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The Yorta Yorta belong to traditional lands that have been occupied by their ancestors since time immemorial. Their traditional lands and waters span the Victorian and New South Wales border in what is now known as the Central Murray and Goulburn Valley region. The lands cover both sides of the Murray River in an oval shape and are replenished by a network of rivers, lakes, lagoons and wetlands characteristic of this part of Australia.

In Yorta Yorta history it is said that in the long-distant past the land and all of its natural and cultural splendour, including the Murray River, called Dhungulla in the Yorta Yorta language, came into being through the creative deeds of the great spirit ancestor Biami. The image and the story of Biami, which is painted on the wall of the Dharnya Cultural Centre in the Barmah Forest, reads:

Biami created the river by sending his woman down from the high country with her yam stick to journey across the flat and waterless plain. Biami then sent his giant snake along to watch over her. She walked for many weary miles, drawing a track in the sand behind the giant snake. Biami spied in a voice of thunder, from up high. Lightning flashed and rain fell, and water came flowing down the track made by the woman and the snake. After many moons she came to the sea, and went to sleep in a cave, while her dogs ran off and kicked up the sand hills about the river mouth.

The authorities may close the school to them but they cannot close the schools of human experience.

Sir Doug Nicholls.
Many of the beliefs of the river and its significance to the Yorta Yorta have been passed down over the years by Yorta Yorta elders in such stories as that of the ‘great flood’, which is said to have nearly covered the tops of the old river red gums some 30,000 years ago and changed the course of Dhungulla. Yorta Yorta elder Colin Walker speaks of his relationship with the river and what it means to him:

I think it is like a human body. The Murray River is the spine, and the Bar- mah Forest and Moira Lakes are the kidneys on both sides. That is how the old people used to look at it. They would say, ‘This is our life. It is a living thing. We are the land, and we are mother earth. We fit in like that. It is important that I teach the young children the respect for the forest, the trees, the water, the streams, the lagoons, the water ways, as it is a part of us, and we are apart of them.’

Another story of the waterways and the changes witnessed by the Yorta Yorta over time is told by Uncle Dan Atkinson, who took me to the place where the more recent course of the Murray cut through the land ridge on which the old Maloga Mission was established. Pointing to the place where the elders decided to release the water by cutting a track through the sandy ridge with their digging sticks, he told me that this was the place where ‘they decided to let her go’.

Given the significance of water in Yorta Yorta tradition, it is true to say that the rivers and their surrounds are the spiritual and economic lifeblood of the Yorta Yorta nation. The extensive middens and mounds (campsite) along the banks of the rivers and lagoons, as well as the elaborate felt trap systems constructed across the entrances of the river off shoots, are the tangible evidence of Yorta Yorta reliance on water resources for their everyday needs. Yorta Yorta people’s oral knowledge of where their ancestors camped, fished and collected food indicates that just about everything happened in and around the watercourses. That the relationship between land, water and aspects of life is of one worldly creation in Yorta Yorta philosophy is crucial to understanding Yorta existence and their connections with country.

Putting the Yorta Yorta back in time and place provides a foundation for following the story of their love for country and their tenacious struggle to hold on to what they believe has always been theirs by inherent right. This is the story, told from the Yorta Yorta world view, of my people’s heroic struggle from its beginnings in the Scholars Hut at the Maloga Mission to the present struggle for land justice and cultural recognition with the water management agreements of the Murray Darling Basin.

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NOTE FROM TS: REPLACE WITH PIC OF MATTHEW DANIELS (YET TO BE SUPPLIED)

In 1874 the first generation of Yorta Yorta were gathered by Daniel Matthews at the old Maloga Mission. Matthews, a fervent Christian who had done well for himself and his ship-chandler business in Echuca during the heyday of the Murray River trade, was appalled at the Yorta Yorta’s conditions, which he saw around him. In a letter to the editor of the Age, he wrote: ‘Sir, are we doing too much for these Blacks? As a community have not the people of this colony … benefited by the land taken from this uncivilized race? On the Murray and Goulburn Rivers there are hundreds of these poor wretches worse than uncared for … Large tracts of land should be set apart for them and they should be encouraged in everything that would raise them above their present state’. Matthews was particularly disturbed by the way the young women were being physically abused by squatters and their workers. After trying to persuade the government to do something about it and not getting any results, he channelled his wealth into his own private mission.
The site of the mission, as told to Matthews by Yorta Yorta elders, was an important meeting place for local and surrounding groups for as long as anyone could remember. Its location became more strategic as time went on. Being located on the border of New South Wales and Victoria, the Murray River was never considered a political boundary by the Yorta Yorta. In geographic and political terms, Maloga and the later reserve Cummeragunja were located on the New South Wales side of the river. They were some 800 kilometres from Sydney but only 240 kilometres from the seat of the Victorian Government.

The river became a significant political boundary for both administrations, each passing the buck of responsibility for the Yorta Yorta. In the 1860s the Victorian Aboriginal Protection Board played the boundary card by requesting the New South Wales Government take responsibility for Indigenous people. It refused, providing no proper assistance until its equivalent administration was established in 1883.

Their experience of border politics could be the reason the Yorta Yorta became so astute in dealing with the multiple layers of political processes. They were also good swimmers and used the political boundary as protection against their children being taken away, as we will see. Their location on the Murray River became a means by which they sought greater freedom from the tyranny of reserve management in the 1930s.

Maloga’s beginnings were grand, but unfortunately its history was short-lived. It was basically a private venture set up on the jointly owned land of Daniel and his brother William Matthews. Being located on private land and outside the control of the New South Wales Protection Board’s administration was perhaps the main reason for its demise in 1888.

However, while Maloga existed, it was in the Scholars Hut, away from the vagaries of mission life, that the foundations of Yorta Yorta political consciousness were laid. At that time the reality of what was happening in the Scholars Hut and its eventual influence on the broader Indigenous political scene had yet to be fully realised. One of its many graduates who would carry high the flag for Indigenous justice was the young William Cooper.

**ORIGINS OF YORTA YORTA POLITICAL CONSCIOUSNESS**

Born in Yorta Yorta lands in 1862, William Cooper was the son of Granny Kitty, a matriarch of her family group, whom she brought to Maloga. William Cooper was her eldest son on the Cooper line, and his hunger for knowledge and his ability to adapt to the white man’s education system is revealed in Daniel Matthews’ diary entries for August 1874. Matthews notes with particular attention that the boy Billy Cooper shows great aptitude for learning. He has acquired a knowledge of the Alphabet, capital and smaller letters ... in three days and then taught [his brother] Bobby in capitals only in one day!"
Daniel Matthews had the foresight to seek out a decent education for the people under his care—or as decent as was permissible given that the standard allowed to be taught to Aboriginal people in New South Wales at the time was equal to that of third grade or an eight-year-old white kid. On a visit to Melbourne to drum up support for his privately funded mission, Matthews met Thomas Shadbolt, a distinguished scholar of Sri Lankan background, who came to Australia via Mauritius in the early 1870s and studied at Melbourne University. Grandpa James, as he affectionately became known, was an exceptional scholar in medicine, history, politics, and linguistics as well as a qualified teacher in education. He was also knowledgeable in dispensing medicines, and dentistry, and was often called upon to administer dental treatment. Grandpa brought these skills with him to Maloga and to Cummeragunja, where he became an admired leader, mentor and headmaster of the school. Grandpa James encouraged his students to be confident in their own abilities. He taught them to be proud of their Yorta Yorta identity and to recognise the empowerment that comes from being able to articulate their grievances through the power of the voice and the spear of the pen. Being influenced by passion for human dignity and respect for one's fellow people, regardless of race or creed, Grandpa was a strong believer in the political strategy of passive resistance. It was a process that required patience, leadership, and collective people power. It was largely Grandpa James's style of teaching and William's desire to gain justice for his people that combined to lay the foundation stones of what arguably became the genesis of Yorta Yorta political thinking.

Against this background it is worth reflecting on the concept of the Scholars Hut and the quality of education that Grandpa's pupils were receiving, including the instructive nature of his teaching. This is bought home by the many non-Aboriginal students whom Grandpa taught at Maloga and later at the Cummeragunja reserve, including Matthews' eldest son, John, who went on to enjoy a privileged education in Melbourne, Adelaide, London and Canada. On returning to Cummeragunja many years later with a sense of gratitude he pays great tribute to Grandpa, whom he said laid the twist and thrust foundation of his education and was a ‘teacher unsurpassed anywhere’. In comparing the quality of education being taught at Maloga and in mainstream schools, Maloga was equal to or above that of the average school, which John Kerr Matthews attributes to the character and ability of Mr James. [10]
Indeed the image of the Scholars Hut, a candle burning into the night, and the intellectual stimulus that T.S. James was imparting to his students, is a powerful metaphor. It is something that has had a profound effect on my generation’s desires to carry on where Grandpa left off and achieve in higher education.

Thomas Shadrack James eventually married William Cooper’s sister Ada and dedicated the rest of his life to Yorta Yorta education and to their political struggle. He remained headmaster until his retirement in 1922, after some fifty years of outstanding service. Indeed it was his knowledge and his style of teaching that inspired the next generation of Yorta Yorta political activists, including Sir Doug Nicholls, Bill Onus, Shadrack James (his son by Ada), Marj Tucker, Geraldine Briggs, Eddy Atkinson and many others. Names like these are synonymous with the achievements that were nurtured at Maloga and Cummeragunja, before and after the turn of the twentieth century.

One also needs to recognise that, while these leaders have etched their names into the history books, their achievements are indelibly linked to the support and the solidarity of the community they came from and whom they represented. They were also moulded by the unimaginable circumstances Indigenous people faced at that time in Australia.

Reflecting on Grandpa James’ retirement many years later, one of his students said: ‘He was the cog in the wheel, and when he left it left a big gap to fill because he set such a high standard to follow’\(^1\). After Maloga, Grandpa and his family moved to Melbourne for a while, where he continued to mentor and advise his former students, who by this time had set up the first Aboriginal organisation in Australia, the Australian Aborigines League, in Melbourne in 1933. He is buried with his wife, Ada, in the Cummeragunja cemetery.
THE RESERVE SYSTEM

Aboriginal reserves in New South Wales were administered by the New South Wales Aborigines Protection Board (1883–1942). They were managed through the infamous legislative regime of the protection era, which dominated and controlled Aboriginal life throughout Australia. The Aborigines Protection Acts gave formidable powers to state-managed boards and reserve managers. By the 1930s these powers were used to segregate and control the everyday lives and movements of residents both on and off the reserve. The policy and practice of segregation and control, however, had much deeper roots.

Aboriginal reserves, or ‘concentration camps’ as they were called by William Cooper, were a patchwork of lands established across the length and breadth of Australia. Reserves have a complex history and are remembered with mixed emotions by Indigenous people. They have served both as havens and as places of control. The level of human dignity afforded to residents, or inmates as they were sometimes called, shifted according to public sympathy and the personalities of the mission managers as they came and went. One of the reserves’ main functions was to relocate the traditional owners from the lands so that their lands could be appropriated by settlers. Indeed it is argued that reserves were hard in hand with dispossession and the legal fiction that Australia was an unoccupied land open to be taken without recognition of its prior owners.

By the late 1920s most reserves were intent on trying to ‘civilise’ their Aboriginal residents in part by eradicating their traditional culture. Their origins, however, were planted in British colonial policy and practice, and by the time this system reached Australia in the late eighteenth century, installed as it had been in other former British colonies, it was a well-oiled tool of dispossession, domination and control.

At least two centuries before Australia was colonised, the reserve system was used to relocate traditional Irish groups under the Cromwellian colonisation of Ireland, which was sanctioned by the Act of Settlement (1662). ‘To Hell or to Connaught’ was a scheme designed to remove the Irish forcibly from their ancestral lands and to relocate them west of the Shannon River in the western province of Ireland, where the British tried to keep them under their control. (The Irish response to British overlordship and control is beyond the scope of this chapter.)

The practice of segregating American Indians and placing them on reserves underwrote the history of British colonisation in North America. After gaining control over most of North America in 1763, Britain proclaimed reserved lands for Canadian Indians. Power to regulate and control Indian life and movement was sanctioned under the Indian Act (1876), which empowered the Canadian Government to control land dealings and to oblige Indians to renounce title to land in return for reserved lands. This was to be the pattern for the next century.

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Following the Canadian experience, the United States introduced its system of land control and the allocation of reserve lands for American Indians. The reserve system was sanctioned under the infamous Indian Removal Act (1830), which ordered the relocation of American Indian tribes living east of the Mississippi River in the United States to lands further west. The Act established a policy of exchanging federal lands west of the Mississippi for other lands occupied by Indian tribes in the eastern portion of the United States.

There are major differences between Australia and the recognition of prior occupation and indigenous rights in other former British colonies, but the practice of the reserve system itself was driven by a similar colonial mindset.

Despite this mindset, however, other ironies arose from the indigenous response to the reserve system and the policies of segregation and control. Paradoxically, the reserves became important enclaves of indigenous political resistance and survival. Reserves established within traditional lands, as demonstrated in the Yorta Yorta native title case many years later, became the means by which the indigenous political struggle took its shape and form.

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Aspirations for the return of traditional lands have always been at the forefront of Yorta Yorta thinking. In 1881, forty-two residents of Maloga presented a petition for land to the New South Wales Governor, which highlighted the plight of the Yorta Yorta and pointed out to the Governor in most sincere terms that:

All the land within our tribal boundaries has been taken possession of by the Government and white settlers; our hunting grounds are used for sheep pasturage and the game reduced and many exterminated, rendering our means of subsistence extremely precarious, and often reducing our wives and children to beggary. We, the men of several tribes are desirous of honestly maintaining our young and infirm who are in many cases the subjects of extreme want and semi-starvation and we believe we could, in a few years support ourselves by our own industry, were a sufficient area of land granted to us to cultivate and raise stock. We more confidently ask this favor of a grant of land as may be necessary for our advancement in civilisation. And your petitioners, as in duty bound will ever pray.

Maloga Mission, Murray River NSW. July 1881.

In response to this petition 1800 acres of land was located for Aboriginal use upstream from Maloga, which became Cummeragunja (or, as it was also known, Cummera), the new government reserve. Further grants of land were made to bring Cummera up to its total of 2965 acres in 1900. Keep in mind, however, that this derisory amount, set aside for a Cummera population of about 400–500 people at its height, was the average-size block that a European farmer was granted to support a single family.

The 1881 Maloga petition was used more than a hundred years later by Justice Olney in the Yorta Yorta native title case to deny the Yorta Yorta their native title claim. The judge distorted the genuine pleas for land explicit in the petition to support his view that the government and white settlers had dispossessed the Yorta Yorta of the claimed lands by the turn of the twentieth century. The petition was then used to justify the judge’s conclusions that, by this time in Yorta Yorta history, counter to the body of knowledge put before
him, the tide of history had washed away Yorta Yorta connections with their ancestral lands. That the Maloga petition was used to the opposite ends of its original intentions is still a bitterly contested issue.21

In addition to the original Cummera land grant, and in response to other petitions for land by Yorta Yorta people, including that of William Cooper and his brother Jack, an additional twenty 40-acre blocks were allocated to individual farmers in 1896. As Cooper wrote to J M Charter MA: ‘I most respectfully beg to state that I shall feel deeply obliged if you will be good enough to use your influence toward securing a piece of land for me. I am anxious to get a home and make provisions for my wife. I do trust you will be successful in securing this small portion of a vast territory which is ours by divine right’.22

The farm blocks were allocated individually to farmers who wanted to ‘support and to build homes for their families’.23 The farm blocks venture, however, was short-lived, and they were taken back in 1907, only a decade later. This was a bitter blow to those who attempted to adapt to individual farming enterprises as white settlers were allowed to freely enjoy. The irony of the farm blocks, considering the brave efforts of the individual farmers of the time, is that they were rewarded by being forced back into a cooperative effort on the Cummera lands.

Forcing the Yorta Yorta farmers into cooperative effort, rather than encouraging them to engage in individual economic pursuits, is a mindset that is arguably still around today. Some Yorta Yorta individuals who have attempted to exercise their own initiative by purchasing land on the open market for cultural and economic purposes have struck similar barriers from funding agencies.24

The stories of land loss, land disputation and lands being granted then whitelined away has stayed at the front of the Yorta Yorta consciousness. As Priscilla McKay, daughter of T S James and Ada Cooper, says, ‘To this day we think about that! The way they treated them very badly and took their farm blocks back without telling them why. They worked their blocks and the Board came along and took them back just like that. They never gave any warning or reason for it, and they were very upset about it when they took them back’.25

Being cut off from their traditional lands and living under such an oppressive regime created much tension and antagonism between the management and the residents of Cummera. Perhaps the most significant of these was the taking of the young girls, who were sent to Cooramundra to be trained as domestics servants. Disturbing stories of the black car coming from over the hill to take the children away continue to resonate in the folk memory of Yorta Yorta people today.

Sir Doug Nicholls, who was the first child born on Cummera, reflects on the legacy of that experience. He saw his sister Hilda and other girls forcibly taken by the police. Sir Doug said he was very bitter because it was instilled in them by their parents: ‘… then when we saw the police coming and the welfare officers taking our kiddies … this created more bitterness. We lived in fear … and I saw it when I was a schoolboy and how they used to get under the schoolhouse waiting to see who was coming in fear that we might be taken next’.26

We were always told by our parents, ‘If you see a black car coming into Cummera, run and hide’… the kids were scared stiff because they were taking the kids away at that time, and a lot of these kids never ever came back to Cummera. Boydie Turner

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After police raided his school and took some girls away, Thomas Shadrach James wrote an impassioned letter, which was ignored:

I beg to report that after an enrolment of fifty-nine our attendance today is eight, and even this number cannot be maintained in the circumstances that the police have arrested and carried off three girls from here, the people panic stricken have fled with their children and are camped on the Victorian side of the river. My opinion about the matter is that the people strongly resent the summary measure that the Board has adopted through the police for removing the girls to Cootamundra.27

Similar harrowing stories of other girls who were taken are told by Yorta Yorta elders. Aunty Margaret Nelson was among those who were taken. Her expected arrival home from Cootamundra brought further anguish when family members were shocked to learn that only her bags were dispatched at the Echuca railway station, where she was expected to arrive. The painful story is that she died at Cootamundra of a broken heart. Melancholic-type illnesses were a common symptom of the forced removal policies.28

Life on the reserve was dominated by subjugation and control. The management had sole authority over the lives and movements of people. Although it is hard to imagine, if you were black in New South Wales at that time a long list of insults were your lot. You couldn’t vote, you weren’t allowed in hospitals, cafés or pubs; you would wait until last to be served in a shop; your kids couldn’t go to the school in town; you needed the mission manager’s permission to move on and off the reserve; you could be sent out as a servant or labourer at the discretion of the board; your wages were controlled; your house would be inspected for cleanliness; and, worst of all, your children could be taken without a word of warning.
WILLIAM COOPER MOVES TO MELBOURNE, 1930S

After Cooper left Cummera, he worked as a shearer and labourer in the bush for many years, where he became involved in the union movement. Eventually, in his seventies, Cooper returned to Cummera but was unable to receive a pension if he remained there, so he moved to Melbourne in 1933 to take up the plight of his people. Cooper rented a series of run-down houses in suburban Footscray with no electricity or gas and became part of a larger Black urban scene drawn together from communities across the state. He became the centre of a core group of Cummera people who had moved to Melbourne, among them his niece Marg Tucker, who recalled sitting around the fireplace, ‘the candles flickering on the mantelpiece’.

Other key supporters were his nephew Shadrach James and Pastor Doug Nicholls, who at the time was a champion sportsperson and football star with Fitzroy.

Cooper’s first fundamental political act, at the age of seventy-one, was the organisation of the famous petition to the King for which he gained the signatures of more than 2000 people. The petition highlighted the appalling conditions of Aboriginal people as a result of land loss and marginalisation. It also highlighted the denial of civil and political rights and called on the Australian Government for Aboriginal representation in parliament, which became a focus for Cooper.

TO THE KING’S MOST EXCELLENT MAJESTY, IN COUNCIL THE HUMBLE PETITION of the undersigned Aboriginal inhabitants of the Continent of Australia respectfully sheweth:

THAT WHEREAS it was not only a moral duty, but a strict injunction, included in the commission issued to those who came to people Australia, that the original inhabitants and their heirs and successors should be adequately cared for;

AND WHEREAS all petitions made on our behalf to Your Majesty’s Governments have failed;

YOUR PETITIONERS humbly pray that Your Majesty will intervene on our behalf, and, through the instrument of Your Majesty’s Governments in the Commonwealth of Australia—will prevent the extinction of the Aboriginal race and give better conditions for all, granting us the power to propose a member of parliament, of our own blood or a white man known to have studied our needs and to be in sympathy with our race, to represent us in the Federal Parliament.
Cooper’s petition was a major undertaking in those times—particularly given the poor communication infrastructure, the lack of funds to support its distribution and the resistance from managers of missions who controlled access to places where signatures could be sought. Some protection boards such as the one in Queensland refused outright for Murris in their state to be allowed to sign the petition at all. These obstacles did not deter Cooper. My first step was to write to the Aboriginal Protection Boards in the five states, replys received as follows Queensland refuses, South Australia gives permission, Victoria very stubborn … it is the duty of every man and women of Aboriginal Blood in them over the age of 20 to sign (sic) the petition, and I hope my people will not fail to sign, and help all they can that we may get improvement.

William Cooper’s daughter Sally describes some of the frustrations and disappointments she shared with her father. Collecting the 2000 signatures, ‘back in those days’, she told me, ‘was mostly done by foot’. He walked everywhere, she said, and when he found out that the petition never left Australia he was a very disappointed man—shedding a tear of affection for her father whom she dearly loved.

The sad irony is that the King never received the petition. The federal government argued that, as the appointment of an Aborigine to parliament was currently a constitutional impossibility, it was useless to forward it to the King. Williams’ irrepressible desire for justice was strong, however, and he bounced back. To give his people a voice, Cooper was instrumental in forming a political organisation called the Australian Aborigines League. Membership was exclusively open to those with some degree of Aboriginal blood and its ultimate object was the conservation of special features of Aboriginal culture and the removal of all disabilities, political, social or economic, now or in the future borne by Aborigines and to secure their uplift. Cooper became its secretary, and his extraordinary letters began in earnest and arrived on the desks of newspaper editors, premiers and the then prime minister, Joseph Lyons. ‘We do plead for one controlling authority, the Commonwealth and request that all Aboriginal interests be absolutely federalised. This will enable a continuous policy of uplift. We request that parliamentary representation be considered.’

Cooper didn’t stop at letters. In trying to draw public attention to the plight of his people, he saw a clever political opportunity to use the celebrations of the 150th Australia Day anniversary on 26 January 1938.

THE DAY OF MOURNING

The Australian Aborigines’ Progressive Association of New South Wales has called on all aborigines in the advanced stages of civilization and culture to observe a DAY OF MOURNING concurrently with the white man’s DAY OF REJOICING to celebrate the 150th year of the coming of the white man...
Australian Aboriginal Progressive Association

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to Australia. The aborigines, by this means, hope to call the attention to the present deplorable condition of all aborigines, of whatever stage of culture, after 150 years of British rule. It is expected that such action will create such sympathy on the part of the whites that full justice and recompense will follow.  

In developing this strategy Cooper was assisted by William Ferguson, Jack Pattern and Pearle Gibbs, who worked in solidarity with Cooper in the 1930s. They were instrumental in setting up the Aboriginal Progressive Association (APA), one of the first Aboriginal organisations to be established in Sydney in 1937, and a sister organisation of the League in Melbourne. These organisations paved the way for Indigenous rights, and were responsible for raising the political awareness of mainstream society. They rejected the oppressive policies of protection and assimilation, and demanded full citizenship rights. Social justice and racial equality were a central part of their policy objectives, and the issue of land rights and compensation were at the front of their demands.

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Bain Stewart: What Cooper tries to emphasise again and again is that Aboriginal people have the same capacity as white Australians — and he keeps on saying in government, ‘Give us the opportunity! Our people are capable of being doctors and teachers and farmers and as such and as both. Give us the opportunity, give us the resources, educate us and we will show you that we are as capable as you are.’

Heather Goodall: The Protection Board changed to become the Aborigines Welfare Board, and what the Welfare Board tried to do was to continue the concentration to be able to educate Aboriginal adults to assimilate them but first to control them and educate them. The attempt was to force adult Aboriginal people to conform to particular sorts of employment and household and living arrangements: saving money, having particular jobs, not travelling, not associating with other Aboriginal people.

Richard Beecroft: The Liberal party reintroduces the assimilation policy. I think for the very important view that Aboriginal people had to become citizens. They should have equal rights. That was important for Australia’s reputation in the world, but along with it was this view that they become like everyone else. So it was a double-edged sword. They were being offered what they were fighting for, but the cost was high. You had to become like everyone else, forget your Aboriginality — and just become Australian.
First Australians

The Aboriginal now has no status, no rights, no land ... He has no country and nothing to fight for but the privilege of defending the land which was taken from him by the white race without compensation or even kindness. William Cooper

The Day of Mourning gained wide public and media attention. It used the 150th celebrations to expose the appalling condition of the original Australians and to focus on human rights issues. The message to the Australian public was loud and clear: Kooris had nothing to celebrate about the arrival of Captain Cook.

The Day of Mourning wrote itself into Australian history as a significant Aboriginal protest against the celebration of imposed British sovereignty. Newspapers reported on the protest, and it put the issues of indigenous rights in the minds of the broader public, thereby laying a basis in the broader community for equal rights for Aboriginal people. The Day of Mourning protest was revisited fifty years later, on 26 January 1988, when up to 50,000 people rallied in support of Koori protests against the Bicentenary Celebrations in Sydney—otherwise known as the ‘March for Justice’.

THE CUMMERA WALK-OFF

Around the time of the Day of Mourning protest and the public attention that reserves were receiving from their exposure by NAA members, the plight of Indigenous Australians began to hit home. Jack Patten, who was born on Cummera in 1904, visited reserves and spoke out about the frightful conditions in which the native Aborigines of this continent live. Yorta Yorta elder Geraldine Briggs reflects on Jack Patten’s visit to Cummera and the events that followed:

When Jack Patten came ... he continued to talk and tell everyone what their rights were. At that time there was a petition going around which we were trying to get people to sign for better conditions. Many signed it but those who were employed by the Board to work on the reserve wouldn’t sign, because they would then jeopardise their jobs. That’s the way the Board used to keep people divided because they knew if all the people united they could stand up against the Board and for their rights. Jack was eventually caught up with by the police and charged under a very old law which was inducing Aborigines.

The law of incitement, or sedition, as it is now known, was a harsh provision of the Protection laws that were designed to keep people under the board's control and to deny their voices. Jack Patten’s visit certainly got things moving at Cummera, but unfortunately he and his brother George were arrested by the Moama police and held in custody until they could get bail.

The constant frustration of Aboriginal initiative and the continued interference by the board pushed the Cummera residents to the point of an uprising. With the unrest created by the board’s shady land dealings, together with the frustration of the conditions that people had to live under and the violent management tactics of the manager, Cummera people decided to take direct
political action. They wanted to break free from the shackles of oppression under the Protection regime and to enjoy the same citizenship rights as white people, including the rights to own and to control land that was theirs by birthright.

In February 1939 a mass strike of Aboriginal people, called the Cummeragunja walk-off, took place. By this time, conditions on the reserve were so bad that they prompted Cooper to ask in a letter to the New South Wales Premier, “We are not an enemy people, and we are not in Nazi concentration camps. Why should we be treated as if we were?” Cooper’s letter listed the grievances of the Cummeragunja residents, including land, inadequate rations, housing, education and ill-treatment by the manager. Finally, residents formed a petition to have the manager of Cummera, McQuiggan, dismissed and an inquiry carried out into the conditions on the reserve. Not only did the Protection Board not reply but also sent the petition straight back to McQuiggan, who used it to intimidate the signatories. Cooper was furious and wrote to the Premier:

We, representing the Aborigines of Australia, hereby make protest against the callous treatment of our people by the white man in the past 150 years, and we appeal to the Australian nation to make new laws for the education and care of Aborigines, and for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY.

Jack Patten
On November 28th I forwarded a letter, copy herewith, to the Chairman of
the Board for the Protection of Aborigines, covering a petition of the
natives of Cummerangunga for the removal of Mr and Mrs McQuaggan
from the charge of the aboriginal station. To this communication I did not
receive a reply but I was received for the names of the petitioners were
posted at the Station, inviting those who wished to remove their names to
do so. I submit this is not in accordance with British tradition and
would not be done for a fully white community and in itself constitutes a
further grievance. The conditions which were so objectionable became
more aggravated until the victimization experienced forced a number of
the people to leave New South Wales for Victoria, where they are living
under very hard conditions.45

The walk-off attracted widespread support, especially in Melbourne, where
a solidarity campaign led by Cooper’s Australian Aborigines League drew
other religious and political groups and trade unions together in efforts to col-
lect food and blankets for the strikers. Public support for the walk-off was so
high in Melbourne that the Victorian Government was forced to accede to demands to provide unemployment relief for the strikers.46

Lasting nine months, the strike also demonstrated the persistence, resolve
and organisational prowess of the Yorta Yorta amid the hardest conditions.
Although, by the time the strike was called off, the Protection Board had not
acted on its demands, the fruits of the Yorta Yorta struggle became more
apparent in 1940, when McQuiggan was eventually fired, and the loathed Pro-
tection Board was reconstituted into an Aborigines Welfare Board.47

Black smoke come over from the
south to our camp. Some old
fella get the Woomera, the spear
thrower, and try to make that
black smoke go other way, go that
way and saying ‘Mama, Mama’.
‘Mama’ which means ‘evil spirit’.
But it was a different kind of
evil spirit. And everybody get sick
in the camp. I was a sickness,
cone eyes, skin rash, diarrhoea and
scabbing. And old people,
everybody get it. And I had a
problem with my right eye and it
didn’t take long, just went blind.
Yami Lester

The walk-off played a significant role in changing policy direction from one of
protection to one of assimilation. The new policy was aimed at assimilating
Aborigines into mainstream society, and in the transition process they were to
be assisted in housing, education and employment. In reality, however, little if
any support was forthcoming, and those people who moved from Cummera
decided up on the fringes of local towns camping on the riverbanks and rub-
nish dumps.48

Following the Cummera strike Cooper continued to campaign for Aborigi-
nal rights, including the return of Cummera lands that had been leased to
European farmers. After a long, protracted struggle to achieve justice for his
people he eventually returned from Melbourne and died in Mooroopna in
1941. He was laid to rest in his ancestral lands at Cummera.

Some families moved back and held on to Cummera, and many followed
work in the seasonal and labouring industries around the Goulburn Valley
region. The main movement, however, was to the fringes of local townships
like Shepparton and Mooroopna, where people regrouped at a place called

CUMMERA AFTER THE STRIKE

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the Flat, which is where I was born. The address of my parents in my birth certificate is ‘River Bank Mooroopna’. ‘The Flat’ was located on the bend of the Goulburn River near Mooroopna, and Dash’s Paddock was an alternative campsite located on higher ground, where people would retreat when the river rose. The story of the Flat and Dash’s Paddock is depicted in the Archie Roach song ‘Move It On’:

Oh I was born in Mooroopna,
Down by that river bend,
Yeah I was born in Mooroopna,
We lived by the river bend,

Then the Queen come and visited us,
Had to move it on again,

Move across to Dash’s Paddock,
When the river it did rise,

Moved across to Dash’s Paddock,
When the river it did rise,

At the edge of the rubbish tip

Amongst the rubbish and the flies

Then the Queen come and visit back in 1956,

Yeah the Queen come and visit back in 1956,
And they moved us on to Rumbalara,

Move us off the rubbish tip.

The conditions under which Indigenous people were forced to live in the fringe camps of Mooroopna at the time are exposed in the McLean Royal Commission of 1957, which found that Aboriginal people on the fringes of white society were living in extreme poverty. To overcome the crisis, McLean recommended the establishment of an Aborigines Welfare Board with an

All Aborigines and part-Aborigines are expected to eventually attain the same manner of living as other Australians — enjoying the same responsibilities, deserving the same customs and influenced by the same beliefs, hopes and loyalties as other Australians. Government
Take a quote from Richard Franklin
RP to supply

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emphasis on rehousing people from the fringes and improving educational and employment opportunities. Following the McLean Commission and the visit by the Queen in 1956, which exposed the state and local governments’ lack of regard for the impoverished conditions of the fringe camps, the people were eventually rehoused on land at Rumbalara (meaning ‘end of the rainbow’). Rumbalara is now the home of the Rumbalara Aboriginal Cooperative, which is one of the major service delivery organizations in Victoria.

With the passing of William Cooper, other Cummera leaders took up the struggle; prominent among them was Pastor Doug Nicholls. Nicholls worked closely with William Cooper and was the treasurer of the Australian Aborigines League. Photographs of Cooper and Nicholls taken at the time indicate their close working relationship. Pastor Doug Nicholls was never far away from Australian natives are not a primitive people but a people living in primitive conditions. They are entitled to a better deal than they are receiving from white people... If given the opportunity they could fly high - but they had been denied their rights by being kept in a race apart. Doug Nicholls

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William Cooper’s side. Nicholls carried on the pioneering work of Cooper and was a strong advocate for the right of Indigenous people to maintain their own cultural identity and to speak for themselves as a distinct cultural group. Speaking against the idea of assimilation, Nicholls said, ‘Let us enter your society on our terms, living side by side with you but remaining at all times a race of people with our own identity.’

Pastor Doug Nicholls picked up the message stick and went on to become an outstanding advocate for his people in the post–World War II period. He headed up the Aborigines Advancement League, which grew out of Cooper’s Australian Aborigines League. The League is still regarded as the mother of other community-based organisations that sprang up in Melbourne during the heyday of the self-determination policy. Nicholls played a significant role in establishing the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCATSIA), the first national Indigenous organisation, which was instrumental in achieving changes to those sections of the Constitution that discriminated against Indigenous Australians before the 1967 referendum.

‘NOT ONE IOTA’

The struggle for justice and the return of Cummera lands continued. The board’s response, however, was that the persistence of separate Aboriginal communities was inconsistent with the policy of assimilation and adhered to its plans for revocations and the dispersal of residents. In 1959 Cummera residents and supporters petitioned for the return of the land that was still reserved and were finally successful in gaining 200 acres after the lease had expired.

You knew your place. You always knew your place, when you live outback in those little towns. Even though you’ve got a lot of good white people around, that are good to Aboriginal people, you still know your place. And I think it’s still like that today.

June Barker
In 1960 around seventy people were living on the 200 acres of the Cummera reserve. A delegation of leaders and supporters from the Victorian Aborigines Advancement League asked the New South Wales Government for the return of this land. Some of the original lands were returned to Cummera residents in 1966. After years of complaints and negotiations with the board, the descendants of the pioneer farmers finally won permission to begin farming Cummera again.

However, the agreement signed in 1966 made them merely ‘tenants at will’, and the board could cancel their tenure on a month’s notice and retain all fixed properties and assets. In 1970 the New South Wales Ministry of Aboriginal Affairs granted a loan to the fifth-generation descendants of the pioneers to develop their farming on the remaining land.\(^{11}\)

The Aborigines Advancement League made claims for the Barmah/Moira Forest in 1975 and again in 1983, both of which were unsuccessful. In 1994, following the Mabo decision, which acknowledged ownership of the land before white settlement, the Yorta Yorta native title claim began in earnest. After eight years of working through the courts, in 2002 the claim was rejected, twisting the interpretation of the original 1881 Yorta Yorta petition to justify its position. With the case lost, the land struggle has retreated from the legal realm back to the political process initiated by William Cooper and the founding leaders of Mologa and Cummera. In many ways it seems that the struggle has come full circle. The Yorta Yorta native title claim, which was one of the first to be lodged following the success of Mabo, is the most recent setback in the long, arduous process of achieving land justice through the imported legal system.

Yet despite this, the Yorta Yorta have held on to their connections to their ancestral lands with incredible dignity, solidarity and persistence. This is perhaps best reflected in their eighteen separate attempts to claim land on the basis of their inherent rights. Disappointingly, however, in the words of Uncle William Cooper, ‘not one iota has been delivered on the basis of the right to own and to control lands that the Yorta Yorta have occupied since time immemorial’. ‘How much compensation have we had? How much of our land has been paid for? Not one iota again, we state that we are the original owners of the country. We have been ejected and disposited of our god-given right and our inheritance has been forcibly taken from us.’\(^{12}\)

The reserve lands set aside for Yorta Yorta use were integral in maintaining an ongoing occupation of the ancestral land by its traditional and rightful owners. Cummera still provides this vital link. It was never disbanded and has steadily increased to a population of more than 300.

Looking back at the foundation leaders and the events that shaped the spirit of the Yorta Yorta nation, one can reflect on the continuity between past and present political actions. Collective organisation, mobilisation and protest by the way of the spear of the pen and the power of the voice remain the tools of political engagement. As I write this, the struggle continues.

\(^{11}\) Heather Goodall

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