

**Walking Between Worlds**

**A Tribute to Lewis William Griffiths (23 November 1957- 5 February 2013)**



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## Preface

I first started writing about my, and everybody's, best friend, Lew Griffiths, when I heard the shocking news of his death. I attended the Canberra memorial service for him and heard Noel Pearson's moving tribute to his adopted brother. It made me pause for thought. The Yolngu people allow time to pass before the best reflections can be made. In keeping with Noel's pledge to support Lew's young sons, I wanted to write something that Lew's family, particularly the boys, could read one day that would give a small indication of his journey and his sometimes hidden achievements.

Lew was a very great, often unacknowledged, man. It was his business to be invisible. But it is important that his role is now acknowledged widely. As I was initially writing I could hear Lew saying "Don't just fire something off Bots". Lew would want some deep reflections about the journey and the trail and the path ahead and that is what I have tried to do here.

Lew and I often reflected on the telephone late at night. We were outside balanda, wybella and yet probably as close as you can get to being inside among several Indigenous communities and leaders. It was a privilege but also a massive challenge. Just comprehending the distances between cultures, earning enough money to pay the bills and do the work was invariably a topic of our conversations. I know many mainstream people came to view us as trouble – because when they saw either of us they knew they would be asked for something that was difficult. Yet the journey outweighed the penalties and sensible thoughts of careers and respectable occupations.

Lew did far more than I and over a longer time frame. I came to admire his commitment. The photograph on the title page was a classic. I love it because it has my mountain Mr Peter Botte (Ngalbabulal) somewhere lost in the distance. We had just finished filming an introduction to a Cape York seminar and that phone rang for the hundredth time. It was on the board walk at Cairns, a place that became his second home.

Lew had the world on his telephone. In between driving long distances, filming, negotiating, developing, thinking, eating, sleeping and loving his family and friends – there was always that telephone number - 0418-261-033 - whoever inherits it will find they have Australia, from the Prime Minister, the leader of the Opposition, Ministerial Chiefs of Staff, news editors and the local building contractor calling them day in and day out to plan, ask, ponder, dream, organise, build, strategise, shoot the breeze. Lewie, I wish I could call you now and talk to you about all that has been and all that is to occur<sup>1</sup>. Travel on to Baralku safely old son, we'll have a camp fire there some day!

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<sup>1</sup> Special thanks to Joscelyn Parker who originally gave me some peace and quiet and sustenance at her beautiful shed to write the initial draft of this piece.

## I

Lew Griffiths knew everybody, fixed everything, lived life big, carried many people with him, saw bold visions and served others faithfully, dutifully. invisibly.

In our world, people of the media who bring us the words and images and sounds are very important. But the media has also lost the respect of many people. The feeling is that there is so much in our world that is just words and images and no substance. So the initial snippet in **The Australian** which gave Lew Griffiths the epithet, *camera-man*, while accurate, does not do justice to Lew.<sup>2</sup>

Lew could have had a big career in the world of words and images if he had wanted to, instead he went freelance because I think the old men of Cape York and two young men Noel and Gerhardt Pearson got to him. He had grown up in Wilcannia and Aboriginal people were as much his family as his own brothers and sisters.

When he went to Cairns to cover the story of the fledgling Cape York Land Council standing in the way of Joh's then Space Station, he jumped ship and instead of covering the story, he worked with Noel and Gerhardt and the elders and managed their campaigns. Legend has it that he even bought suits for the party when they came down South for the press conferences. As Noel said at his memorial Lew was always there to pick you up at the airport, for a conference or a press event.

Lew continued on this path for twenty plus years. At one stage the mortgage on his house had been used to finance Cape York Indigenous campaigns. Most sensible people would have called him crazy. At times in our late night and long phone discussions he talked about how hard it sometimes was. Yet if Lew had stayed with the comfortable career path he could have had, he would not have really shown us and himself, all his skills and abilities. He would not have forged a place in Australian history. He would not be someone who his sons can now look to, and say, my Dad was a very great man.

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<sup>2</sup> See The Australian 7/2/2013 <http://justgroundsonline.com/forum/topics/rip-lew-griffiths>

## II

Lew was the consummate maker of images but he made so much more than images. He was in the business of helping create dreams, buildings, empires.<sup>3</sup>

Lew walked between worlds. David Unaipon once wrote that a friend in Aboriginal Australia is someone who leaves a trail. Lew's trail will be better recognised in twenty years time, when there is some perspective on all that has transpired in our time. Making sense of it today is harder. There are many people now starting the trail that weaves between Aboriginal and mainstream Australia but in so many ways Lew cut a way through places that no-one even knew existed. Lew's trail did not just weave through the world of Aboriginal and mainstream, it cut through the unforgiving 24 hour a day, 7 days a week, national media circus. He forged a rough old cow track through local, State and Federal politics. He laid an old dirt road and walked it with public and private sector autocrats, bureaucrats, kings and bums alike.

Lew had this way with people. Whether it was a local builder, a Deemal or a Pearson, an old man or woman or a young man or woman, a motor mechanic or a film director, Lew just got on and got things done. Whether it was lending you his car, riding ahead in the Land Cruiser to set up camp for everybody else or building a house or a kitchen or a verandah without any plans, or picking someone up at the airport, Lew just got to it. He was always generous with food, vehicles, accommodation and knowledge. I remember the passionate Lord Andrew Mawson<sup>4</sup>, who had done a lot of things in the East End of London, recognising Lew as the ultimate go-to-guy. I think Andrew would have liked to poach Lew for his own projects in London. Lew sure was a go-to guy. Nothing was too big, nothing was too much trouble, nothing was impossible, there was no such thing as a bridge too far.

It will take us all a long time, even those of us who knew and loved him, to really appreciate Lew Griffiths legacy. When we look back and see the things that Lew was a part of, it is simply amazing and probably beyond any kind of brief discursive recounting. When we think of all his qualities, capacity and capabilities and when we think of his genuine-ness, his loyalty and his generosity then it just hurts so much to have lost him. In Canberra I was struck by just how many people were etched on to Lew's trail and in Cairns probably even more so.

Lew left a trail for us to follow. Just yesterday, last week, last month, last year he was still walking the trail, thinking of the next twists and turns, seeing the new valleys and mountains to climb ahead. Above all he wants us to see these things in our own lives. He wants us to carry on the work and to be as fearless and as generous and as caring as he was.

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<sup>3</sup> For more on Lew see <http://www.theaustralian.com.au/national-affairs/indigenous/cameraman-a-loyal-fighter-for-cape-york/story-fn9hm1pm-1226572147219>, <http://jimibostock.com/?p=611>. Michael Gordon, <http://www.theage.com.au/national/brother-shared-his-dream-pearson-20130222-2ex2g.html>, Alan Tudge, <http://www.alantudge.com.au/Media/Speeches/tabid/72/articleType/ArticleView/articleId/578/language/en-US/Aboriginal-and-Torres-Strait-Islander-Peoples-Recognition-Bill-2012.aspx>,

<sup>4</sup> For the collaboration with Lord Mawson see <http://www.workingpapers.com.au/papers/next-era-social-enterprise>

### III

In his personal life Lew loved a few things very profoundly. He loved his mother and family. He loved looking after them and caring for them. He loved being the man of the house and taking up the mantle of his Dad and he loved being a kind of extended family patriarch for his cousins and aunts and uncles. Lew was so proud to do this and he would move heaven and earth for his family.

Lew loved Louise and the boys. I remember the way he talked about Louise when that relationship was still young. I think he was amazed about a couple of things. He was amazed that he could finally and unequivocally just settle down and be totally contented in a relationship. He said to me once 'you and I have had many lives' and with Louise I think they all came together for Lew. I remember he was flattered and tickled pink and a bit shocked that Louise would settle down with him. The joy of the boys is something that Lew just wore like a big smile, 24 hours a day, 7 days a week. We know he bought the farm near Canberra, renovated it, resurveyed it, added on to it, knocked it down, built it up, extended it, added the place next door to it, and moved earth, gravel, re-routed streams and waterways, created underground cellars and studios. He wanted a heaven on earth and to make it a kind of extended mansion for himself and the family.

Many of his friends will recall how Lew would always have some story of how he had been at the tip and just happened to find some incredible piece of infrastructure or masonry or machinery that he massaged into a new major project that would have been enough for most normal people in the course of a normal life time. There would be several of these on hand and I half expected to find an excavator or a crane or a bulldozer that Lew had bought at an auction parked in the driveway every time I visited. I greatly admired this quality about Lew.

Lew also loved Noel and Gerhardt. He would do anything for them. He was as loyal and generous a friend as you could ever be. I think that relationship was more than a political partnership for Lew it was a model of how he wanted the rest of us to get on. Some sort of big extended kinship group whose families became inter-woven. He loved Noel and Gerhardt's kids and family and half a dozen other Cape York families as much as he loved his own.

Lew's other love were his crews. You would never know where or when Lew would jump down a rabbit hole and you never knew where he would come up or who he would come up with. No matter where, no matter who, his film crews always worked together as if they were his family, and I know they often were his family, but his working relationships on difficult projects were only rarely difficult. If there were difficulties it was because Lew wanted to do things at a very high level with no expense spared. He had this insatiable thirst for doing things at a very high level of quality and it was this sort of quest that sometimes just exhausted him and sometimes alienated the budget holders.

## IV

There is a curse of walking between worlds. It can often be a very lonely walk. Even with the people you love, even with your closest friends and comrades, even those with whom you have the best working relationships, they cannot walk in your shoes. Maybe one day the bama and Yolngu and yawuru and yindibarndi and nyamal and balanda/wypella worlds will be more closely intertwined and interchangeable. But when you become immersed in just one of these worlds it's hard to explain things to those who live in other worlds. I think there are a series of radical disjunctures at times. There are certain things like "thank you" for example which don't translate. In the kinship/family world thank you is automatically assumed because you are family and that just goes without saying. If you have to say it then maybe there is something wrong. But these radical disjunctures need to be bridged and overcome and just plain understood. That takes time and experience. There are lots of them. People are now writing theses about these cultural disjunctures.

In a way Lew was way ahead of his time. He was about making that day come forward when we would all understand each other better. But today, at this time, if your world is the Aboriginal world – then it's hard to appreciate the duties and norms of the mainstream world. If you live in the mainstream world, even if you have the best intentions, it takes a very long time to understand the most basic journey that most Aboriginal families and individuals have been on in our lifetimes, let alone the journeys of elders, grandfathers and beyond. The duties of the traditional man and woman are only now just being understood. They are every bit as rigorous as the most rigorous of jobs and responsibilities in the mainstream European world. To be able to see those pathways and lifetimes gives you a great responsibility. You simply must do your best to help your fellow neighbours, family, fellow Australians understand more. It can easily take over all your conscious thoughts.

Then there are the sins of your forefathers and the country as a whole which always impels you to make great sacrifices and go that bit harder and longer.

Lew grew up with Aboriginal kids, from an early age he had a special affinity and love for them. He just embraced them. There were very few waking moments when Lew was not obsessed with what we might call the quest of Aboriginal sovereignty in this country but is probably better described as bringing worlds into a better alignment. Paul Kelly speaking at Dr. Yunupingu's funeral said the great man had tried to bring things into balance. That's a very good way of putting it.<sup>5</sup>

This cause was and is still so big that it even knocked Lew around. There are so many casualties in this struggle. In the Aboriginal world there are hundreds of modern day warriors who have died for the cause. I think of Rob Riley who played such an important role in the Native Title Act deliberations and could not reconcile his spiritual and political obligations. Over the course of our lifetimes there have been thousands of men and women like Rob and since the first incursions on Aboriginal land at Sydney Cove there have been tens of thousands. Paul Briggs put it in my mind that in a place like Shepparton negotiating the European world is still a 24 hour a day, 7 day a week challenge and the tendency to let it get you down can be strong.

I want to beg the indulgence of my Indigenous friends and family and just make this point who as Paul suggests have their own profound tribulations and say, one of the most dangerous places you can be is between worlds. Lew walked that walk between worlds for decades, and he invariably collected a few spear wounds, nightmares and impossible missions.

There is also something about politics and the 24 hour a day news cycle. When you are a foot soldier and you know there is something big to achieve, when so many lives are at stake, you know there have to be sacrifices in the struggle. You know there have to be casualties and you know the risks.

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<sup>5</sup> Paul Kelly, Memorial to Dr. Yunupingu, Gulkula, 30/6/2013

You know sometimes things have to get worse before they can get better. Leaders have to walk on your shoulders, Aboriginal and non-Aboriginal people alike. You sacrifice yourself, your family time, your health and your own happiness for the greater cause. You motor over ignorance. You pull things together that no-one can even recognise let alone appreciate. You find yourself in places and in situations that only you will ever appreciate and when you try to explain to others it either just doesn't work or it sounds wrong or it is not appreciated. And you take on these extraordinary tensions because your flesh and blood, the very sinews of your body are inter-twined with elders a great man or woman leader like Noel or Gerhardt or Marcia or Dr. Yunupingu, his brother Galarrwuy or Pat or the old men and women of Cape York Peninsula.

In many ways these things are the curse of walking between worlds and establishing new paths and possibilities. They take you to the very brink of life. They test every normal element of your relationships and family life. Few have ever really written about how hard it must be for the families of the activists who achieve major national change. But it is hard. When you come home from highly charged meetings with nationally and historically significant men and women, you sometimes forget you are at the breakfast table talking to your wife or your children or your friends and you carry on as if the weight of the world hangs on every word.

You do realise that you have to sniff the daisies and take it easy but that involves pulling together a major logistical exercise in which you hire the equivalent of Camp David for a camping trip. You forget to relax and even when you don't talk your very presence is a bit intimidating and your silences and your moods are like dark storms at wet season from which the family and your loved ones sometimes have to hide and take shelter. You don't realise this of course. Moreover because you are on such a big mission and fighting for such a big cause your family is not well appreciated when they complain or start to find alternatives or, even, find some fault with you and your national and historic mission. I mention all this because I know Lew would want them said.

Sometimes in this business of changing the world we forget to be just normal, daggy characters who leave space and time for absolutely nothing at all. Space for nothing big. Space for nothing historic. Space for loved ones to just be. My own son Declan has knocked this into my head. Even when you are a parent, someone else's life is not there to be manipulated or caressed or massaged or corrected. Forget about the perfect HSC score or the worthy pathway. In the Aboriginal world kids are free to make mistakes and to live in this world to a far greater degree than we allow our own kids. You can't run a family like you run a political campaign.

I guess what I am saying is that when you operate in this very tense, tough national policy environment sometimes your very presence just sucks the oxygen out of a room and wives and partners find it very hard to breathe. I know Lew would want me to say this. Not just on his own behalf but on behalf of all leaders, activists. The last thing our wives and partners should do is blame themselves when things go awry.

In between some crazy schedule, after nervous tension headaches, heart attacks and other major wounds and afflictions Lew and I would talk about naturapaths and healing hands and people like Djalul Gurruwiwi the famous healer from Arnhem land, the Ngangkari healers of Central Australia and of course the healers of Hope vale. There was always going to be a day when he just booked in. I did after having to deal with Mark Latham and the Labor Party. I think the only thing that Lew did amongst all these discussions was book in for a massage or take a day out after a major hospital event. The ideas and the urgency of the cause just propelled him onwards. It was like he was unable to stop moving and running. I don't think Lew regretted in any way the fast track, the excitement, the adrenalin that just kept him moving but he would want to say to those of us who loved him, forgive me for not looking after myself a little more. I recall the television series about Eddie Mabo and his failing health. We all, barring I think the great rock Gerhardt, have all had our battles with health. With Lew there was this ball of energy that just would not or could not slow down, however,

somewhere inside you could feel that the engine was faltering. A grimace here or there or a groan at a stiff leg or neck. But it was just shrugged off. A phone call from a hospital bed. I'll be right mate. Have to drive from Canberra to Cairns next week....



## V

The most important thing that I think Lew would have wanted is a serious attempt at plotting the lie of the land – what has been achieved and what needs to be achieved. The story I think that has to be told is about Lew’s involvement in how the Cape York mob went from being the most under-represented and under-developed on the Aboriginal political landscape to being at the apex becoming major contributors to the national Aboriginal polity and setting the pace for others. Lew was a part of this development along with Gerhardt, Noel, Richie Ah Mat and many elders of Cape York Peninsula who have since passed. I know Lew was particularly fond of Alan Creek, the Wik elder Robert Holroyd and Gugu Thaipan elder Peter Costello but there were many others.<sup>6</sup>

There are people who know just how much has been achieved better than I do. So let me risk a few spears myself. What follows is the view from where I sit. It is appropriate that at this time, when we grieve for a great man that we all try personally to have a brief take on the past and the future. Lew took into his heart and soul the tribulations and adversity and also the special joy of growing up on Cape York Peninsula that he learned first hand from Noel and Gerhardt and a host of others. He will always be remembered and his family have been incorporated into the great kinship system that unites all Aboriginal people. They will be protected and supported and you can’t ask for much more than that.

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<sup>6</sup> See Stephen Costello, “My Father Still Weeps 90 years on”, **National Indigenous Times**, 24 June vol. 204 no. 9 2010;

## VI Up from the Mission/Wake up Queensland

When the Cape York elders formed the Cape York Land Council in 1990 - the first phase of activities might be called, following the title of Noel's book, the "*up from the mission*"<sup>7</sup> or what equally could have been called the '*wake up Queensland*' phase of activity. In this period Lew recruited himself to work alongside Noel and the elders. So many people saw the problems but Lew to his credit decided he had to do something about it.

How far politically did the Aboriginal people of North Queensland come in this period? I would venture to say farther and faster than any comparable Aboriginal group in history.

Only with the publication of Timothy Bottoms' new book **Conspiracy of Silence Queensland's Frontier Killing Times**, (Allen and Unwin, Crows Nest, 2013) has the general community been given a factual account of the conditions that Queensland and North Queensland Aboriginal people endured. Its now sometimes incomprehensible to think of the spiritual, emotional and economic path that so many Aboriginal people must have been on.

Queensland was literally deadly for Aboriginal people for much of our history since colonisation. Captain Cook of course famously lived for eight months on the Endeavour River repairing his ship after hitting coral at Cape Tribulation. Joseph Banks developed the most comprehensive Gugu Yimidhir word list ever at this time. There were some problems but after the Endeavour departed it was nearly a hundred years before the people of Cape York would be bothered again by Europeans. The next time was devastating.

A typical story from Hope Vale is that of George Rosendale. His grandparents were shot dead by Aboriginal police, their young daughter was spared and taken to the Lutheran Mission at Hope Valley run by the iconic Lutheran, Pastor Schwartz, or Mooney as he was known to the Aboriginal community.<sup>8</sup> The young girl who was spared was George's mother, who like Jenny Pearson, Noel and Gerhardt's grandmother, created a new life in the mission refuge that shielded them from the ravages of the Palmer River gold rush and the ruthless, blood thirsty invasion of their land. George became a Lutheran pastor.<sup>9</sup>

There was a series of brutal massacres at this time. Missions, flight or hiding were the only refuge. If you are lucky enough to visit the famous coloured sands with the Pearson family, and the Cape Flattery area you can see where relatives hid. Strangers could be spotted for miles.

After the era of the native police and mining in the Cooktown area came an era of police surveillance and protection. The Aboriginal Protection and Restriction of the Sale of Opium Act of 1898 was draconian legislation and this was followed by the Aboriginal Protection and Preservation Act of 1939.<sup>10</sup> If you were a *bama* man or woman from this time almost through to the 1960s invariably you had no say, you had no pay, you had no rights and, if you did not live on a mission, you were in constant danger of being sent away from your family, who were constantly under surveillance by police. Most Queensland Aboriginals lived on missions and worked very hard in what might be called religious communes – where people had to work very hard for their own subsistence. No-one was paid and even to access your savings required a letter to the Chief Protector of Aborigines. Many

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<sup>7</sup> Noel Pearson, **Up from the Mission**, Black Ink Books, 2011

<sup>8</sup> See **Gangarru**, op. cit.

<sup>9</sup> See Howard J. Pohlner, **Gangarru**, Hope Vale Mission Board, 1986; Robyn Dixon, Missions from God, The Age, 4 December 1993.

<sup>10</sup> Ray Evans, Kay Saunders, Kathryn Cronin, **Race relations in colonial Queensland: a history of exclusion, exploitation and extermination**, 1988

families still wait for recompense from this era. Others such as Noel and Gerhart's mothers people at Wujal Wujal ran the gauntlet of the police and the threat of being sent to Palm Island or another place of detention.

Despite all this, Noel wrote of an idyllic childhood at Hope Vale. The pride and strength of the Hope Vale community came through overcoming adversity. When war broke out in 1942, it was thought that the German mission, run by Pastor Schwartz, which lay in close proximity to the strategic Cooktown airfield, was a security threat! In their wisdom, the American and Australian command burned down all the Aboriginal houses and mission infrastructure that had been painstakingly built at Hope Valley. 50 Hope Valley people were sent to Palm Island. 255 were taken to Woorabinda and within five months 50 had perished from cold and influenza.<sup>11</sup>

The journey of the community back from Woorabinda, aided by Pastor Schwarz and a then unknown character Johannes Bjelke Peterson, was a very proud achievement. The men came back first and, one by one, the church and all of the houses of Hope Vale were built from the sweat of the community's brow. One by one the families came back. Perhaps one day a movie will be made of this story it is so compelling and indicative of the strength of the Gugu Yimmidhir and other Aboriginal nations of the Cooktown area. But it was probably this strength of character and strength of family that Noel must have felt in his childhood. No doubt the families had great joy to see their children back on country, playing in the wonderful paradise of the northern Cooktown area.

After the 1967 referendum which recognised Aboriginal people as citizenship rights, missions involving wards of the state could no longer legally exist. From 1967 and through the election of the Whitlam government the churches summarily, in many cases, packed up their bags and simply left the missions. A mixture of chaos, welfare payments and opportunities ensued. Gerhardt and Noel obtained a Commonwealth payment that allowed them to attend boarding school at St Peters Lutheran College in Brisbane. Then Noel went on to the University of Sydney. After school, Gerhardt began his career as a council clerk at Hope Vale and Pomperaw. He soon became a major figure because he organised all of the clerks across the 18 former missions who became Deeds of Grant in Trust communities with their own councils. Gerhardt became one of the inaugural ATSIC commissioners in 1990. He has always been the quiet power behind the Cape York organisations and Lew learned a lot from Gerhardt. Gerhardt always had, and still does have his roots, with the people of the Cape. If Dr. Yunupingu had the eyes of the crocodile then Gerhardt had its strength. Lew worked alongside Noel and Gerhardt as a brother.

It has to be remembered here that is not stating it to baldly say that: North Queensland Aborigines were in many ways outside of politics and public knowledge. Oodgeroo Noonucal and others in Brisbane and the other capitals had achieved a great deal in the way of recognition of Aboriginal culture. The politics of the 1960s, street marches of the 1980s and others had created links between Aboriginal organisations and trade unions. But in many ways Brisbane was as far away from Cooktown and Cape York as could be. Certainly the union movement was supporting young men like Eddie Mabo in Townsville and there were many other leaders emerging such as the Mc Shane family. But, for the most part, Cape York was simply outside of this politics.

When we compare other remote Aboriginal political development we get an idea of how far the Cape had to come. In the Pilbara engagement with modern Aboriginal politics arguably began in 1949 with the famous walk off of the cattle stations. In the Northern Territory, the famous bark petition of 1963 and Gove land case in 1967 sparked rights legislation across the Northern Territory. In Victoria and NSW the walks off Cummerbunga and the activities of William Cooper led in turn to the Aboriginal Advancement Leagues and finally to the 1967 referendum. The NSW land rights

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<sup>11</sup> Kathleen Denigan, **Norman Baird – A Spark Within**, Balkanu, State Library of Qld, Wujal Wujal Community, 22006

struggle began in 1977 and the NSW Land Council was established in 1983. In the Kimberley it was Nookanbah in 1978. It was not until much later in the 1990s that Cape York and far north Queensland began its fight for recognition and rights. There was a lot of catching up to do. Only Victoria and Tasmania were as badly off.

In the early 1990s Lew first came onto the scene to cover a story for a television station (Channel 9?) Premier Joh Bjelke Peterson announced that a space port would be built in Cape York . Conservationists were concerned and it became clear that any development had to include a consultation with Aboriginal elders. With Lew's help Noel, Frankie Deemal, Richie, and elders since passed, jumped into the national stage. The space port was a means to propel their quest for a 60 million hectare land claim for Cape York Peninsula onto the national stage. It was the first of what would become a series of principled strategies to command national media attention. This strategy would go on for the next two decades and would take the Aboriginal organisations and leaders of Cape York to the top of the national Aboriginal agenda.

Noel in this period was wildly outspoken and given the background and history of his country he was right to be. Lew helped Noel's messages to go to a national audience. It was about waking up Queensland to the secrets and terrible history of Aboriginal people.

## VII Land 1990-2007

**Mabo No. 1, (1988), Cape York Land Council (1990), Mabo (1992) Native Title Act (1993), Wik (23 Dec 1996), Native Title Act Amendment (1997), the Cape York Land Claim (2007)**

Through no fault of their own, Queensland Cape York Aboriginal people were politically years behind their counterparts in the North, the West and the South in terms of political rights, organisations and capacity. In the early 1990s Cape York leaders galvanised scant resources to achieve major impact. It was a strong decade for Aboriginal rights. But it is more astonishing to see what was put in place on Cape York and to see the role that particularly Noel and Gerhardt Pearson played in forging a new national Aboriginal land agenda.

I would bet that Noel and Gerhardt Pearson were amongst the first high school graduates of the entire Cape York region. Noel was probably the first Cape York graduate of the University of Sydney.

Little wonder that away from home and with the benefit of learning and distance, Noel developed a *fire in his belly* and he burst upon the local, State and national stage like a comet. Along the path came Lew already a veteran of the 24 hour a day news cycle. He knew the inside business of public affairs and media. He had the drive, energy, skill, knowledge and power of the best in the business and he began to spend more and more of his time working with the Cape York Land Council. For Noel it was a logical partnership, for Lew it was not any longer about passive reporting it was about active news making, communications and building organisations, land rights and a better life for Aboriginal people of Cape York. For nearly three decades, they did exactly that.

Two years after the formation of the Cape York Land Council, Noel Pearson, his colleague Marcia Langton with Lew at their side found themselves in the ultimate test of political fire. On 3rd June 1992 the High Court of Australia handed down the Mabo decision. It is easy to forget the mayhem the Mabo decision caused. Many Aboriginal groups thought Mabo simply consolidated European power. But the Keating government came under intense pressure to legislate to 'take as a matter of urgency, whatever action they can to ensure that no existing property rights are rendered invalid, or less valuable, by the High Court's decision.' In other words, the European community was first and foremost concerned about its own property rights.

On the 13<sup>th</sup> March 1993 Paul Keating claimed an astonishing and seemingly improbable election victory. Having been involved in that campaign, I sometimes think how different Australia would have been if the election had gone the other way. Certainly there would have been no guarantee that the Mabo decision would have enabled Aboriginal people to even gain access 'the remnant lands' of Australia that were left unclaimed by the private sector government. After what Keating called "the sweetest victory of all" the business and pastoral community 'stepped up pressure for legislation to protect existing property rights' in the light of Mabo. On 22nd March 1993 Lois O'Donoghue, the government-appointed Chair of ATSIC, wrote to the Prime Minister about ATSIC concerns about any winding back of Aboriginal rights after the Mabo decision. The Mabo Ministerial Committee then began meetings with the various interest groups, the first with indigenous representatives was held in Parliament House on 27th April. Among the twenty-one indigenous representatives were Gularrwuy Yunupingu, John Ah Kit, Noel Pearson, Lois O'Donoghue, Marcia Langton, Patrick Dodson, Rob Riley, and Peter Yu.

Then on 3 July, aided by the Cape York Land Council, the Wik people of north Qld lodged a significant native title claim that, in the climate of paranoia that had been whipped up after the Mabo decision, generated even more political hysteria. On 27 July a federal Cabinet meeting decided

that ' Aboriginal people would have rights to negotiate with miners and others, with unresolved disputes to be determined by the Native Title Tribunal to be created by the proposed legislation.'

On 3 August 1993 at Eva Valley Station, 100 kilometres east of Katherine in the NT, a major meeting of indigenous representatives issued a statement in which they rejected the government's proposed native title act and instead called for 'legislation to advance Aboriginal rights to land' and for the commonwealth to exclude the states from involvement in indigenous issues.

At a media conference, an angry Keating attacked the Eva Valley statement and Mick Dodson in particular for a critical speech Dodson had made in Geneva a few weeks earlier. He at the same time praised Sol Bellear and Noel Pearson for their 'supportive comments'.

Yet all of the Aboriginal leadership were hostile to the way in which the government was proceeding, and on 8 October a group that included O'Donoghue, Mick Dodson and Noel Pearson held a press conference in Canberra in which they attacked the Keating government. As a result the Prime Minister began negotiations with Lois O'Donoghue and a small group of 'moderate' indigenous negotiators she assembled around her. This elite, self-appointed group, (known as the A-team) included Noel Pearson, Sol Bellear, Marcia Langton, David Ross and others.

On 21 December 1993 the Native Title Act passed through the Senate and on 1 January 1994 the Act came into force. Noel famously contrasted the passing of the Act with the difficulty and early pessimism of the negotiations by saying "If that was Black Friday this must be Ruby Tuesday". Through all this Noel, Lew and Marcia learned a great deal about national politics, about the media and about how to work with and against the tide of public opinion.

The real, practical triumph of all these tribulations came in 2007. I wrote at the time:

"7 June 2007 was a significant day for the Indigenous people of Cape York Peninsula. Legislation was introduced in the Queensland parliament yesterday that will enable the handing over of all Cape York land including national parks that had been claimed by Aboriginal traditional owners. This has been a significant achievement for the leadership of Noel and Gerhardt Pearson and the many elders who have supported them over the past 17 years. The laws will give indigenous people joint management of national parks and will allow developments such as aquaculture, grazing and agriculture on Aboriginal land. Yesterday was of great poignancy for Noel Pearson who sees the land rights victory as something which was very much overdue. He noted: "This is a day of very, very turbulent feelings, because it comes 17 years after we first embarked on this crusade". Mr. Pearson paid tribute to the late Rick Farley who had done some very hard yards over the past decade in bringing pastoralists to the point where they recognized Indigenous land rights. But there were many others who Mr. Pearson must have been thinking of including elders who have passed away and people who have worked with him since the days of the formation of the Cape York Land Council in 1990. His elder brother Gerhardt has been very much a general in the community in holding people together when things have been tough. Mr. Richard Aken has also been a very important catalyst in linking the aspirations of Torres Strait and Cape York people over this period. Mention should also be made of Lew Griffiths who has been with Mr. Pearson for over seventeen years when as a television cameraman he came to the Cape to cover a story and mention should be made of Jan Goettson, his wife Karen and their family who have also supported the Indigenous struggle for the past seventeen years."

## VIII 1997-2013

### Against Victimhood, Welfarism, Towards Self Reliance, Independence, Business, Cultural Recognition

(Apunipma (1994), Balkanu (1997), Cape York Partnerships (May 2000) Cape York Institute of Leadership and Policy (July 2004)

I first met Noel in 1996 when he came to give the Evatt Foundation address at the end of 1996. It was a crazy evening. Noel had been snubbed at a Darling Harbour Hotel and Evatt Chair Tom Uren was, to his credit, ropable. It was also the culmination of a tumultuous few years and I was jaded and had decided to relinquish my role as Director at Evatt. That night I heard something in what Noel had to say. Some of the old Labor elite had far too much red wine and rudely talked through Noel's address. It was a final straw for me, but how appropriate I thought that the first questionings of Labor's moral hold over Indigenous advocacy could be heard in what Noel had to say. Some significant Labor figures were too drunk to have even noticed. It was a sign of what was wrong with Labor, how it had lost its base and how it had been drunk with its own power by the end of the historic Hawke-Keating years.

The formation of Balkanu as the Cape York Indigenous Economic Development Corporation in 1997 was a sign of the maturity of the young leaders. It is remarkable that many Aboriginal political organisations have not separated economic development and business from the native title and land advocacy organisations. It is completely inappropriate and if Tony Abott wins the next election it will be an area of compulsory reform in all probability. Balkanu has now had 17 years of working exclusively on business development. It has been slow going but the conflicts of interest that have plagued other Aboriginal entities have not been a problem on the Cape. It was a remarkable separation of powers that will put Aboriginal people on the Cape in good stead in the future.

From 1996-98 I worked out at Campbelltown and I met Labor's then prodigal son Mark Latham. He was brilliant at times, and before most, I discovered he could also be ruthless and unpredictable. But I worked well with Mark in the West in those years and I was very proud to work on life long financing strategies for enabling families with disabilities and organisations to support particularly children with intellectual disabilities. It was very raw and rough, but it gave me insights that I could never have had at the protected Evatt Foundation. All this brought me into Lew and Noel's orbit. In 2000 these ideas and experiences were captured in the sell out book Noel, Mark and I produced called **The Enabling State**<sup>12</sup>. In many ways it was the agenda that Kevin Rudd would start to define after the Howard years. The central realisation was that the welfare communities of Western Sydney and Cape York were afflicted with the same problems, benefits and support that had been designed to be temporary, created ghettos of poverty and cycles of misery that were transmitted to kids. These cycles had to be confronted head on. For Labor people our thoughts were subversive but they were way ahead of their time. It was distressing to see how the ball was fumbled by Labor. It made me see that Labor was a stagnant brand with corrupt processes and a fundamental lack of democracy within its ranks. It reflected an old ethos and was simply, literally too drunk on its own self importance, to see what was going in the battling suburbs. Its own constituency.

Noel was asked to speak at the May Day 2002 launch of Don Watson's important book on Paul Keating, alongside Keating himself. That speech which would have involved a pre-speech discussion between Noel, Lew and Noel's equally faithful researcher, Jan Goetsson, and it was a milestone. In it Noel set the boundary between what had been and what was to come. He argued that

"Paul Keating recognised the High Court's decision in Mabo as the very 'once in a nation's lifetime', opportunity to make peace between the old and the new Australians. Native title proffered the

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<sup>12</sup> Peter Botsman, Noel Pearson, Mark Latham, **The Enabling State**, Pluto Press, 2002

basis for what he called 'peace' and could be the cornerstone for the settlement of fundamental colonial grievance. Without Paul Keating's Native Title Act this cornerstone that had been hewn by Eddie Mabo, Ron Castan and their colleagues, would have been lost to the nation. The cornerstone would have been turned to dust if protective Federal legislation had not been put into place by the Keating Government. The Age editorial got it right when it said that the Native Title Act 'may yet be judged the most profound achievement of Paul Keating's political career'"

But he also went on to define the agenda that he and his colleagues would forge into the 2000s. In 1997 Noel had described the Howard government as "racist scum". But now he defined an agenda which would be acceptable to the conservatives and he was openly critical of Labor and its welfarist ethic. No doubt inspired by his own home town's war time ethos, he said that substance abuse and welfarism which had come to plague his community, could not be addressed by anything other than personal responsibility. This echoed the sentiments he had expressed in the Perkins lecture at the University of Sydney:

"The ground we might gain in fighting substance abuse will be difficult to defend unless we move beyond passive welfare. The irrational basis of our economy has compounded the effects of dispossession and trauma in making us susceptible to an epidemic of grog and drug abuse. We must now deal with both passive welfare dependence and substance abuse simultaneously, as these two problems feed off one another and undermine all efforts toward social recovery".

From the 2000s the Cape York organisations Cape York Land Council, Balkanu, Cape York Partnerships and the Cape York Institute evolved and developed. The fact that there was Balkanu – an Aboriginal economic development organisation, and partnerships a body to leverage support from the mainstream and the Institute as a beacon and guiding light forward as well as the Land Council was without parallel. This set a strategy that many other Land councils and Aboriginal regions now must follow

At the Brisbane Institute Noel and Mark gave a landmark speech on the enabling state which was broadcast live on ABC TV. It was a first in all sorts of ways. I came across Lew he made the whole broadcast possible with his technical skills and knowledge.

But this is the other side of what has marked out the Cape York entities from others. Media and communications were essential to the rise of the Cape York leaders on the national stage. It was a source of envy but it was all due to the hard work of Noel, Lew and Jan Goetsson with their relentless attention to the news cycle through Lew, detail through Jan and Noel's developing political antennae and gift at a remarkable phrase or speech. Through the tests of fire also came great learning and power: how many front page stories, how many columns? how many 7.30 Report stories, 4 Corners, news reports features was Lew responsible for putting in place? We can only guess. Lew always had an eye to history. He accumulated along the way, the greatest archive of contemporary footage of Cape York Aboriginal politics that will ever exist for this era. This archive is Lew's legacy. He not only filmed, stored and archived the footage but he built a safe repository and archive on his property that would be safe for prosperity. His dream was to digitise all the footage and to keep it for future generations of particularly Cape York young people. That is one of the legacies he leaves his friends and family to secure into the future. Lew of course created his studio at the farm as a repository. It is a remarkable place. One of the ways we can acknowledge Lew's enduring legacy here is to ensure that the incredible collection of footage he meticulously developed is very carefully maintained as a permanent collection. We need to create a million dollar fund to support that project. I can hear Lew saying in my ear you need two million. Maybe we do. We must do that.

In 2002-3 there was a great deal of effort made in setting up networks of enabling organisations. The social entrepreneurs network was formed but it was more rhetoric than reality. Australia in a way



had a set of social enterprises that were far more innovative than those of England and Europe over the course of the twentieth century. We had a strong set of corporations that were owned by the public sector but structured like private enterprises in electricity, gas, telecommunications, airlines etc. These were very different from the nationalised entities in England but we were not as daring as the Americans who privatised everything. But in some ways the mission movement in Indigenous Australia and philanthropic entities like the Brotherhood of St Laurence, Mission Australia, and even the Salvos were quasi public agencies. We failed to recognise this. We failed to recognise that in a way we needed to build a new set of social enterprises that were smaller, freer and more innovative but that the so-called model of social entrepreneurship was a feature of the Australian welfare landscape. But out of the failure of the social entrepreneurs network in 2003 came the ISX or Indigenous Stock Exchange. It has a long term function of raising capital and finance where none existed in Indigenous Australia. It's a long project. It will outlive all of us. Certainly when you get down to projects that involve creating finance for traditional Australian Aboriginal entities and their activities then it takes you to a whole new paradigm and an exciting new frontier.

Through all of this one of Gerhardt and Lew's enduring frustrations which ironically I think was well on the way to being solved was the fact that in the political work that was all consuming there was never any budget for doing proper communications and forward thinking. You always had to appear with a begging bowl and sometimes I think even your friends thought you were putting your hand directly in their pocket. Often you were. Often too you subsidised the work directly from your own pocket. Lew did this continuously. It was a sacrifice beyond all expectations. But it was typical Lew.

Through the Howard years I maintained a strong relationship with Noel and Lew and Gerhardt. We went to London together to see Lord Mawson's famous social entrepreneurship at Bromley by Bow. Again it was just like the Campbelltown – Cape York connection. Every one of us was in awe of the way in which Mawson took essential passive health, education and religious infrastructure and budgets and turned them into something positive that created new ideas and new thinking. It was also Noel reaching out to the best of what the world had to offer and learning from it. He went to Vietnam on the way home from London and took similar lessons from his observations there.

There have been several campaigns in the late nineties where I lost touch with Lew and Noel and Gerhardt. I would touch base with Lew at the annual Garma festival or at some point when our paths crossed. The Wild Rivers campaigns were a legitimate campaign in favour of free informed prior Indigenous consent in relation to environmental as well as business and commercial developments. This took Noel full circle, the organisations that he had stood along side him in the campaign against Johs space station and in the formation of the Cape York Land Council became public enemy no 1. It was fair enough the fact is the environmental movement has still a great deal to learn about Aboriginal land practices. The empty national park lands of Cape York with few resources and staff demonstrated that what most regarded as environmental havens were in fact environmental catastrophes where burning, and other active management measures were not maintained. It was also in the Cape York leaders view time for the bama to have their own sources of wealth in the form of mines, infrastructure services and contracting companies. At a time when this might have occurred to be over ruled by an environmental group was a supreme irony. But this took Noel into hostile and unproductive territory.

Similar too the Northern Territory Intervention was in my view a mistake. I said so at the time rather quietly but the whole exercise has been proven to be a rather shameful waste of money. Lew disagreed with me when we talked about it. He was absolutely loyal to the Cape York line on these matters at all time. What has worked would have worked without the scale and authoritarian qualities of the Intervention. It might have even worked better and happened without the politics. Certainly in communities like Yirrkala in North East Arnhem land the intervention and its ideology have put things back. The community is worse now than when it was effectively run by an Aboriginal

council and the famous independent Yirrkala school pioneered by Dr. Yunupingu amongst others, has been set back a decade in terms of its pedagogy.

The late 2000s seemed to me to be a series of political distractions. It was when the words and the media and the images took over from the substance and the connection with grass roots communities. I felt this in Lew's demeanour and tiredness as well. Noel had his tussle with illness and sickness.

The real job is about improving education, building homes, creating businesses, stable home and family life, doing deals to improve Aboriginal employment with mainstream companies and working on the vast territory that is Cape York. On this front the institutions that started in the early 2000s tick along with many different activities and programs. There have been long standing business ventures that have come to fruition such as the Mossman Gorge development. There is a greater capacity for home ownership but this also brings the challenge of the management of traditional lands and the ongoing tenure of homes. The fact is that there are no clear answers at those points where the rubber hits the road. It is often not a matter of some ideological solution but of making the road as you go and you sometimes end up at unexpected places. Money management is an ongoing program on the Cape that is also yielding rewards and challenges. Pride of place strategies are also yielding results. But education is where the most variety of activities are taking place.

The success of all these things is that the agencies and projects all now have a life of their own. They stand and fall on their own merits. Mistakes can be made. You learn a lot from a mistake. But the Cape York caravan carries on. There will be over coming decades a succession of young Indigenous leaders who will have been through school, and onto boarding school, and then into successful careers and leadership roles as a result of the Cape York Aboriginal organisations. That is probably the greatest achievement of all.

2012 and 2013 have been tough years because they are transition years. New leaders are emerging. Young Aboriginal film and video makers, artists, politicians, corporate leaders are starting to show themselves. With the frailty of human life we come to appreciate greatly the change in seasons. There can be no doubt that the contribution Lew made to the development of the Cape and Aboriginal people nationwide has been large. He was a unique person and his capacity seemed endless. It is appropriate that we commemorate him through a scholarship, his film archive and in the activities of the various Cape York organisations.

## Questions and Challenges

*I and my associates in Cape York Peninsula decided to champion the Indigenous responsibility agenda, because this was the most underdeveloped area in the then Australian discourse. The sideeffect of our decision is that we are perceived to represent only the principle of responsibility; in a political and societal sense, we are largely limited to this role, despite our continued work and ongoing practical achievements in securing rights for our people. Noel Pearson*

It is one of the problems of politics that you become a prisoner of your latest campaigns. As Noel suggested above, there always was a much wider agenda than simply the task he and the Cape York leaders has set for themselves in relation to welfare reform.

At the end of the day I must reflect on the fact that , like so many Indigenous men and women, Lew died too young. It shouldn't be that way. The curse of doing so well in the mainstream world is of course that you become a part of the mainstream world. You have to ride that wild tiger of media, government and corporate expectations. Certainly one of the things that working across Aboriginal Australia has given me is that there is something innately unsatisfactory about the mainstream world. Ironically mainstream life does kill you too young. In trying so hard to get the good side of modern life: the wealth, the lifestyle, the employment, the education, the power and the work – you cannot give up what I think most Aboriginal people know is the greatest wealth of all and that is connection to life, land and the starry heavens above, and the spiritual and magical world all around us.

I worked with Richard Aken on a paper to commemorate the great Torres Strait visionary Chief Billy Wasaga. The great man predicted a coming era of cultural sovereignty for Aboriginal and Torres Strait Island people<sup>13</sup>. What does this mean? Perhaps Chief Wasaga was seeing in his minds eye the recognition campaign that is now forging a positive affirmation of Australia's constitution. This is a small step towards a better future. I hope, and I know it was Lew's hope, that we can go beyond even our close friends in New Zealand in recognising and incorporating Australia's first culture into our national character and actions. The first step is for Australians to recognise the most unique and oldest living culture in the world in their own backyard, even in the cities and towns. Ultimately acknowledging the cultural sovereignty of the many Aboriginal cultures around us will help us all to know about this country we live in and to all know who we are. For Aboriginal people, without cultural sovereignty we are just building Aboriginal versions of mainstream life that will almost certainly fail. So cultural sovereignty is not about anthropologists. It is not about welcomes to country, however, useful and educative they may be. It is not about symbolic gestures. It is about recognising the many Aboriginal people who are close to us in our communities, wherever we live in Australia. Perhaps it is about studying the Aboriginal culture that is there all around us in our cities and towns carved in stone, instead of prioritising Mesopotamia, Ancient Rome and Greece in Year 12 studies. I hope so.

If Lew had one regret it probably was that he did not sit down by the river bank and just sit with no outside distractions. For that time is the most important and valuable time we have in our lives. In the era of Aboriginal cultural sovereignty we will learn such things as a country.

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<sup>13</sup> <http://www.australianprospect.com.au/articles/2011/01/billy-niba-wasaga-cultural-sovereignty>