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EDITORIAL

One of the strongest themes to have emerged during the United Nations' International Year for the World's Indigenous Peoples is the imperative of meaningful recognition of indigenous self-determination. It is fitting then, that two of the feature articles in this issue address important features of the fundamental question of Aboriginal autonomy. Both articles consider aspects of recent Canadian experience with indigenous rights, and suggest the significance of these developments for Australia where the High Court (among others) has ensured that the issue of indigenous autonomy will remain on the political agenda beyond 1993.

Although commonly considered, perhaps simplistically, to be primarily a case about land rights and native title, the decision of the High Court of Australia in *Mabo v. Queensland* has also renewed interest in the possibility of legal recognition of continuing Aboriginal sovereignty in Australia. Against this background Richard Bartlett traces the development of the concept of inherent Aboriginal sovereignty in the jurisprudence of the United States and Canada, and discusses the options for its recognition in Australia. Bartlett argues that Canadian courts (like their Australian counterparts) have traditionally been reluctant to offer the level of support for Aboriginal sovereignty evident in decisions of the United States Supreme Court. However, he argues that recent Supreme Court of Canada decisions indicate that there is currently a significant level of judicial support for the concept of Aboriginal sovereignty, and, in other forums, for constitutional recognition of the inherent right of Aboriginal self-government. Bartlett suggests that *Mabo* may well signal the start of a similar development in Australia.

The struggle for Aboriginal autonomy is being carried out in many contexts. One of the most prominent debates (in Canada, as in Australia) has centred on concerns about the impact of the criminal justice system on indigenous peoples. Doubts about the "justice" of the "justice system"



"The people who colonised this country were not the cream of the British aristocracy, they were the dregs of an oppressed society, and they brought that oppression here and oppressed our Koori people with it; they were the builders of gaols and prisons, and in 205 years the mentality hasn't changed."

Photograph:
Irenna Dunn

RUBY LANGFORD GINIBI *HAUNTED PAST—NOBBY'S STORY*

28TH AUGUST, 1993

On the 16th of June 1993, my son Nobby was discharged from the Berrima correctional centre, which in plain words, means he was discharged from prison after giving another five and a half years to the brutal gaol systems. We Koori people have had to live with this since our land was invaded in 1788. My son is not an evil man despite what it says in the case histories recorded by the powers that be—the so-called experts on anything pertaining to our Koori history and culture. If the truth be known, the "whole bloody country" knows nothing about us—our history is well-hidden by the dispossessors who have covered their tracks well! This statement goes into every history paper I write: the people who colonised this country were not the cream of the British aristocracy, they were the dregs of an oppressed society, and they brought that oppression here and oppressed our Koori people with it; they were the builders of gaols and prisons, and in 205 years the mentality hasn't changed. Except that those oppressors are now on top and are the bosses, and we Koori people are on the bottom of the social ladder in Australia, deprived of all the basic human rights, such as health, housing, employment, and education.

We decided months ago, on the day that Nobby was going to be released, that my son Jeffrey and I would go and fetch him. My youngest daughter Pauline arranged a car from Thrifty car rentals since none of our bomb cars could go the distance—they weren't reliable. And besides, we couldn't go to pick the man up in one of those, could we? I had planned for Jeffrey to pick me up at Granville on the 15th, and to stay the night at his place in Claymore, a suburb of Campbelltown. It occurred to me that this young son of mine and his

little family sure moved around a bit: Rockdale, then Raymond Terrace, Lethbridge Park, now Claymore. Jeffrey set the alarm for five o'clock. We were up and dressed, ready to roll, at half past six. I noticed as we sped along, that my young son was enjoying this trip in the near-new Commodore car which was white in colour. I was thinking "how odd" that it was a white car, and would soon be filled with us blackfellas.

We arrived at Berrima at half past seven—too early. Before we left Nobby had warned us that they didn't open the big gate to let inmates out before eight o'clock. So we sat and listened to the radio, Jeffrey saying, "Gee mar, I'll bet he's rushin' around like a cat on hot bricks".

"Yeah", I answered, "I'll bet he damn well is. Ya know how much of a panic merchant he is". Soon we heard a piercing whistle—PHWWEEETTT—and looking towards the big gate, we saw him waving to us to pull the car in. Next thing we were cuddling and hugging each other as if we'd never let him go. First thing he asked for was his bloody licence. I handed it to him saying, "Give me a chance to get it out of my handbag, son". He took it laughingly, saying, "I'm gonna drive, bro'", and turning to see the screws looking on he said, "I'm legal", and flashed his licence.

Then the boys loaded on all his personal belongings and his paintings. There were boxes and boxes everywhere. He told me, "Mum, looks like there's no room for you in the car, we'll have to leave you here at Berrima". "Like bloody hell", I retorted, hardly able to control my giggling in front of the screws who were keeping a watchful eye on all the packing. He shook hands with these men who referred to him as "Johnno", and who regarded him as a good inmate. He'd earned their respect because he was the activity crim here, and had more keys than the damn screws. Before we were to leave Nobby said, "We have to wait Mum, until the boss man comes so as we can go into the back of the gaol. I've got a surprise for you, okay?" "Yeah", I answered.

We had to wait for about ten minutes, until we saw a big prison van drive past us, waving for us to follow. We turned into the side street that led us to the back of the gaol and drove in behind the large van. There was a big wood fire burning, where some prisoners were warming themselves, as it was cold. As we alighted from the car, the prisoners came forward to shake Nobby's hand, wishing him well, and saying to me, "Don't let him come back here any more missus". One of the fellows was carrying something wrapped up in a cloth, and he handed it to Nobby, who shook his hand saying, "Thanks mate". Then we left that depressing place, with its high walls and restricted boundaries, with razor wire all around the perimeter. Outside Nobby

handed me the article wrapped in the cloth saying, "Go on Mum, open it, it's your present. That mate of mine made it for you". I unwrapped it hurriedly, wondering what it could be.

When I took the cloth off, tears ran from my eyes. It was a bust of my eldest daughter Pearl, who made history by being the first Aboriginal to dance with any prime minister in Australia in 1968. She had died the year after at age seventeen. I was so overwhelmed. It was beautiful. I asked Nobby, "How did he do this?"

"I gave him sister Pearl's photo to work from", he said. Jeffrey wanted to have a look, so I passed it over to him. We sped along the highway, leaving Berrima behind, heading towards Sydney. Nobby gunned the motor of the car saying, "Gee, this is a deadly car Jeffo. How about playing some tapes of mine, there in the box next to Mum?" "Righto", Jeffrey said, as I passed them over to him. As we headed towards Mittagong I sat content, revelling in the joy that after all these years, I had my only two sons that were left, in this car making a fast getaway from Berrima Prison. Me and Jeffrey wanted a feed, because we hadn't had breakfast and our tummies were rumbling. The old escapee in the driver's seat wasn't hungry, so at Mittagong we had a take-away brekkie—hamburger, bacon and egg and coffee—and drove on.

Some of Nobby's sentence was served in Maitland and in Long Bay Gaols; he'd waited eight months for a classification to go to Berrima, which was a protection prison where they sent all the white collar prisoners. There were only about fifty or sixty inmates. My son wanted this classification as it was the only prison close by that had an art teacher, and Nobby wanted to learn more about art, and how to do portraiture. He could do traditional ones already. I glanced at my two sons, Jeffrey with his long hair flying in the wind, singing at the top of his voice, in tune with the tape and beating out the drumbeats on the dashboard of the car. Nobby was letting go singing too, trying to drown Jeffrey out. I chuckled to myself. I was content to sit in the back seat, even though I'd paid for the hiring of this damn car. It made my old heart glow with pride, just listening to them, sharing this special moment together.

We were on the turn-off going into Campbelltown, and Jeffrey gave him directions on how to get to his place in Claymore. Years ago my other son David had lived out here. In the late seventies, Jeffrey and I stayed with him for about a month before I gave up my house in Green Valley in 1978 and moved into the city. Pulling up behind Jeffrey's house, his two little girls, Jessie and Samantha, ran to meet us, hugging

Uncle Nobby, and asking, "Did you bring us any lollies?" "No. I'll get you some later", Nobby said. The boys unloaded the television, and the beautiful hand-made chess table that Debbie, my daughter-in-law, had brought him when she was visiting Nobby at the craft centre there. And Shelley, Jeffrey's wife, made coffee. We all sat around yarning, and Nobby was spoiling the baby Zellina who was crawling all over the place. Nobby opened his wallet, counted all his money, and gave half to Jeffrey, which made him smile up big, because he was on the dole and battling. He also wanted Jeffrey to take us over to where Patrick, my adopted son, lived in Campbelltown. As we were talking about this, my other adopted son Allan and his little family walked in the door. More coffee was made, and the boys reminisced about long gone days. Nobby couldn't get over all the grandkids. He said, "You're all leaving me for dead, with all these kids ya got. Looks like I have to get cracking to get a couple of my own, before I get too old!" Everybody agreed with that saying, "You better hurry up Nobby, you're missing out on all the fun: dirty nappies, getting up in the middle of the night, making bottles and changing cukka bums". They were all laughing and having a go at him. Allan said he and his wife Barbara would follow us over to Patrick's place. We said our goodbyes to Shelley and the kids, Shelley telling Nobby not to be a stranger and to get his bum out to see them more now that he was home, and he promised he would.

As we drove away, I was thinking, "Gee this is only a small part of all this mob of mine". And when they all got together, "lookout" much fun and happiness. The boys had brought six tinnies, and offered one to Nobby in celebration of his homecoming, but he shook his head saying, "Booze never got me anywhere, only into all the trouble I've been in. No thanks". Allan and Jeffrey said, "Well, all the more for us". I didn't think they could get into any trouble because of a six-pack. I know it would have taken more than that to get me going a long time ago. It was only a ten-minute run to Campbelltown where Patrick lived. We turned into the driveway of this big block of three-storey high flats. I told them I'd wait in the car, as my old arthritic hip was worrying me. Besides. Patrick's flat was on the second level, and I didn't feel that good about climbing bloody stairs. Patrick came to the balcony calling out, "Hey Mum, aren't ya comin' up?" "No", I said, "I'll come back another time". They stayed long enough for another cup of coffee, which Patrick practically lived on. He didn't eat breakfast. I knew his eating habits well. When they all trooped down the stairs, we said our goodbyes. Jeffrey left with Allan to drive him home, and me and Nobby were off to Woolloomooloo. Pammy girl had planned a lunch for him.

As we got further into the city, he said to me, "Mum, I want to go out to the cemetery, to the graves first". His voice had gone real quiet. He'd never been there since we'd buried David, and that was in December of 1984, nine years ago. I thought it was about time he went, so I agreed. Driving through Botany, Nobby said, "Gee this place has changed since I've been away". "Yes, there's expressways all over the place, coming and going into the city", I answered. As we got closer to Botany cemetery, I could sense the tension in him. He never did handle the deaths of people who were taken from him, like a piece of his heart torn from him. The loss showed on his face. At the cemetery, I directed him, pointing out where his Uncle Kevin was buried. As we drove down the hill, I pointed to a huge blue headstone. "You see that blue headstone? That's where brother Bill and David are, just in front of that". At the bottom of the roadway, we turned right, and I showed him where to pull up. Then, in front of Dad and Pearl's grave, getting out of the car, I said, "This is sister Pearl and your grandfather, my Dad's grave. I had to bury Pearl on top of Dad. I couldn't raise enough money for her own plot". "Mum, why do people have to die?" "We're all born to die son, everything that lives and breathes is born to die. Nothing lasts forever", I said comforting him. Sitting on the side of the grave, I said, "I'll wait here, okay?" "Yeah", he answered, sauntering off in the direction of the boys' graves. I sat and talked to my Dad and to Pearly, saying, "Look after all our loved ones out here. We will all be together one day in our Koori Dreamtime. I glanced up the hill towards where Nobby was, and I could see him wiping his eyes, and knew that he needed to be with his brothers and talk to them too. Later we drove out of the cemetery heading for Woolloomooloo and the lunch that Pammy was preparing for us. "I'll come back here, Mum, and do those graves up, now that I'm home." "Well, you're the eldest son. It's your job now. I've paid all the funerals so there's nothing owing." "Okay, Mum. You're a real old battler, you are." "I gotta be", I said, "Can't let anything beat ya. What do ya reckon?" I added smiling at him.

We travelled along the roadway to Kensington, past the show ground, and down Darlington and on to Woolloomooloo, pulling up outside Pammy's place in Nicholson Street. The door was opened, and entering the doorway we could smell the delicious food; she was a deadly cook this Pammy girl, even though she was a vegetarian. She came towards us welcoming us, after hearing our knock, saying, "You just came at the right time, everything is ready, come on, sit yourselves down". After she'd planted kisses on our cheeks she had the table set up lovely.

By this time Nobby was starving. He hadn't eaten since we left Berrima this morning. There was delicious lasagne—vegetable lasagne I mean—and potato salad, and a whole heap of tasty things. We got stuck into it, washing it down with cups of hot coffee. Nobby was going to be staying at Pammy's for a while, to see how they went, as these two had a thing going. As a matter of fact, for the five and a half years he'd been behind bars, it was Pammy who got him started with the art. She used to teach at Long Bay Gaol.

We had the rest of the day planned to go and visit as many of the family as we could. We'd called into Ellen's in Green Valley but she wasn't home. As she waved us out the door Pammy said, "I'll expect ya when I see you, Nobby, after you've seen all your mob". "Okay", he answered. We drove away heading out past the old Rocker's pub, then down Wentworth Avenue, to Central Station, onto Parramatta Road. It took us about half an hour to get to Granville where I live and I took him in to say g'day to the tenants and staff. He had a quick look through, saying, "Mum, ya old robber, look at all my paintings that you've got". "Yes", I added, "and I bloody well paid you for all of them, and I've got all the receipts to prove it." With that he was chuckling saying, "I can't take a trick, can I?" "No!" I laughed. We left the hostel, calling out to everyone, "See youse all later". Getting into the car, we headed out on the expressway going to Blacktown. Dianne, his older sister, was the next port of call. She lived at Marayong, a suburb of Blacktown. I said to Nobby, "Do you remember the way?" "Yeah, I think so. If we get lost it's all your fault Mum." "No bloody fear! I'm not driving the damn car!" We drove along as the night threw a dark blanket over the skyline. Nobby was bent over the steering wheel, his glasses down on the bridge of his nose, peering, trying to see some street or signpost that would direct him. And I was chuckling, saying, "And you used to be a courier". He answered, "Trust me Mum! Trust me!", and we both busted out laughing. We finally found the street.

He'd come prepared. He knew Dianne was a chain-smoker, so he'd stopped at a little shop, and brought her two packets of Winfield red cigarettes, knowing they were her favourites. Pulling into her driveway, he blew the horn real loud. Because the front room was all lit up we naturally thought they were home. Then the door opened and grandson Steve came down the stairway saying, "Mum's not home Nan". Then he noticed his big uncle, and they were slapping each other on the back, and hugging each other. "Gee", Nobby said, "look at ya. Don't grow any bigger, you're already looking down on me". "I'm six foot three, Uncle Nob", Stevie boy said, flexing his huge frame and showing off.

"Here", Nobby said, handing him the smokes, "Tell your mother I shouldn't buy these for her. I don't smoke or drink any more. I'll come back another time." "Where you going now Nan?" "We're off to Auntie Pauline's and Aunt Aileen's place, and then Nobby will drop me off back at the hostel. I'm getting real tired. It's been a long day. I was up at half past five this morning to go to Berrima, and spring your Uncle Nobby". We left Marayong after getting directions from Stevie boy. After about a ten-minute run we came to Mt Druitt shopping centre. Nobby said, "I'm dying for a good feed of Kentucky Fried Chicken, Mum. Ya just couldn't trot out of Berrima to get a bucket ya know". "Yeah, I guess you're right about that. There's a Kentucky joint just at the lights where we turn into the street going to Pauline's." With that a big grin spread right across his face. "Really hanging out for that damn chicken." "Bugger the Colonel", I was thinking.

We entered the Colonel's drive-through. "Get plenty", I said, "You'll have to feed the mob at Pauline's. Those girls of hers can sure put a feed away, 'cause they're all growing girls". "I'll bet they can", Nobby said, chuckling.

We pulled in to Pauline's driveway and the door opened as our headlights flashed on their windows. They were curious to know who was pulling up in this big, white flash, car. When they saw who was getting out, the girls came running, swinging around Uncle Nobby's neck, nearly pulling him off balance, calling out, "You're home! You're home!" There was a lot of kissing and cuddling, as we went inside to feed up on the Colonel's chook. Nobby couldn't get over how much his three nieces had grown. We stayed for about an hour, said our goodbyes, and headed over to Bidwell where Aileen, the other daughter lived. It would be our last visit before he took me back to the hostel, because I was sure getting tired. Pulling into Acacia Terrace just off Luxford Road, we stopped outside of Aileen's place and blew the horn real loud. Next thing she was at the back gate unlocking the padlock which held it shut. She approached us with a tinny in her hand, coo-eeing real loud, when she saw who it was. She called out her old man Mick and her two kids to come see brother Nobby. We had more hugging and kissing. I was real proud of the way my kids were with each other. Don't get me wrong, they had their differences, but blood was thicker than water as far as they were concerned. I'd have to give myself a pat on the back for that. I'd always taught them to stick together through thick or thin. We'd been divided and quartered enough in our lifetime in this country which was once upon a time OURS!

Nobby was saying to Aileen, "You want to chuck that bloody tinny. No bloody good for ya, Sis". "Now, don't ya start air-raiding me like Mum does bro', it's me only pleasure ya know". I looked at my watch and saw it was nearly ten o'clock. I said to Nobby, "Come on, it's getting late son, let's go".

So we drove back onto the main highway, landing back at Allawah at about eleven o'clock. I told Nobby just to drop me off. He had to head back to Pammy's. I expected him to pick me up at two o'clock the next day. I had a lecture at Parramatta library at three, and I'd take him along, as I wanted to introduce him to the students. Besides, I wanted to show him just what I'd been up to, and how to conduct a lecture and question time. I knew that I couldn't keep this pace up, with all the lecturing I do, so I needed someone in the family to pass this knowledge on to. It seemed as though Nobby was it.

Next day about two o'clock he arrived at the hostel. I was already dressed. He grabbed my briefcase and we left for Parramatta library, only about a mile away from Allawah hostel. I'd asked Nobby to bring his portfolio of photos of his art to show the high school students who were doing their H.S.C. My book, *Don't take your love to town*, was not the main text. I'd been told by the students that the books they were ordered to read were the histories and stories of antiquated Europe, not books that were relevant to our Australian history. But we authors have no say in that. The Education Department selects the texts. I was thinking, "No wonder we Kooris are on the lowest rung of the social ladder in this country, if our books were not the main texts".

"Did ya sleep well Mum", Nobby asked. "Oh yeah, I was real tired son." "Did you sleep well?", I asked him. "Yep", he answered. We drove to Parramatta library. Nobby dropped me off while he parked the car, then we climbed the stairs to the third floor where they had lecture rooms. A librarian asked us if we'd like coffee and my son said he would. We waited for the lady who was co-ordinating this lecture. I glanced around the room and noticed that they had a big sign which said: "Parramatta library welcomes Ruby Langford Ginibi". Nobby said, "Wow! Look at my Mum the celebrity!" He was chuckling so I poked my tongue out at him. The co-ordinator arrived and with Nobby's help she arranged the seating, with a table out front for me. She was flabbergasted to meet Nobby.

The students started to come up the stairs, and, judging by their uniforms, all from different schools. The co-ordinator introduced me, saying, "Students this is Ruby Langford Ginibi". Nobby was sitting next

to me. He'd warned me not to pull him into the conversation. Little did he know they'd get him later.

"Welcome students. I'd like to read my names from the beginning of my book, to tell you a little bit about myself." Then I pointed to Nobby, saying, "You're reading the book, this is my son Nobby, who has a starring role in it". Nobby was twisting in the chair getting nervous, but he was okay. As I began to read to them most of their eyes were on him anyhow. When I threw it open for questions, I was asked, "In the book, there's no anger or bitterness at the injustices you and your people have had to put up with", to which I answered, "Anger is a very negative attitude, not that my people could do anything about that, because we are a minority in this country. We are not quite two percent of the total population which now stands at 17 Million. It was only in 1967 that we were able to vote, and to be counted in the census. Before that the land was *Terra Nullius*, you see, supposed to be uninhabited. I don't think our indigenous people were invisible. The other great lie was that Captain Cook discovered Australia. There were others that came long before he graced our shores. For instance, there were the French, Germans, Portuguese.... But they came and went; they did not come to dispossess our people.

"We don't have full human rights in this land Australia, as long as our people don't have any fresh drinking water in some communities, and are dying of curable diseases, and the atrocious rate that our people are dying in police and prison custody. We are the most incarcerated people in this country, but nobody gives a damn. My son here has done six years for something he never did. But because he was the eldest, and the police needed a conviction, he wore it. The brutal prison system in this country not only has him but a whole lot of Koori people, women included, in its clutches. We have no justice, we have no voice, because the laws we have been forced to live by are white man's laws; we have always had to conform to the standards of the invaders of our country. We were never able to be our 'damn selves'. Once they know your face, you're gone".

The students started to ask Nobby questions then, and I was amazed, because when he opened up and started to talk to the students, he did quite well. Then he showed them his art work, passing them around the room. He explained, "If I didn't have my Koori spirit to guide me, I would have been a gonna". I butted in to say, "I was terrified of my son going back to gaol because it was so bad. He used to say to me, 'If I ever go back to that shit hole they'll bring me out feet first in a box'". I added, "Can you imagine what that did to our family, the worry, that he

Ruby Langford Ginibi

might kill himself, it was unbearable. You see, people don't seem to understand, that in a family, if something happens to any member, it affects the 'whole' family, they all worry and are frantic about that family member and are frustrated about not being able to do anything to help or reassure them. So being incarcerated, locked up away from society and family and friends, is the most de-humanising experience and punishment of all." The whole room went deadly silent. You could have heard a pin drop. After the lecture, they all trooped over for me to sign their books. They rounded up Nobby to sign them too, and were all shaking his hand. I glanced at him. I could see he was well pleased with all the attention he was getting. I thought, "I now have one of my mob to pass on all my research and educational stuff to; he proved that he could handle it, and very well".

The coordinator thanked us for coming and sharing our experiences with them. As the students climbed down the stairs and got into school buses waiting for them, we left to go home.

GLOSSARY

- Brekkie:** Abbreviation for "breakfast".
- Chook:** Slang for chicken.
- Cukka bums:** We let the content speak for itself —eds.
- Read my names:** The opening chapter of *Don't Take Your Love to Town* is entitled "Names", and is a type of geneology. The chapter ends: "You can think of me as Ruby Wagtail Big Noise Anderson Rangi Ando Heifer Andy Langton. How I got to be Ruby Langford. Originally from the Bundjalung people."
- Tinnies:** Abbreviation for "tin", meaning a can of beer.