and yet they have been defined by shared attitudes that often begin with the shock of the new - the observation of drunken, destitute Aboriginal people, dressed poorly and unwashed who sometimes confront and beg for a dollar, producing natural recoil among New Territorians... The dark side of the mind of many New Territorians; attitudes that help some win elections and some lose. The True Territorians could be excused for thinking themselves victims of the 'external enemy theory'. They are often said to hamper the development ethic, drain resources through their intractable social problems and moreover are likened as rapacious in their continuing demands for Land Rights and Sea Rights (Coward 1997:18-19).

In his conclusion, Coward (1997:27) states emphatically: 'There is a racial divide that is a political divide that divides the Territory into haves-and-have-nots that 20 years of self rule has not bridged'. The unequal contest

between settler and Aborigines in towns is also maintained by what Cowlshaw (1988a:193) refers to as 'institutional racism' that 'in informal ways reflects particular cultural practices and values and disallows others'. The Chief Minister's objections to the behaviour of homeless Aboriginal people excuse the government refusal to recognise the need for culturally appropriate accommodation. According to Edmunds (1995:25), in Tennant Creek the subordination of Aboriginal interests is legitimised by a discourse that excludes Aboriginal people except where they create 'problems' for 'the [White] public':

Underlying the discourse was a system of classifications and oppositions - normal and deviant, acceptable and unacceptable, residential zones and camps, development and backwardness, European and Aboriginal - which acted to reproduce the objective relations of economic and symbolic power (p.25).

Settled Darwin now resembles the urban environment described by Cowlshaw in rural NSW (1988a:104), where 'oppressors and oppressed may never meet each other'. Although the Chief Minister claims he is confronted by drunken Aboriginal 'itinerants' which disgust him when he goes for a walk each evening, they are an anonymous group who appear to be unwelcome intruders into the settler domain of the racially-divided community which he represents.

I argue that, in areas where Aboriginal resistance has been defeated or expropriated in settled Australia, Aborigines who confront walkers in the park are the last line of opposition. They are a persistent irritation to the settlers and a reminder of Aboriginal claims to the land, in a city where there is only marginal Aboriginal political representation.² Public comments by

politicians in Darwin show little recognition of the 'new language, drawing authority now not from just a European-Australian but from a publicly recognised Aboriginal symbolic system', noted by Edmunds (1995:8) in Tennant Creek. Illustrating this conflict with the state, I recount the following case of Bob Bunduwabi, who lived at Fish Camp and Lee Point in 1996.

6.4 Bob Bunduwabi at Lee Point

Bob Bunduwabi began his long involvement with agencies of the state in 1958. It was then that Ingrid Drysdale (1974:120) describes meeting him in Arnhem Land during the early years of the Maningrida government-sponsored Aboriginal settlement:

One day I was stopped ... by a young man who had been hiding behind a clump of pandanus palms. I noticed that he had just enough flesh below one ankle to hold a bandage where one foot had been, and enough on the other to maintain his balance on the blood-covered stumps. Only part of his hands remained, with one or two little inch-long claws in place of the fingers he had lost.

'Sorry, Missus,' he said in apology for having startled me. 'I wanna medicine'.

I told him he could go to our hospital [at Maningrida] if he promised to remain, and to this he readily agreed. We learned that his name was Bundawabui, and until he went to East Arm fourteen months later he was the life and soul of the camp, always singing, playing his didgeridoo or sticks, and generally making everyone feel that it was good to be alive.

After spending the next twenty-four years as a patient in the East Arm Leprosarium, like many other ex-patients, Bob opted to stay in Darwin when the institution closed after medical advances made isolation unnecessary (see Hargrave 1977). As I have mentioned in Chapter Three, I first met him at his hidden beach camp in suburban Coconut Grove. At that time, I contacted a local newspaper in the hope that they might help him in his wish for better facilities. In reply to criticism of the NT Health Department in the article which was published in the *Darwin Star* (November 26, 1982), a spokesperson for the Department replied: 'There is a good chance your health might deteriorate if you were not housed properly, but if you chose to live on the beach, then I do not see why or how the Health Department can be blamed for that' (*Darwin Star* December 3, 1982).

Bob had camped in many Darwin and hinterland locations since 1982. The people at Fish Camp claimed that he had fought for a camping place beside the Stuart Highway at 'the 15 Mile' in the late 1980s. When this area eventually became an official town camp, the land was granted to the Aboriginal Development Foundation (ADF) that built houses on the lease. Eventually, other language groups moved onto the land and, except for one household, the Burarra residents moved out. In 1997, at Fish Camp, Finity told me:

We started off living in bush eh, like this one here [folds in fingers to indicate Bob Bunduwabi]. At Mitchell Creek, where 15 Mile is now, his young brother and old man, that one we lost at Lee Point [Bob Bunduwabi], they fought for that land and they got it. And that's supposed to be for Maningrida mob. Bernie [from ADF] come along and he started building houses, toilet, shower, everything. That place out there was a quiet place away from stupid people. Actually, this

one [repeats gesture to indicate Bob Bunduwabi] was fighting for this land, this one [repeats gesture] and Jimmy North [man still at 15 Mile] ... they [the NT Government] handed it to ADF.

In the early 1990s, until 1996, Bob had lived in various bush and beach camps at Lee Point. The campers lived in corrugated iron structures, tents and under tarpaulins concealed in the bush, close to the road. By crossing the road, they could use the public toilets and showers in the grassed public recreational reserve managed by the NT Conservation Commission. Bob's relatives later told me that the Keep Australia Beautiful Council regularly emptied rubbish bins at the camps and NT Conservation Commission rangers occasionally helped mow the long grass around the shelters in the wet season. Public telephones are two hundred metres from Lee Point, inside a caravan park beside the single bitumen road leading to the Darwin suburb of Casuarina. The nearest shops are four kilometres along this road (see Map 2).

The camps were spread through the bush along Lee Point Road, down to 'Beach Camp', which was variously located on old army concrete slabs beside the beach, shaded by native hibiscus bushes and casuarina trees, or further into the dense coastal monsoon forest thickets. 'Bottom Camp', as the fringe dwellers called it, was directly opposite the new public conveniences and car park. The shacks at Bottom Camp were built on concrete slabs laid on special purpose lease 127 granted in 1967 to the Aborigines Inland Mission for a children's holiday camp and surrendered in 1979. 'Top Camp', as it was known, was fifty metres further up the road on higher gravelly soil amongst thick eucalyptus and pandanus forest. The camps were outside the boundaries of the Darwin City Council.

At a public meeting in May 1997 during a protest at the Lee Point reserve, which I describe in a later chapter, a Gunavidji man and a Nakara woman told of their long association with the area. They remembered hunting and camping at Lee Point with Aboriginal Christian and sporting groups before competing in running, spear throwing and team events. During the more recent occupation of the area, songs were written and dances created to commemorate events that occurred there. Bush foods and seafood were gathered from the area to supplement the diet and when money was scarce. Bush timber for structures and firewood is plentiful and nearby a source of white clay is still mined for ceremonial body-paint by Aboriginal residents of Darwin.

As I have briefly mentioned in Chapter Three, on June 17, 1996, Bob and his Burarra relatives were verbally advised that they were 'unlawfully camping on Crown land' at Lee Point and requested to move.³ The next day they were again advised by department officers to move. On 2 July signs stating 'CROWN LAND - NO LITTERING, NO MOTORBIKES, NO FIRES, NO CAMPING. OFFENDERS LIABLE TO PROSECUTION' were erected at the site and the campers were again requested to move.⁴ On July 4, 'Department officers accompanied by police again visited the area and requested the campers to move by 3.00 pm on 5 July'. The Aboriginal Development Foundation, with responsibility for town camps, was notified and asked to assist find 'appropriate accommodation in Darwin for the evicted campers'. When officers returned on 5 July the campers had moved 'leaving behind an amount of rubbish and mess'.⁵ An officer from the Department of Lands Planning and Environment said there had been complaints about the campers' rubbish (*NT News* July 8, 1996).

Once the Lee Point camp had been closed down, the area cleared and a new camp established on Aboriginal-held land at Fish Camp, the state denied all responsibility for Bob Bunduwabi and the other Burarra campers. The Minister for Lands, Planning and Environment later said: 'Fish Point [sic] isn't on public land... They accepted an offer to go and camp at Fish Point knowing there were no facilities there. I'm sorry, I can't be held responsible for that' (ABCTV Stateline 23 May 1997). The only representatives of government agencies to visit the camp regularly were the Keep Australia Beautiful utility and the Aboriginal health services van.⁶ In my fieldwork experience, on the very rare occasions when police or ambulance were called to Fish Camp, they were unaware of its location.

As I have recounted, I re-established my friendship with Bob at the Fish Camp location, close to where we first met. After some persistence I was able to help him get a wheelchair from an community agency. On pension day, he would order a minibus taxi to take him, and others from the camp, to the Kulaluk office to pick up his cheque. From there the minibus would be told to drive to a service station where an employee friend would cash Bob's cheque without him having to get out of the vehicle. Clutching more than three hundred dollars in cash, Bob would direct the minibus to the supermarket and liquor outlet for a few food items, cigarettes and alcohol, then return to the camp. On the first pension day after this wild trip with about five others in the minibus, I was surprised when Bob handed \$150 to me for safekeeping. The rest of his cash he stuffed into the lining of a cushion that he kept close to his side or under his head.

Over the coming two weeks, until the next pension day, Bob would order his basic needs to be delivered on my next visit, until his money was spent. I kept a record of his 'withdrawals' but he never disputed my tally. As a sign

of trust, he increased the amounts in later weeks. His last 'banker' to hold his cash had been an Aboriginal man who lived in the suburbs and provided transport for fringe campers, as well as acting as marihuana dealer. Bob remained very firm with his cash, apart from giving some to his niece, Dulcie, who did the cooking and bought supplies. Like the other invalid pensioners in the camp he paid his 'board' to Dulcie. I thought perhaps the younger men and women who came to the camp as drinking companions for Bob on pension weeks may have been resentful of me for holding Bob's cash. On one occasion he angrily told two young men to leave the camp, but when I remarked to Bob that he was being too hard on his young relatives, the two men retorted to me that their grandfather had the right to reprimand them and I should not interfere. Otherwise they showed no outward disagreement with my role.

6.5 Bob Bunduwabi's complaint to the Anti-Discrimination Commission

At my suggestion, Bob Bunduwabi lodged a complaint to the NT Anti-Discrimination Commission in September 1996. The complaint was based on statements by the Mayor of Darwin who was quoted saying of Aboriginal 'itinerants': 'I reckon if you keep shifting them around, constantly harass them so they can't settle, they will get sick and tired of it and maybe some will go back to their communities' (*NT News* September 10, 1996). In another media report the mayor said: 'The only real answer is to get the Aboriginals back to their own communities' (*Bulletin* February 27, 1996, p.28). Bob's complaint, written by me on his behalf, claimed that the mayor's statements created 'a climate of persecution against alleged "itinerants" including people like [Bob] who have lived in Darwin for many years'.⁷

To have the complaint accepted was quite an achievement in itself and this aroused media interest (Channel 8 News, October 10, 1996), some of which has been discussed in an earlier chapter. The publicity then incurred the displeasure of the ADC. They objected on the grounds that 'it is very difficult to get Respondents to move positions if there is the glare of publicity and there may be a public perception that a Respondent is acting illegally and/or they have been pressured into changing policy'.⁸ The comment acknowledged that representative bodies like the government and city council are vulnerable to public pressure from the media, which provided a weapon to an otherwise powerless group. In addition, through the media coverage, the workings of the ADC gained some credibility amongst the fringe dwellers. The statutory body remained distant to the campers, other than the impersonal pamphlets explaining the role and processes of the ADC that had been mailed to the complainant, which the campers could not read. However, I recorded a long interview by Nikki Harrison with myself and an officer of the Darwin City Council debating the anti-discrimination case on the local ABC radio ('Drivetime', October 11, 1996). After hearing the interview, the Fish Camp residents asked me for a copy of the tape and played it repeatedly in the camp for weeks.

With the collaboration of the fringe dwellers, the media reports placed the private realm - the living conditions of the fringe dwellers - into the public domain to 'shame' the government. This was more clearly spelt out in later protests. The media also acted as an intermediary between the Aboriginal campers and the government by gaining direct access to government ministers. In gathering their stories, journalists were able to ask government ministers the questions Aborigines wanted to have answered. Previously, fringe dwellers had no opportunity for face-to-face contact with government representatives or politicians. Positive media images and interviews now

categorised the 'itinerants' as 'homeless', giving interlocutors names, voices and histories.

My role in the process is an important issue. As I have implied in my analysis of fringe dweller resistance, probably no formal action would have been made by the fringe dwellers alone without outside assistance. In the original complaint, I tried to express the grievances Bob and others often related to me against the Darwin City Council (DCC) and the NT Government. Once the complaint had been accepted by the ADC, the moral decision I had made early in my fieldwork to be an active witness of the conditions in the camps began to direct the nature of my thesis research. My role as a letter writer and intermediary was particularly time-consuming, but these records became my data. The point is that, as in the 1970s, the fringe dwellers were noticeably willing to participate in acts opposing their marginalisation by government departments and others.

The ADC delegate authorised me to act for the complainant, Bob Bunduwabi, in 'recognition of his impairment and non-English speaking background'.⁹ In that role, I was asked by the ADC delegate to check with Bob the draft letter to the Darwin City Council that the delegate had composed, based on Bob's complaint. I was then to submit a written response 'with any amendments that Mr Bunduwabi wishes to make'.¹⁰ This request formalised my role as an activist working in collaboration with my interlocutors.

On receiving Bob Bunduwabi's approval, the ADC formulated the final version of his complaint of discrimination on the basis of race, impairment and failure to accommodate a special need. The ADC alleged:

1. He is a person of Aboriginal descent, originally from Maningrida but for at least 17 years has been resident in Darwin and feels entitled to have his needs represented by the Darwin City Council regardless of his race.
2. He has suffered from Hansen's Disease and as a result is severely impaired. He was formerly a patient at the East Arm leprosarium until it closed and then camped at Ludmilla Creek, Coconut Grove, Buffalo Creek and Marrara. For the past four years he, with the approval of a person he considers the owner, Mr-----, camped at Lee Point until he and others were evicted by officers of the Department of Lands, Planning and Environment (press cutting attached).
3. He is now a resident of 'Fish Camp' at Kulaluk. The move to Kulaluk has caused him anxiety and humiliation. The enforced move resulted in expense to him and loss and damage to his property. The dust and facilities have caused discomfort and infections. He is dependent on two artificial legs and his relations are either pensioners or unemployed.
4. There are social tensions with the other residents at Kulaluk as those in his group have to cart water through the mangroves from houses at Minmarama village. There is also tension with the other residents of the Kulaluk lease on the basis that they have plans for development which have been affected by the establishment of 'Fish Camp'.

5. The land at Kulaluk is Larrakia land, and he feels uncomfortable being on it. Aborigines have been visiting Darwin since white settlement commenced, and have a traditional right to camp, which has not been respected by the Council.

6. He considers the enforced move to Kulaluk to be discriminatory, and failed to accommodate his special need. The Council has refused to make land available for other town camps until the land at existing Aboriginal leases is fully utilised. This policy has been a consistent one of the Council's as evidenced by the attached letter from the Town Clerk to the House of Representatives Standing Committee on Aboriginal Affairs, dated 25 June 1981.¹¹ It is understood that this is still the Council policy, as evidenced by the statements to the media by Council representatives in February 1996.

6.6 The Lee Point protest, 1996

When Bob Bunduwabi decided, after four and a half months, to return to his old camp at Lee Point in late 1996, he was aware of the probable response by the authorities. He told me he was prepared to die at Lee Point, rather than be shifted again. At the request of the residents of Fish Camp, on November 24, I hired a twin-cab utility that transported Bob, his faithful pet hen, four men, one woman and a child to Lee Point. Once unloaded, the campers strung up a tarpaulin besides the sawn-off stumps of the old shelter at 'Bottom Camp'. The others at Fish Camp, who had been talking about returning to the old camp for months, were eventually deterred by the prospect of a repetition of their July eviction.

Bob was photographed with an expression of grim determination, being pushed on his wheelchair as he led his followers in the return to his old camp at Lee Point (Plate 1; *NT News* November 26, 1996). The campers joked about the large 'No Camping' signs that had been erected at the entrance to their campsite before they were evicted in July. On one sign someone had written with a felt pen, 'except for blacks'. Contradicting that scrawled comment, two non-Aboriginal travellers and their Maori companion were camped in the bush nearby. When the travellers heard the explanation for the protest camp, they accepted Bob as the owner of the land and offered to pay rent to him. For the next month, Bob kept the neighbouring campers to their promise of \$100 per week rental payments.

Bob considered returning to Fish Camp after the first night when we were attacked by swarms of mosquitoes. However, a television crew came to interview him during the day and the Aboriginal journalist asked him the leading question, 'You're not going to move are you?' (*ABC TV News*, November 25, 1996). In what is perhaps an example of the way the media makes its own news, Bob then publicly committed himself to making a stand that he maintained until his death. The next day one of the more aggressive protesters returned to Fish Camp and attempted to force those who stayed behind to move to Lee Point. To make his point, the man had ripped down tents and harassed the remaining people with unfounded assertions that I was coming with a vehicle to take everything to Lee Point.

Meanwhile, the response from the DCC to the ADC letter stated that the mayor's statements were not necessarily Council policy. The reply added: 'Local government is apolitical and allows all elected members the opportunity to express the views of constituents'. The Council reply quoted minutes and decisions including the creation of a network of agencies to

work with itinerants to coordinate the provision of services and facilities for 'the long grass population group' and to facilitate the development of appropriate housing needs of people disadvantaged in the rental housing sector.¹²

If the complaint was to proceed, a reply to the DCC's defence was urgent because Bob was under threat of eviction from Lee Point. I had to leave Bob at Lee Point and return to Perth on the sixth of December. My ticket could not be changed. In a tearful farewell, Bob and the few kin remaining with him vowed they would still be at Lee Point on my return. They did not appear to fear any action the authorities might take. On the same day, the Delegate of the ADC, who was handling the complaint, videotaped scenes at Lee Point and Fish Camp before driving me to the airport. By then, government representatives had asked Bob to move several times, so I felt guilty in leaving him. On 13 December, as requested by the ADC Delegate, from Perth I faxed a reply to the DCC's response that read:

On 8 November Ms Leeder wrote that 'the Council is not involved in the provision of land nor does it presume to comment on how Aboriginal organisations determine the utilisation of land managed by them...' However, [the Community Services Manager] also wrote: 'since the early 1990s Council has encouraged the pursuit of appropriate land in the northern suburbs which could be used for camping by the "long grass" community and visiting Aboriginal people'.

The fact that Mr Bunduwabi lived without the most basic of facilities at Fish Camp should be a concern of the City Council (DCC). It is discriminatory to maintain that the living conditions in Fish Camp are

the responsibility of an Aboriginal organisation. That is, matters of hygiene (infectious diseases, mangy dogs, water supply, sewerage etc) are the concern of the City Council, regardless of race.

Further, decision No 16\5318(13/03/95) states that: 'Council delivers the same municipal services to Town Camp residents on the same basis it does to the rest of the community'. This has not been Mr Bunduwabi's experience (for example the DCC ranger refused to remove mangy dogs from the camp). What other people are expected to live without sufficient available water for washing, within the city boundaries?

If the DCC has encouraged the setting up of more camps in the northern suburbs since the early 1990s, as [the Community Services Manager] says (8 November), there is nothing to show for it. This point seems contradictory to the statement that the DCC is not involved in the provision of land. Decision No 16\5318(13/03/95) states that Council acts as 'an advocate to the NT and Commonwealth Governments in relation to local housing issues', so at the very least the DCC *influences* planning and policy. The Lee Point Camp was established for many years and there appears to have been very little in the way of advocacy on their behalf. There has been even less support at Fish Camp, despite the appalling conditions and dangerous health situation there.

In her response dated 10 December, [the Community Services Manager] denies 'Council's supposed involvement in conditions of camping at both Kululuk [sic] and Lee Point'. I believe it is necessary to look beyond the legalistic reasoning of [the Community Services

Manager], that Council policy is all in the minute book. What is *not* done is just as important as what is *recorded* as done. This surely is the point of a complaint of 'failure to supply a special need'. When Aborigines camp on land controlled by the DCC they are moved on. The camp at Kulaluk is the direct result of these DCC Public Places Program. When they camp in the most shocking conditions without water or any amenities out of the public eye, nobody cares. This shifting of responsibility is a form of discrimination that is little different to the old DCC policy, as listed in the complaint, that Aborigines must 'utilise existing leases'.

In one year the number of infringements issued has almost trebled... The camps exist because of a failure to provide a special need; the pressures on the more established camps comes from the enforcement of DCC programs; the increase in homeless Aborigines living on the Kulaluk lease is because DCC policies and programs are not in force there. From the granting of the lease in 1979 until the beginning of the present Public Places Programs, there was no similar problem with camps on Kulaluk land. In short it is incorrect to say DCC has no involvement in present conditions at Kulaluk and Lee Point.

Whatever the official policy recorded in the minute book, and the informal nature of 'a network of agencies working with itinerants', the DCC policy has clearly been to harass homeless people. The Lord Mayor has taken a prominent role in promoting these policies including a well-publicised election campaign on the issue. There has been no recognition that people like Mr Bunduwabi are not 'itinerants' but identify as citizens of Darwin, entitled to be represented by the DCC, not harassed by them. To attempt to force people like him back

to their place of origin as is suggested by the Mayor is grossly discriminatory.

The usual response to this complaint is to point out that other accommodation is available. However, Mr Bunduwabi needs the support of an extended family and indeed it is his culturally appropriate life-style to live in a communal group. He was institutionalised by the Department of Health for many years and does not want to go back to an institution. He regards Darwin as his home. He says the 15 Mile Camp was built for his people; however, the houses were gradually occupied by other culture/language groups (from Humpty Doo).

Mr Justice Woodward, the Aboriginal Land Rights Commissioner, recognised the special needs of Aborigines camped in Darwin in his 1974 final report. Various Parliamentary inquiries confirm this special need. Both the DCC and NT Government have failed to accommodate this need, with dire continuing consequences for Mr Bunduwabi. This reply attempts to trace the interconnectedness of actions that make it impossible to confine DCC responsibilities to 'Council resolution which is recorded in the minute book and in the Policies and Procedures guide'. The DCC as a responsible body is the sum of the whole: public statements, the Mayor as head, employees like [the Community Services Manager], informal networks and actual on-the-ground actions.¹³

Two days after I left Darwin, NT Government officers again approached Bob and the other campers at Lee Point. According to a later letter:

[An officer of the Department of Lands Planning and Environment], accompanied by an Aboriginal liaison officer and an Aboriginal health worker from the Territory Health Services visited the camp and spoke to Mr Bunduwabi to encourage him to take up an offer of appropriate alternative accommodation in Darwin'.¹⁴

Despite the government opinion expressed in the above letter, that it is unnecessary for notices or other written advice to be served before eviction action occurs, Bob received another visit on 19 December 1996:

a Department officer, accompanied by police visited the camp and delivered a letter to Mr Bunduwabi advising that if he continued to stay at the camp then the Department would ask the Northern Territory Police to ask him to leave the area pursuant to the *Trespass Act*.¹⁵

The letter delivered to Lee Point by hand, dated 19 December 1996 and signed by the Assistant Director of the Department of Lands, Planning and Environment, stated in full:

Dear Mr Bunduwabi

I refer to your conversation of 6 December 1996 with Mr Greg Lambert of this Department and officers from the Territory Health Services regarding your camping at Lee Point.

I am sorry to hear that you did not accept the offer from the Territory Health Services to look at alternative possibilities for accommodation that were not on Crown land. I understand that this was as a result of

advice from Mr Bill Day that the Northern Territory Government has no legal power to ask you to leave the land.

If you persist in this view, this Department will have no alternative but to approach the Northern Territory Police to ask you to leave the area in accordance with their powers under the *Trespass Act* should you continue to remain on the Crown land at Lee Point.

I would therefore hope that you could reconsider the offer made by the Territory Health Services to help you to find suitable accommodation. In order to progress the matter would you please arrange for further contact to be made with Mr [D] of the Department of Lands, Planning and Environment, who has delivered and explained this letter, on telephone [number], and who will assist you in every possible way to resolve the matter.

6.7 Fighting the threat of eviction

A few days before Christmas, Bob and his small group of kin received eighteen days notice to leave Lee Point (*NT News* December 22, 1996). The *NT News* republished the poignant photograph of Bob being carried helplessly from his camp in July 1996 with his stumps of hands and legs exposed, beside a heading, 'Camper plea: Please don't kick me out'. Meanwhile I kept in distant contact with the situation at the camp through faxes and telephone calls between myself in Perth, the ADC in Darwin, the NT media and activist supporters who were in regular contact with Bob at Lee Point. The Minister had been quoted on ABC radio as saying that the campers had been given notice to remove themselves before January 8, 1997.¹⁶ On advice from Bob's supporters, in my role as authorised representative, I urgently faxed an application for an interim order by the

Anti-Discrimination Commissioner to prevent eviction proceeding on the grounds that it would be difficult for the campers to get legal aid or other assistance over the holiday period. In a letter from Perth published in the *NT News* (December 25, 1996), I satirised the single-mindedness of the government minister in pursuing the eviction on Christmas Eve:

‘With the poor and weak and lowly,’ goes the old carol. At Christmas-time even Ebenezer Scrooge might hesitate to evict a severely disabled pensioner like Bob Bunduwabi at Lee Point. Not the hard-hearted Minister for Lands, Planning and Environment. In the season of goodwill the minister has issued an eviction notice to Bob and his followers.

Two of the White activists in Darwin, who were working closely with the campers at Lee Point, also sent a fax to the Commissioner on December 24, which said, in part:

Under section 101 of the Anti-Discrimination Act, we wish to seek interim orders to preserve the status quo pending resolution of the complaint by Bob Bundawabi [sic] before the Commission. We wish to notify your office that in Bill Day’s absence we have been authorised by Bob Bundawabi to make representations on his behalf.

The representations of Bob and his supporters were successful in gaining an interim order from the ADC Commissioner for a stay of eviction until a hearing on January 6 while another complaint, this time against the NT Government, was considered by the Delegate of the ADC. At the January 6 hearing by the ADC Commissioner, an extension of the stay of eviction was ordered until January 17 for the processing of the second complaint from Bob

Bundawabi, which was eventually delivered to the NT Government by the ADC on January 14.¹⁷ Theoretically, this delay also gave Bob time to seek legal advice. Until then it was the interconnected actions of the ADC, the media, the Aboriginal protesters, myself and the activists in Darwin that had prevented the government enforcing their eviction notice.

Despite Bob's failing health after record January rains in Darwin and monsoon gales, the application for an extension to the interim order for maintenance of the status quo was heard at the ADC offices on Friday January 17 (see *NT News* January 17 and 18, 1997). Bob's health had continued to deteriorate and he had been admitted to the Darwin hospital, a multistorey air-conditioned building with the same design as a Canberra hospital. He told his friend and supporter, Caroline, that he felt uncomfortable in the enclosed wards, as many Aboriginal patients do. With Caroline's help he had discharged himself and returned to the camp where he was pictured on television being tended under his tarpaulin by an Aboriginal health worker. The young man said: 'The main contribution to his sickness is basically living conditions. No basic necessities such as water, power, toilets, not even a roof over his head' (ABCTV news, January 17, 1997).

The reasoning behind the determination to evict was presented to the NT Anti-Discrimination Commissioner, Dawn Lawrie, at the hearing on January 17. Firstly, the representative of the Department of Lands, Planning and Environment requested that the department be allowed legal representation. The departmental official claimed to have a solicitor standing by to attend immediately, if allowed.¹⁸ He also noted that the details broadcast on the morning's ABC radio news had indicated a breach of confidentiality in the proceedings. The Commissioner also said she had had phone calls from the

press all morning indicating they were aware the hearing was to be held. She clarified that the reason for closing the hearing was 'to preserve the confidentiality of the complaint process which is still on foot'.¹⁹ However, it could be suggested that the ADC's suppression of media scrutiny was beneficial only to the government.

Caroline, who was now Bob's authorised representative, asked for more time to get legal advice, which she said was not available until January 22. Her appeal to the Commissioner for an extension of the order is an example of how the media mediates between government, Aborigines, activists and others:

On the last hearing, which was 7 January, the Minister ... was on TV news that night. At that stage I believe [the Minister] had not had a copy of the complaint at hand with the ADC. However, in the news items he said that he would be enforcing the Trespass Act at the close of business today. Which to me states that he's not interested in the merits of the case at all, or any of those things. He just wants those [Aboriginal] people out of there. So I imagine that at close of business today the Trespass Act will be enforced as the Minister has said, and that as I've stated at the opening of this hearing, Mr Bunduwabi has just gotten out of hospital this morning. He's only got his brother Jackie looking after him at Lee Point at the moment. Most of the other family has returned to Maningrida for funeral ceremonies, and even though he's left hospital, he's still not in good condition at all. And he refuses to go to Fish Camp and so he's ... what will happen at 5.00 or 4.21 today I don't know. Once again we haven't had advice on the Trespass Act, what that will mean at the end of today. Whether Mr

Bunduwabi - he will be refusing to leave - and what will happen to Mr Bunduwabi at that point I don't know, I haven't got legal advice.²⁰

In response, the departmental officer pointed out that Bob Bunduwabi 'refuses to go to alternative accommodation' and that from the first notice of eviction in December there had been 'adequate time to seek legal advice'. He continued:

Our contention is that we have responsibility to control both access and the management of this land. We have in the past removed this particular person, his family and many others. We wish to continue to be able to manage the land and continue to remove campers including many others. A continuation of this order would authorise a continuing breach of the law rather than maintaining any rights. It would be seen, we believe, by the public as discrimination in favour of a particular person on the grounds of race, and that would present us wider problems within the community with which we would then have to deal. Thank you.²¹

Caroline pleaded: 'I don't think the usual accommodation applied to people with impairment would be appropriate because Bob is not usual, he is Aboriginal and he has lived more or less traditionally all his life'. The Commissioner was also concerned. She asked:

The matter of suitable accommodation which is a very good phrase and something we all believe in but there's nothing been put to me to say that suitable accommodation is immediately available and suitable to whom - is it suitable in Mr Bunduwabi's eyes?

In a further example of institutional racism that enforces a racially particular view on others, the government went on to object to the order of a stay of proceedings against 'Mr Bunduwabi and family'. They claimed, because the complaint was only in the name of an individual, the clause, 'and family', should be struck out of the order.²² The commissioner then asked for a definition of family, to which Caroline replied, 'a lot of them have gone back to Maningrida over the wet. There's usually about, well in the dry season there can be anything from twenty to forty'. The department objected to the order '*in toto*'; however, they accepted five people as a reasonable family size.

After hearing both sides, the Commissioner extended the order until February 11, 1997 to give the department time to reply to Bob's outstanding complaint of discrimination against the NT Government, which was almost the same as that laid against the DCC. Also within that time, Bob was expected to reply to the government response (see Appendix I). Finally, the Delegate would need to make his finding after these designated processes were complete. Making available to the media her judgment for an extension of the interim order for maintenance of the status quo (*NT News* January 18, 1997), the Commissioner commented 'it may serve the best interests of truth, honesty and justice if the order itself without any other embellishment [as above] is made known'.²³

6.8 The reply from Lands, Planning and Environment

Although I am not able in this thesis to discuss fully all the points made in the government reply, the basis of their argument was that: 'The Northern Territory Government provides services to Mr Bunduwabi in the same manner as it would any other person with similar needs'.²⁴ The reply maintained a narrow legalistic view in claiming Section 24 of the Anti-Discrimination Act, 'Failure to accommodate a special need', was irrelevant

because: 'the matter is not one of providing services. Rather it is one of the right of the Northern Territory Government to evict trespasses on Crown Land'.²⁵

As the department argued in the hearing, alternative accommodation was available and 'it was Mr Bunduwabi's personal cultural values that caused him to reject it'. The respondent asked, 'how can he have been denied the single service of camping at Lee Point when such a facility is not available to anyone else?' Furthermore, 'with regard to Lee Point, the NT Government has not conceded that any person has a "right" to camp there and regularly moves on campers, including in the past Mr Bunduwabi'. The department asserted, 'All people, no matter what their background are regularly moved on from Lee Point. Mr Bunduwabi has not been treated singularly in this instance'.²⁶ The letter ended:

Overall, I submit that Mr Bunduwabi has been treated in the same manner as all other itinerant campers at Lee Point. He has not been discriminated against either on the basis of race or disability. There has been no distinction made in his case, nor have there been any restrictions in the area of goods, services and facilities. Indeed, the contrary is true'.²⁷

According to the government spokesperson at the hearing before the ADC commissioner, to allow the Lee Point campers to stay would be seen 'by the public as discrimination in favour of a particular person on the grounds of race'. In this interpretation, the demands of Aboriginal campers are against the interests of a homogeneous group, or at least a majority, described as 'the public' or 'the community'. Presumably 'the public' also includes the tourists who are the other group most affected by camping bans. Yet the protest

indicated that some Aboriginal people who have particular cultural needs and indigenous rights are disadvantaged by the treatment of all people in a supposedly similar fashion.

In an analysis of a similar case, Cowlshaw (1997a:178) states:

These notions of equality, meaning sameness, operate to block any consideration of how difference can be accommodated in a liberal democratic society. That is, both establishment and popular egalitarian discourse silence the kind of dissent that is embedded in cultural differences.²⁸

6.9 How notions of equality discriminate against fringe dwellers

Morris (1997:168) argues that the removal of discriminatory legislation to give Aboriginal Australians citizenship rights has not abolished racism (see also Kapferer 1995). When everyone is theoretically born equal in the secular state, 'the individual is made "the measure of all things"' and birth, class, race, religion or other grouping has no currency (p.168). As the NT Minister for Lands, Planning and Environment was later to say: 'Lee Point is publicly owned land. If you were to go there, dare I say it, as a white person, and camp on public land, you'd be asked to move. Why can't the same laws be applied to Aboriginal people?' (ABCTV news, April 24, 1997). Ironically, unable to achieve the land rights which have caused popular sentiment to claim that Aborigines receive 'special treatment', at Lee Point in 1996/7 the fringe dwellers appealed to recognised universal rights to shelter and water to make their demands, albeit as a group with particular cultural needs.

Merlan (1994:17) discusses 'entitlement' and 'needs', while warning against 'the predictable poles of a policy opposition'. The current concept of 'needs'

is associated with deficiency, whereas 'entitlements', or 'rights', has a stronger association with justice (p.17). Merlan (p.17) concludes:

If present needs derive from abridged rights, that is from previous injustice and dispossession, then any rights-linked conception of justice which formally concedes that abridgement will eventually be bound to do something about it.

However, the above reply from the Department of Lands, Planning and Environment suggests that any move towards a wider interpretation of needs by the government is unlikely in Darwin.

Cowlishaw (1997a:178) shows how racism flourishes as a 'hidden discourse' behind the assertion of equality within institutions that are based on the assumption of 'a cultural homogeneity in the nation'. As Cowlishaw (1997a:180) points out, claims of equal rights can disguise the legitimisation of privilege. In the Lee Point case, the 'commonsense' natural right of 'everybody' as equals in matters of access to land in Darwin disguises the dispossession of Aboriginal people. The overlaying liberal anti-racist discourse that normalises the privileges of the White settlers ensures 'a double victimisation' of the already socially and economically disadvantaged Aboriginal residents of 'settled Australia' (Cowlishaw 1997a:180). That is, Aboriginal communal living and homelessness become signs of 'deviance' that cause 'the Aboriginal problem' in settled Australia (see Morris 1997:172). The government refusal to consider the claims of fringe dwellers, under the guise of equal treatment for all, denies the racial nature of these policies.

My fieldwork suggests that the Lee Point fringe dwellers had been unable to achieve culturally appropriate accommodation through institutions founded

after 1972 to recognise Aboriginal difference, as I discuss in Chapter Seven. In Darwin, these organisations claim a conflict of interest when asked to represent fringe dwellers' claims, or cannot support groups who have no land title. However, Chapter Eight discusses how the fringe dwellers are able to connect with oppositional groups of non-Aborigines in their struggle for the right to live within the town as a group. These allied groups also contest the ideology behind the 'commonsense' definition of equality in citizenship.²⁹

6.10 The death of Bob Bunduwabi

On January 22, five days after the extension of the stay of eviction, and before the ADC could make a decision on his complaint, Bob died after being returned to the Darwin hospital from his camp. He had endured two months of arduous monsoon weather under his inadequate tarpaulin, under the stress of government determination to have him moved from Lee Point over the Christmas-New Year holiday period, which had made coordination of his defence difficult. By this time I was visiting friends in Singapore and Malaysia, but a journalist from the *NT News* notified my contact in Singapore, who passed the sad news on to my Kuala Lumpur hosts. That night, when I visited the annual Hindu festival of Thaipusam at the sacred Batu Caves, I stood amongst worshippers, pilgrims and chanting priests in the huge and crowded Temple Cave as clouds of incense rose to a gap in the high roof above. Through the swirling smoke the moon was visible in the dark sky overhead. Although I was in a distant land, in this intensely spiritual atmosphere, reminiscent of Aboriginal ceremony, my sorrow was eased by a sense of the presence of my friend's indomitable spirit.

In an example of fringe dweller resistance, Bob's family approved the use of his name in the continuing campaign for fringe dwellers' rights. However, after his death, amongst themselves, they use only his subsection category of

'Gojok'. Family amongst the 100 who attended the mortuary rites spoke of Gojok as a 'fighter [who] fought for the rights of Aboriginal people (*NT News* January 24, 1997). In the same article, another of Gojok's family was quoted: 'He was a kind man and fought to have Lee Point available for Aboriginal people, but no one understood what he wanted'. I later commented: 'If ever there was a martyr, it's got to be him' (*NT New* February 11, 1997).

Darwin fringe dwellers from Arnhem Land organised a ceremony at Gojok's camp attended mostly by homeless Aboriginal campers, where his possessions were burnt the day after his death (Plate 2).³⁰ The same *NT News* journalist who notified me of the death later told me that he had received a telephone call from Gojok's relatives, asking the media to hurry out to Lee Point as the ceremony was about to begin. In an interview following the ceremony that was shown on ABCTV News (January 23, 1997), Gojok's nephew said:

He find us a safe place to use the grog away from the town, away from the accident... This man died because he suffered. He suffered by government pushing him away. He's so scared but he's so brave to hold this place, he's so brave.

The ABC's Aboriginal journalist ended the news item with the comment: 'Gojok's brothers say they will continue the fight' (January 23, 1997). In Chapter Eight, I give an account of the later return to Lee Point, and Gojok's brother's involvement. The Aboriginal flag that flew over Fish Camp, where the evicted Lee Point campers had settled, displayed additional evidence of the continuing resistance. When the flag was replaced in mid-1997, a new Aboriginal flag on a bamboo pole became a symbol of the deceased. The people at Fish Camp expressed their grief as the new flag was raised and

again when the flag was replaced in October 1998. In the latter emotional flag-raising ceremony, singers and dancers from several Darwin camps, wailing and painted as mourners, were led by Yolngu men singing Macassan chants as the bamboo pole was fixed in the ground with the flag attached to the top (Plate 14). White supporters were invited to participate and encouraged to make video recordings and take photographs (see *Simmering* 1998).

On my return to Perth, presuming the case would proceed, on February 5, before the deadline, I faxed the ADC a six-page reply to the letter from the Department of Lands, Planning and Environment. In my reply (Appendix 1), I questioned who was advantaged by the department's statement: 'How can [Bob Bunduwabi] have been denied the single service of camping at Lee Point when such a facility is not available to anyone else?' Did the categories 'anyone else', 'any person' and 'all people', referred to in the government response, discriminate against Aborigines? The Anti-Discrimination Act was created to ensure the rights of people who are disadvantaged in comparison to 'anyone else'. If all are treated alike there would be no need for wheelchair access to buildings or interpreter services in courts. And if the group was treated as 'anyone else', how was it that they had been left to live without water or services in the city?

The legalistic defence submitted by the government was a classical example of institutional racism under the guise of equality before the law. Cowlishaw (1988a:193) defines this as 'the informal ways that institutions reflect particular cultural practices and values, and disallow the expression of others'. Confining the case to one of trespass avoided the interconnectedness of government actions. In my reply and in this thesis, by tracing the connections between fringe dwellers and past and present actions I attempt

to place Bob's situation into a wider perspective. However, the ADC did not consider my final replies to the NT Government and the DCC on behalf of the complainant. Following Gojok's death, the delegate for the ADC had decided to end my right to represent the complaint. 'As a matter of courtesy', in letter to me dated 12 February the ADC delegate also explained why he had decided to dismiss the complaint:

On 14 January 1997, I authorised you to act for the deceased complainant (a person who, for reasons of Aboriginal custom, cannot be named) in this matter, under Section 62 of the *Anti-Discrimination Act 1992*.³¹ I authorised you to act for him in view of his non-English speaking background and his impairment. As you are no longer able to receive instructions from him, your authority under Section 62 is hereby revoked.

Given your past involvement and assistance in this matter, as a matter of courtesy I write to you to advise that I have decided to dismiss the complaint of discrimination on the basis of race and impairment.

The complainant was a person suffering from Hansen's disease and had been a camper in the Darwin area for many years. He alleged that he had been granted permission to camp at Lee Point. He claimed that the actions of the NT Government and Darwin City Council, in evicting him and failing to supply essential services, amounted to discrimination on the basis of race and impairment.

The complainant sought permanent access to the land at Lee Point.

The complaint was not brought in a representative capacity, as the Anti-Discrimination Act 1992 does not allow for representative actions. The complainant was therefore, in a legal sense, only acting for himself.

The complainant has now died, and the issue for decision is whether the complaint survives the death of the complainant.

The ADC delegate referred to Stephenson's Case, a decision of the Full Court of the Federal Court that found that a hearing could continue where the correction of discrimination is 'independent of the identity of the particular complainant or her continued life at the time of the determination'. I considered Gojok's case might create a precedent for all Aboriginal homeless people. However, that was not to be so, because the delegate ended his letter by dismissing the complaint under Section 102(a) of the Act as 'frivolous in the sense that it is "manifestly futile"'. The delegate wrote:

I accept that there may be cases where a complaint will survive the death of the complainant. The difficulty that I have is that the complainant's situation in this case was a very unusual one. He had been resident in and around Darwin for many years. He suffered from a serious disease. The remedy he was seeking was access to land.

In all the circumstances, a further consideration of the complaint appears to be futile, as, even if the complaint were to be successful (and there would be considerable practical difficulties, given the absence of any documentation proving, for example, the complainant's occupation of the Lee Point land and the conversations surrounding his being allowed to stay there) I cannot see what

practical order the Anti-Discrimination Commissioner could now make at the conclusion of any Hearing. The objects of the *Anti-Discrimination Act 1992* are not advanced by continuing with proceedings which have their own particular and unusual facts (unlike those in *Stephenson's Case*) and which can only have one outcome.

I am therefore dismissing the complaint under Section 102 (a) of the Act, namely that it is frivolous. It is frivolous in the sense that it is 'manifestly futile'.³²

Bob's campaign was doubly muted by becoming nameless, as is the usual custom amongst Burarra people after death, and by the summary withdrawal of my authority to represent his case. However, when a sincere White female student from the NT University guild reprimanded me for using Bob's name in an article I submitted to the student paper discussing the ADC decision, Dulcie, his niece at Fish Camp, told me emphatically, 'Tell her to speak to me'.³³

By dismissing the complaint, the ADC required the fringe dwellers to begin the lengthy process of a new complaint, with a new complainant. As I stated, 'There is a continuing succession of people willing to come forward as complainants in Mr Bunduwabi's place but to do so would be like presenting them as targets at a shooting gallery to be shot down one by one' (Day 1997c, 1997d). Meanwhile, the health of the fringe dwellers continued to be at risk in the same conditions, under the same regime contested by the deceased.

By his qualification, 'in a legal sense', the Delegate of the ADC appeared to recognise the representative nature of Gojok's complaint. In my final defence

of Gojok's case, I argued that the *Anti-Discrimination Act 1992* is itself discriminatory because it favours a Western individualism. In Aboriginal society centred on kinship, complaints are more likely to be of 'the failure to supply a particular need *as a group*' (Day 1997c). The ADC further disadvantaged Aborigines by giving more value to documented evidence than the oral record. My media release (Day 1997c) also criticised the requirement for documentation for a people already written out of the landscape in settled Darwin. This requirement disadvantaged people whose land use in Darwin has previously largely been orally recorded.³⁴

Within five months, a follow-up complaint to the ADC, on similar grounds to the one I have described, was lodged by Gojok's niece at Fish Camp and accepted by the ADC.³⁵ Activated once more, but again on behalf of an individual, the process continued for almost a year, as related below. Meanwhile there were a series of protests by homeless fringe dwellers in Darwin.

6.11 The combined fringe camp protest at Parliament House

Early in my fieldwork, in 1996, George and Gojok at Fish Camp wanted to introduce me to others who had lived at Lee Point before the July evictions. We hired a vehicle and drove to camping places known as Waratah Oval, Spot On Marine, Nightcliff shops, Seabreeze, Marrara, Free Beach, 'Daisy Yarmirr back way',³⁶ Tiwi shops, Palmerston, Pipeline and the deserted Lee Point. Most of these sites were dominated by Burarra-speakers. Only the Palmerston and Spot On Marine camps with roughly constructed shelters and cooking fires had an appearance of permanency. The people sleeping at the other sites complained of their mattresses and gear being confiscated by council inspectors and regular infringement notices being served, which they ignored.

In late February and early March 1997 we returned to the main camps to gather signatures on a letter I had written to the NT Government and copied, asking for an officially recognised town camp for people from central Arnhem Land to replace the Lee Point site. Very few of the Aboriginal fringe dwellers refused to sign and most were keen for further action. The letters were signed by twelve people from Waratah Oval, seventeen from Fish Camp, ten from 'Daisy Yarmirr back way', twenty from Palmerston and two pensioners living at Knuckeys Lagoon who had also been evicted from Lee Point. Meanwhile, the people at the Knuckeys Lagoon town camp also gathered signatures on a separate petition calling for ownership of the town camp lease that had been set-aside for them in 1979. The Arnhem Land campers' letters stated:

We are people from central Arnhem Land who have lived in Darwin for a long time. For eight months we have been camping under tarpaulins in the bush at [FishCamp/Palmerston/Minmarama/DaisyYarmirrHostel/Palmerston/Waratah Oval]. There is no water supply or sewerage where we are. Men from the NT Government told us to move from our camp in the bush near the Lee Point park last July. Some of us had lived there for at least four years without any trouble.

At Lee Point there were many people from central Arnhem Land who are relations of ours. Those people are now camped all around Darwin [as above]. None of them have houses, toilets or showers. They live under tarpaulins like us.

We are asking your government to make a good place where we can camp where there are toilets, showers and laundry. There is a lot of bushland between Casuarina, Lee Point and Buffalo Creek where we could make a town camp for our people. We would like to have a meeting between the government and our people about this idea.

Having gathered over sixty signatures of 'itinerants', mostly from one language group, and with the support of at least one town camp community, preparations were made for a joint presentation of the letters at Parliament House. This idea also received overwhelming support during my further visits to the camps. Leaders at each site vowed to ensure a strong attendance.

Five Aboriginal members of the Maningrida Progress Association (MPA) were in town to protest at the dismissal of the elected committee at a special general meeting in the township (see Day 1997b). The five men were anxious to direct the fringe campers' protest towards alleged interference in Maningrida affairs by a powerful group of entrenched White employees. However, the fringe dwellers appeared to show little interest in the grievances of their MPA countrymen. Despite carrying a few signs drawing attention to Maningrida politics, the Burarra fringe dwellers made it clear by their chants that they were determined to make a point about specifically Darwin issues.

On March 17, 'minibuses' (taxi-buses) left from the camps, collecting others from Aboriginal-rented homes in the suburbs for the meeting point in Civic Square, Darwin. A White supporter of the five Maningrida council members paid the fares and booked the vehicles, but the leaders at each camp organised the passengers. As I have stated in my discussion on fringe dweller resistance, organised protest needed outside support - my point is

that the fringe dwellers were prepared to confront the authorities in open protest. As we drove into the city centre, the taxi radios assured the Fish Camp group that a respectable crowd were heading into town. Once at the assembly point, a tarpaulin was stretched over a rope strung between two trees to represent the housing of most of the protesters. Television cameras moved amongst the crowd of over sixty Aboriginal protesters as they began a public meeting. Speeches were made in Burarra and in English by Dulcie Malimara, Johnny Balaiya and two other campers before a decision was made to march across to the imposing Parliament House building in Mitchell Street nearby (Plate 8).

While the television report of an 'angry mob' may have been an exaggeration (Channel 8 News, March 17, 1997), when the people found the glass doors locked and guarded they hotly demanded entry to present their signed letters and the Knuckeyes Lagoon petition. In a humorous and spontaneous gesture, protesters pressed the end of their didgeridoo, accompanied by clap sticks and singing, to the intercom beside the locked door. They thus ensured an Aboriginal message penetrated the building. I interpret this action, which was highlighted on all television news bulletins, firstly as symbolic of the failed articulation between homeless Aborigines and the government, secondly of the role of music in articulation between societies and thirdly as confirmation that fringe dweller resistance is also an attempt at engagement, 'reaching across difference', or 'merging'.

After continued shouted demands for entry by the protesters on the steps, the police permitted three Aboriginal representatives to enter Parliament House to deliver the letters and petitions. Although it was said that the relevant minister was in Katherine, all the Aboriginal protesters were convinced that he was hiding in his office behind the locked doors. After the

noisy gathering at the top of the steps of Parliament House, several of the Aboriginal demonstrators were interviewed by Kath McKenzie, the ABC radio journalist for the 'Drivetime' program. Susan asked where the people slept. An anonymous man replied:

Everywhere. In the grass, at the shops, Tiwi shops. When it rains we go and stay at the shops or at the school or in the toilets, public toilets, that's where we stay during the rain. We need a really good, decent house with shower and toilet facilities.

Kath: Some people say only Larrakia people should be staying in Darwin.

Protester: [pause] Ah well, I can't agree with that. I reckon all Aboriginal people we been living in Australia all our lives - we should have a place to live for ourselves like Lee Point or Fish Camp there.

Kath: Lots of white people say why don't you buy a house?

Protester: Housing Commission wouldn't let [us], that's why we stay in the bush, in the scrub.

Despite wide coverage in radio, television and newspaper both in the NT and interstate, there was no noticeable reaction by the government.³⁷

On 21 April 1997 the NT Minister for Aboriginal Development sent an identical reply to each group that had signed the letters. He claimed that people who 'camp illegally' around Darwin already have 'substantial areas in their traditional country'. He also claimed that the Larrakia Native Title Claim restricts the NT Government; however, he offered some hope to applicants for land by 'the established process'. The responses stated in full:

I refer to your recent letter signed by yourself and others regarding provision of additional land and services in the Casuarina Coastal Reserve area for people currently camping illegally in various locales around Darwin and Palmerston.

There are a range of Government assisted, private and commercial accommodation options already available that can be accessed by all people resident in the Darwin area. These include housing managed by the Northern Territory Housing Commission, private rental accommodation, existing caravan and camping parks and hostels including those managed by Aboriginal Hostels Limited. Support, including access to land, has over the years been provided to various organisations in the Darwin area to assist with accommodation for short and medium term visitors to Darwin who have come from outlying areas.

These facilities were also intended to be used as temporary, transitional accommodation for people who intend to stay longer. They were largely intended to provide a stopgap until more permanent housing could be arranged.

Community groups like the Aboriginal Development Foundation have been very successful in providing a basic level of amenity to the residents of their facilities [town camps] and Government has provided land, funding and other support for these services. Unfortunately much of this type of accommodation has become fully utilised by people choosing to remain for the long term.

It is not Government's role to freely provide further land for people who choose to camp illegally around Darwin, particularly given the rights and access most have to substantial areas in their traditional country.

Administration of requests to Government for land for any purpose is the responsibility of the Department of Lands Planning and Environment, and there is an established process in places for consideration of applications. I have forwarded your letter to my colleague the Minister for Lands Planning and Environment for his information.

You should be aware that the area which your letter suggests as being suitable for the establishment of a serviced camping ground is currently the subject of a Native Title Claim lodged by the Larrakia people and, as a consequence, the Northern Territory Government's ability to deal with that land is now somewhat inhibited.

6.12 The return to Parliament House

On 24 April, 1997 two barefooted and shirtless pensioners from Fish Camp with red dust rubbed over their hair and skin, shakily climbed the steps of Parliament House before a cluster of waiting television cameras. Without any apparent fear, the two elderly Burarra men then tipped bags of the rust-coloured Fish Camp soil over the steps and sat cross-legged in the dust holding signs: 'Are we just rubbish?' They explained into the microphones thrust at them that they lived in this same dust at Fish Camp, without water for washing. While parliament continued inside, the two men sat determinedly until the Leader of the Opposition and two Aboriginal members of her shadow cabinet emerged to speak to them. The Labor leader

was seen on television that night saying: 'It's quite a shocking contrast isn't it, these two old gentlemen, obviously in ill health, sitting in front of the splendour of Parliament House' (ABCTV News, April 24, 1997). Showing how the media acts to elicit a response from government, although an unsympathetic one, ABCTV also showed the Minister for Lands, Planning and Environment saying: 'The fact is they've gone to Fish Camp knowing that there were no services available and they were happy with that at the time'.

It was my suggestion that the two men express themselves in this way. I warned them that their protest might result in police action, but this did not deter them. It was not clear if the men were aware of the 'symbolic power' which Kapferer (1995:77) claims was held by a drunken Aboriginal woman at a town meeting in Queensland. At the meeting, her drunkenness was the 'embodiment of the Aboriginal as victim' and confronted Whites with the 'full force of their guilt' (p.77). Although the signs, using a sentiment often expressed in the camp, appeared to conform to this image, there was little indication of it as Tommy spoke enthusiastically into the tape recorder as we made plans at the camp the night before:³⁸

Tommy: I will, I will - I'm coming tomorrow - dirty clothes, no shirt, just like a animal, buffalo or whatever, I just coming tomorrow.

Bill: Because you got no water to wash...

Tommy: I haven't got no water, I haven't got no anything. No toilet, no whatever. But I just coming meeting. I'm gonna say about something.

Bill: What do you reckon about throwing that dust?

Tommy: Yes, I can do. But I gonna throw dust to maybe [inaudible], maybe nothing. That's my problem what I'm gonna say and what I'm

gonna say me... that dust I'm gonna take that dust tomorrow. I'm gonna throw there. And they're gonna tell me, my brother and me - I'm not interested to my brother [the other man] and you [Bill] - only by me I can say that's because I live in the grass and I live, no blanket whatever, and just sleep in the bushes and dust. Dust my friend.

I would not have been surprised if the men had reconsidered the plan as we travelled to the city together by public bus, carrying the bags of red soil. I wondered at their courage as the two men rubbed some of the dusty soil onto their bare upper bodies and grey hair in a park near Parliament House. There was little for me to do but to inform the unsuspecting media of the event. The fact that assistance from outside enabled this protest to take place is not an issue in my argument. The point is, the two fringe dwellers displayed a high degree of political awareness and an unusual lack of 'shame' in their willingness to confront the media, police and politicians at Parliament House. However, I do not believe that their lack of fear could be attributed to the licence that may be promoted in larger gatherings (see Scott 1990:65) like the August 3 protest described below.

In the media stories on two channels and on ABC radio that day the two men were given names, rather than being anonymous 'itinerants'. Brief interviews with Tommy accompanied the three reports. The *NT News* did not cover the event, as the editor told me on the telephone that he was not interested in 'a two-man' protest. Another journalist who wrote for a national newspaper told me the action by the Fish Camp men was a 'parochial' story only. These journalists' attitudes were interesting, in that meaningful Aboriginal protest is seen to come from either large organisations or large groups of demonstrators. Individual or minor acts of resistance by the powerless can

easily be missed, which is a point I have attempted to make in this thesis. That is, everyday acts of resistance, and sometimes more 'transitive' actions may be viewed as 'anti-social' or 'criminal' by the public or the media, but are rarely recognised as resistance.

6.13 Another Anti-Discrimination Commission complaint

When no changes were forthcoming, 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 renown 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 1997,³⁹ 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 1997:⁴⁰

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.⁴¹

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.

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 suggests that Ms Malimara as an Aboriginal person has a home elsewhere and for that reason her requests would not be considered.⁴²

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.⁴³

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.⁴⁴

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).⁴⁵ 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.⁴⁶

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'...⁴⁷

The government reply to the application for funding offered some hope in future budgets.⁴⁸ 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'.⁴⁹ 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'.⁵⁰

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'.⁵¹

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'.⁵² 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.'⁵³

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).⁵⁴ 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).⁵⁵

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'.⁵⁶ 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, causing 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.⁵⁷

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'.⁵⁸ 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 '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. In the following chapter, I examine the relationship between the fringe dwellers and other Aboriginal groups in Darwin that blur the distinctions between 'historical' and 'traditional' people. In particular, I examine the relationship between fringe dwellers and the Larrakia traditional owners in the context of Sutton's (1995a, 1998) descriptions of the Larrakia as one of Australia's 'new tribes'.

¹ Collmann (1988:125) claims women 'are structurally placed to construct a more perfect fringe-dweller identity and existence than men'.

² The Northern Land Council (NLC) remains the most powerful representative of Aboriginal interests in the NT. However, the same Chief Minister described the chairman of the NLC as a 'whingeing, whining, carping black' (see Trigger 1998b). The *NT News* (April 15, 1997) commented: 'It could be argued that Mr Stone should be trying to resolve this difficult issue and ignore the vote-catching rhetoric'. Drastic changes to the role and structure of the NLC have been recommended by the Reeves Inquiry set up by the NT Government (see Altman et al 1999).

³ This point was made in a letter from the Department of Lands Planning and Environment to the Anti-Discrimination Commission (ADC), 17 January 1997. See also *NT News* July 8, 1996.

⁴ Letter from the Department of Lands Planning and Environment to ADC, 17 January 1997.

⁵ Letter from the Department of Lands Planning and Environment to ADC, 17 January 1997.

⁶ The Aboriginal Medical Service in Darwin, known as Danila Dilba, provided an invaluable outreach service to the camps during my fieldwork; however, their efforts were the exception.

⁷ Letter from W B Day to Delegate of ADC, 21 November 1996.

⁸ Letter to Bill Day from the Delegate, NT Anti-Discrimination Commission, 10 October 1996.

⁹ Draft letter to Darwin City Council from delegate of the ADC, 3 October 1996 (copy to Bill Day).

¹⁰ Letter from Delegate of ADC to Bill Day, 3 October 1996.

¹¹ The letter stated the Darwin City Council's opposition to more town camps until existing Aboriginal special purpose leases are fully utilised. I argue that it appears discriminatory to presume that all Aboriginal people should be accommodated on leases granted for the use of particular groups.

¹² Letter from the Community Services Manager, DCC to ADC, 8 November, 1996.

¹³ W B Day, reply to the Delegate, 13 December 1996.

¹⁴ Letter from A/Secretary, Department of Lands, Planning and Environment to ADC, 17 January, 1997.

¹⁵ Letter from A/Secretary, Department of Lands, Planning and Environment to ADC, 17 January, 1997.

¹⁶ Letter from Bill Day to Dawn Lawrie, NT Anti-Discrimination Commissioner, 23 December, 1996.

¹⁷ Letter from the Delegate, ADC (re: 'Complaint of discrimination on the basis of race, impairment and failure to accommodate a special need') to Acting Secretary, Department of Lands Planning and Environment, 14 January 1997.

¹⁸ Transcript of hearing for extension of interim order. ADC 17 January 1997.

¹⁹ as above

²⁰ as above.

²¹ as above.

²² as above.

²² as above.

²³ as above.

²⁴ Reply to the Delegate of the ADC from A/Secretary, Department of Lands, Planning and Environment, 17 January 1997.

²⁵ Section 24 states in part:

2(a) a failure or refusal to accommodate a special need of another person includes making inadequate or inappropriate provision to accommodate the special need; and

(b) a failure to accommodate a special need takes place when a person acts in a way which unreasonably fails to provide for the special need of another person if that other person has the special need because of an attribute.

²⁶ Reply to the Delegate of the ADC from A/Secretary, Department of Lands, Planning and Environment, 17 January 1997.

²⁷ Reply to the Delegate of the ADC from A/Secretary, Department of Lands, Planning and Environment, 17 January 1997.

²⁸ For an account of the 'Rights for whites' or 'Equal rights for Territorians' campaign in Katherine based on the belief that there should be 'one law for all', see Merlan (1995b:70-76, 1998:177-8).

²⁹ Trigger (1998a:164) questions whether difference is to be nurtured or subordinated by the ideological construction of 'a good citizen'. He notes that in the Gulf country, Aborigines contest the view of natural resource development as a civic duty. Importantly for this thesis, Trigger (1998a) fails to adequately consider that the benefits of economic development are also questioned by many non-Aboriginal Australians.

³⁰ When relatives in the camps had been visited to be ritually informed of the death, bearers of the news approached in a crocodile dance, representing the deceased's totem. The next morning, minibus taxis were ordered relatives of the deceased, to bring mourners from camps around Darwin to Lee Point. As well as an expression of grief and respect, the ritual burning of the deceased's sweat-impregnated possessions protects the living from any sorcery associated with the death (see also Hiatt and Hiatt 1966:3; Berndt and Berndt 1992:458; Sansom 1995:290). In this case, the ritual at Lee Point was followed by a cleansing of Gojok's close associates with water and smoke, to the accompaniment of the deceased's totemic songs, in an elaborate ceremony at Fish Camp six months later (see Plate 13).

³¹ The Delegate of the ADC first authorised me to act for the deceased in the complaint against the DCC on 3 October 1996.

³² Letter from the Delegate, Anti-Discrimination Commission to Bill Day, 12 February 1997.

³³ 'You can't use his name. I shouldn't even be seeing this,' the student told me indignantly.

³⁴ For example, very few Larrakia place names in Darwin are recorded on maps.

³⁵ Letter from Conciliator for the Delegate of the ADC to Dulcie Malimara. 3 September 1997.

³⁶ Park land behind the Daisy Yarmirr Aboriginal hostel in the northern suburbs.

³⁷ ABC 8DDD Drivetime, March 17, 1997; *NT News* March 18, 1997; *Land Rights News* June 1997; Radio National Breakfast, March 18, 1997. A video compiled by me, of television news coverage of all the protests (Day 1997f) was widely circulated at Maningrida and elsewhere. I was told that at a public meeting in Maningrida in November 1999, a speaker announced: 'We have to fight for our independence like the Fish Camp people did in Darwin [in 1997]'.

³⁸ The two older men may have had memories of an older moral economy that Vike (1997:196) believes motivated resistance in a Norwegian town. Scott (1985:318) claims that subordinates' everyday resistance is backward looking in defending their interpretation of an earlier dominant ideology. This may be as in 'colonial' Darwin, when Aborigines and administrators had a more personal relationship, or before settlement when Aboriginal people were in sole possession of their land.

³⁹ After the two pensioners had scattered red dust on the steps of Parliament House.

⁴⁰ During the second Lee Point protest.

⁴¹ Letter from Deputy Chief Minister to Anti-Discrimination Commissioner, 19 November 1997.

⁴² Letter from Dulcie Malimara to Delegate of the Anti-Discrimination Commissioner, 24 November 1997.

⁴³ Letter to Dulcie Malimara from Delegate of the ADC, 8 January 1998.

⁴⁴ 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'.

⁴⁵ 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 ATSIC money' ('Housing improvements make a difference', *Manayingkarirra Djurrang* August-September 2001).

⁴⁶ 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.

⁴⁷ Letter from Director/Principal Solicitor, NAALAS to Anti-Discrimination Commissioner, 3 March 1999.

⁴⁸ Letter from Housing Client Services - Special Housing Programs, Department of Housing and Local Government to DAHA-Fish Camp Coordinator, February 1999.

⁴⁹ Letter from Manager, World Vision Indigenous Programs to Coordinator, Fish Camp Project, DAHA, 3 December 1998.

⁵⁰ Available at <www.geocities.com/rainforest/canopy/6905>

⁵¹ Letter from Solicitor, NAALAS to Department of Lands, Planning and Environment, 16 April 1999.

⁵² 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).

⁵³ 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.

⁵⁴ 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 our 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?

⁵⁵ 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>).

⁵⁶ 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.

⁵⁷ Email forwarded to the Democratic Socialist Party, Darwin by the Social Justice and Human Rights Sub-Committee Coordinator, AASW NT, 12 August, 2001.

⁵⁸ 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.