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Treaty legislation passed and William Cooper honoured. This week, there was hope

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It was difficult not to share the pride of the mob who have fought for treaty in Victoria

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Jill Gallagher, AO, Victorian Treaty Advancement Commissioner (centre) addresses Victorian parliament to introduce treaty legislation for traditional landowners on Wednesday. Photograph: Julian Smith/AAP

On Thursday night, right around the moment Socceroo fans [slumped sharply in despair](#), I was experiencing a tremendous sense of admiration, though for reasons entirely unrelated to the Australian team's tilt to qualify for the knockout stage of the World Cup. In the Victorian parliament, a genuinely meaningful historic moment had taken place: [Australia's first treaty bill was effectively legislated](#). In July, the bill will be signed by the governor of Victoria, formally committing the state to treat with the First Nations peoples of the lands that have been captured by its borders.

The bill is a significant progression towards realising a more aware and fair society, and arguably for that precise reason is sure to be relentlessly challenged. That much became abundantly clear by the line of questioning and certain derisive asides made in the upper house by Liberal party members Georgie Crozier and Bernie Finn. But objection to the notion and fulfilment of a treaty and the aspirations entailed within it will rapidly extend beyond its naysayers on the city's Eastern Hill.

Sitting alongside Victorian mob in the public gallery of the legislative council earlier on Thursday, it was difficult not to share in their pride. Among them the sense of achievement and hope – to go

with their million and one frustrations along the treaty pathway so far – was palpable. The Advancing the Treaty Process with Aboriginal Victorians bill 2018 was about to pass through. The very day after the name of Melbourne’s inner-city electoral division of [Batman was renamed in honour of William Cooper](#), a proud Yorta Yorta man and staunch activist for Aboriginal enfranchisement and land rights around the continent, and particularly in Victoria.

There has rightfully been much reference this week to the rally led by 77-year-old William Cooper on 6 December 1938 to the German consulate in Melbourne to protest the Kristallnacht attacks on Jews by Nazis in Germany and Austria a month earlier. Cooper’s initiation of the 26 January 1938 Day of Mourning to spotlight what he described as “the whiteman’s seizure of our country” has also earned a run in many articles this week; as has his presentation to the commonwealth government in 1937 of a petition intended for King George V that pressed for Aboriginal representation in federal parliament; likewise his principle role in the establishment of the Australian Aborigines’ League in 1933.

One detail of Cooper’s life that has been generally overlooked, and which is now highly relevant to the tale of this week, is his regular Sunday appearances at Yarra Bank, a site just down the hill from Parliament House where Melbourne’s orators would gather to articulate their views in public. Cooper would walk into town from his home in Footscray to hold forth on issues impacting the lives of the Aboriginal peoples with the aim of forging a more aware, thoughtful and just society.

As I watched the Socceroos snatch a goal back to level with Denmark, I began thinking about Cooper’s presence on the banks of the Yarra River, at the foot of Victoria’s house of government, stepping up and proudly, defiantly speaking out, appealing to the higher moral obligations of the city’s community to make a difference, support the underprivileged and effect genuine change. And maybe it was the absence of Bruce McAvaney calling the game, but I began to get real passionate about the synergy in play.

John Batman, the murderer and flimflammer whose name was finally binned in preference for Cooper, was also the last person to supposedly enter into agreement-making with local mob. I say “supposedly” because there remains a sizeable question mark over Batman’s claims he traded axes, mirrors, scissors and flour for 240,000ha of land on which present-day Melbourne presently sprawls. He also insisted he walked the boundary of his new acquisition in a day, which may have been the straw that tipped Governor Arthur to scrutinise the dates on Batman’s report, which in turn led to the Batman Deed being stamped null and void. That was 183 years and 15 days ago.

Thursday night’s development brought us forward a long way but there’s still so much further to go to extirpate the cult of denial cultivated by the likes of Bernie Finn, who on Thursday attempted to resuscitate John Howard’s complacent rationale regarding treaty back in 2000, when Finn argued in the upper house that a nation does not make a treaty with itself. Or Finn’s none-too-subtle intimation that a change of government may see the treaty legislation kicked up to the high court to be overturned, ultimately resulting in only high paid QCs benefitting from the legislation. And it can also be detected in the loaded enquiry from Finn’s party colleague, Georgie Crozier, into how the Aboriginal representative body will be established and the safeguards in place that could pilot it.

The tone and intent of this brand of cynicism sets alarming precedents for the denial and erasure groupies. As the Socceroos iron their aches and pains out on the foam rollers in preparation for a final group match against Peru next Wednesday, I like to imagine Cooper and his walrus-moustache making his way up from Birrarung Marr, rolling his shoulders over and dipping his head side-to-side, headed for the top step of Spring Street to slot treaty past the state’s keepers and deep into the back of the net.

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