



## Australian Heritage Database

## Places for Decision

Class : Indigenous

Item: 1

## Identification

<b>List:</b>	<b>National Heritage List</b>
<b>Name of Place:</b>	Cyprus Hellene Club - Australian Hall
<b>Other Names:</b>	KSC Hall Mandolin Cinema
<b>Place ID:</b>	105937
<b>File No:</b>	1/12/036/0589
<b>Primary Nominator:</b>	104311 Australian Heritage Council
<b>Nomination Date:</b>	30/01/2007
<b>Principal Group:</b>	Places of significance to Aboriginal people

## Status

<b>Legal Status:</b>	30/01/2007 - Nominated place
<b>Admin Status:</b>	03/12/2007 - Assessment by AHC completed

## Assessment

<b>Assessor:</b>	
<b>Recommendation:</b>	Place meets one or more NHL criteria
<b>Assessor's Comments:</b>	
<b>Other Assessments:</b>	:

## Location

<b>Nearest Town:</b>	Sydney
<b>Distance from town (km):</b>	
<b>Direction from town:</b>	
<b>Area (ha):</b>	
<b>Address:</b>	Elizabeth St, Sydney, NSW, 2000
<b>LGA:</b>	

### Location/Boundaries:

150-152 Elizabeth Street, Sydney.

### Assessor's Summary of Significance:

Since European settlement, Indigenous people have been treated differently to the general Australian population; denied the basic concession of equality and rarely given full protection before the law (Bennett 1989:3). While Indigenous groups have long resisted and protested against this inequality, up until the 1920s these protests were generally focused on local issues.

The Day of Mourning, held in Australia Hall on Australia Day 1938, was organised by members of the Aboriginal Advancement League and the Aboriginal Progressive Association and was the first national Indigenous protest action. It was held on Australia Day to coincide with sesquicentenary celebrations for Australia Day and highlight that the '150 years so-called "progress" in Australia commemorates also 150 years of misery and degradation imposed upon the original native inhabitants by the white invaders if this country' (Patten *et al* 1938). The organisers and participants of the Day of Mourning identified policy issues affecting Indigenous people and proposed recommendations for addressing these issues through government action. This was a significant collection of work and while there has been some progress in addressing the issues, generally the political statements and social issues identified from the Day of Mourning are still relevant to Indigenous people today (Pearson 1997; Djerrkura 1998; Dodson 2000).

The Day of Mourning also highlighted the ambiguous relationship between Indigenous people and the Australian nation, which also remains an issue for Indigenous people today (Dodson 2000; Pearson 2007). The choice of holding the Day of Mourning on Australia Day, the national holiday celebrating the arrival of the first fleet and the birth of Australia as a nation, highlighted the exclusion of Aboriginal people from the Australian nation (Patten 1938). Since the Day of Mourning in 1938, Indigenous people have continued to use Australia Day celebrations to draw attention to their exclusion from the national consciousness.

Indigenous people continue to have a strong association with Australia Hall as the site of the Day of Mourning, the first national Indigenous

protest action, and the combined work of the prominent Aboriginal leaders of the time such as William Cooper, William Ferguson, Jack Patten, Pearl Gibbs, Margaret Tucker and Doug Nicholls.

### Draft Values:

Criterion	Values	Rating
A Events, Processes	<p>Coinciding with the 1938 sesquicentenary celebrations for Australia Day, members of the Aboriginal Advancement League and the Aboriginal Progressive Association held the first national Indigenous protest, the Day of Mourning, to highlight that the '150 years' so-called "progress" in Australia commemorates also 150 years of misery and degradation imposed upon the original native inhabitants by the white invaders of this country' (Patten <i>et al</i> 1938). The Day of Mourning identified a significant collection of policy issues impacting on Indigenous people and proposed recommendations for addressing these issues through government action. While there has been some progress, generally the political statements and social issues identified from the Day of Mourning are still relevant to Indigenous people today (Pearson 1997; Djerrkura 1998; Dodson 2000). Australia Hall, as the site of the Day of Mourning, is outstanding in the course of Australia's cultural history as the first national Indigenous protest which identified issues of continuing relevance to Indigenous people.</p> <p>The ambiguous relationship between Indigenous people and the Australian nation remains an issue for Indigenous people (Dodson 2000; Pearson 2007). The choice of holding the Day of Mourning on Australia Day, the national holiday celebrating the arrival of the first fleet and the birth of Australia as a nation, highlighted the exclusion of Aboriginal people from the Australian nation (Patten 1938). Since the Day of Mourning in 1938, Indigenous people have continued to use Australia Day celebrations to draw attention to their exclusion from the national consciousness as shown by the 1988 bicentenary protest, one of the largest Indigenous protests in Australia. Australia Hall, as the site of the Day of Mourning, is outstanding in the course of Australia's cultural history for its association with the first national Indigenous protest seeking the inclusion of Indigenous people in the Australian nation.</p>	AT
G Social value	<p>The Day of Mourning played a significant role in the history of Indigenous peoples' struggle for the recognition of their civic rights and is regarded by Indigenous people as one of the most important moments in the history of the Indigenous resistance in the early 20th Century (Martin 1996, Foley 2005). The strong social and cultural association Indigenous people have with Australia Hall and the Day of Mourning is demonstrated by the continuous references made by Indigenous leaders from across Australia to this event (Pearson 1997; Djerrkura 1998; Dodson 2000; Foley 2005). It is also shown through the campaign during the 1990s for the recognition of the significance of the building to Indigenous people and the depiction of the Day of Mourning at Reconciliation Place. Indigenous people have a strong association with Australia Hall, the site of the Day of Mourning, as the first national Indigenous protest which identified social justice issues of continuing relevance to Indigenous people.</p>	AT
H Significant people	<p>Over 100 people Aboriginal people attended the Day of Mourning at Australia Hall. Indigenous people involved in the inception and organisation included prominent Aboriginal leaders of the time such as William Cooper, William Ferguson, Jack Patten, Pearl Gibbs, Margaret Tucker and Doug Nicholls. Their combined work produced a significant collection of policy issues impacting on Indigenous people and proposed recommendations for addressing these issues through government action. The political statements associated with the Day of Mourning are still relevant to Indigenous people today (Pearson 1997; Djerrkura 1998; Dodson 2000). Australia Hall has a special association with the work of the organisers of the Day of Mourning, which is outstanding for its continued relevance to Indigenous people.</p>	AT

### Historic Themes:

#### Nominator's Summary of Significance:

#### Description:

The Cyprus Hellene Club, the building which houses Australia Hall, is a three-storey masonry building in the Federation Romanesque style with the use of rusticated stone dressings. The building originally formed part of a Federation period streetscape group known as the Elizabeth Street Precinct (Commissioners of Inquiry for Environment and Planning 1995:5). The entire building, although internally altered over the years, remains substantially intact. The symmetrical facade to Elizabeth Street has bold modelling and textures, due to its semi-circular arches, segmental oriel windows and rock faced stonework.

The former Australia Hall occupies the rear of the first floor; its interior and that of the entrance lobby and foyer both retain original Classical decorative elements possibly dating from the 1920s (Foy's 1935). The front entrance and back door survive intact.

#### Analysis:

Criterion (a): The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's cultural history; *National Policy*

Since European settlement, Indigenous people have been treated differently to the general Australian population; denied the basic concession of

equality with whites and rarely given full protection before the law (Bennett 1989:3). It is therefore not surprising that Indigenous people have long resisted and protested against European settlement of their country (Foley 2001). Early Aboriginal protests were initiated by residents of missions and reserves as a result of local issues and took the form of letters, petitions and appeals (Attwood *et al* 1999:9-11). This pattern of protest first occurred in the mid 1840s at one of the first Aboriginal reserves called Wybalenna on Flinders Island (Attwood *et al* 1999:30). It continued through the 1870s at Coranderrk, and during the 1890s at Cummeragunja and Poonindie, mainly in response to poor management of reserves or the imposition of communal farming rather than the allocation of land to families (Attwood *et al* 1999:31-33; Attwood 1999:33-35).

A new dynamic began in the late 1920s with the creation of regional and state based Aboriginal controlled organisations in New South Wales (NSW) such as the Aboriginal Progressive Association (APA) and in Victoria with the Aboriginal Advancement League (AAL). Key founders of these organisations included William Cooper, Doug Nicholls, Margaret Tucker, William Ferguson, Jack Patten and Pearl Gibbs.

The key members of both these organisations shared common life experiences; they grew up on missions or reserves controlled by protection boards but were either expelled on disciplinary grounds or left to find work (Attwood 2003:40). The majority of these people had at one time resided at Cummeragunja or Warrangesda missions in NSW and a number also had lived at Salt Pan Creek, an Aboriginal squatter's camp south-west of Sydney. This camp contained refugee families, the dispossessed and people seeking to escape the harsh and brutal policies of the Aborigines Protection Board (Reason in Revolt Project 2007). It became a focal point for intensifying Aboriginal resistance in NSW.

While living off an Aboriginal reserve provided some level of freedom, these Aboriginal people experienced the full force of laws that impacted on the ability of Indigenous people to find employment, receive equal wages, seek unemployment relief and the ability to purchase or own property. The experience of living under the control of a protection board on a mission or reserve, and the barriers they faced off these reserves, united the organisations in their concerns for the lack of civil rights, the growth in the Aboriginal Protection Board's powers and the condition of people remaining in missions and reserves (Attwood 2003:41).

The AAL and APA originated as a result of regional or state based issues but began lobbying for Aboriginal people to have the same political rights, legal position and service benefits and educational opportunities as other Australians (Attwood *et al* 1999:11, CHCAP 2003:34). However, by mid 1937 both these organisations were frustrated by lack of results from petitions to the King George V for the granting of parliamentary representation to Aboriginal people, an inquiry into the administration of the NSW Aboriginal Protection Board and the disappointing outcomes of the first conference of Commonwealth and State Aboriginal authorities. This conference was held in Canberra in April 1937 and marks the formal beginning of a national assimilation policy (RCIADIC 1991).

It was in this environment that in November 1937 William Cooper called a meeting of the AAL in Melbourne which was also attended by William Ferguson from the APA (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:6). During this meeting, the two groups agreed to hold a protest conference in Sydney to coincide with sesquicentenary celebrations planned for Australia Day 26 January 1938. They decided to call this protest the Day of Mourning (Horton, 1994:75; Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:6).

The AAL and APA widely promoted the Day of Mourning through radio interviews and other media. To encourage Aboriginal people to attend, Jack Patten and William Ferguson took turns touring the reserves to spread information about it (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:7). Jack Patten and William Ferguson also published a 12 page pamphlet entitled *Aborigines Claim Citizen Rights* to promote the purpose of the Day of Mourning amongst non-Indigenous people. Rowley (1972:79) states that this 'manifesto' is perhaps the most bitter of Aboriginal protests. This pamphlet explained the significance of the action:

'The 26th January, 1938, is not a day of rejoicing for Australia's Aborigines; it is a day of mourning. This festival of 150 years' so-called "progress" in Australia commemorates also 150 years of misery and degradation imposed upon the original native inhabitants by the white invaders of this country. We, representing the Aborigines, now ask you, the reader of this appeal, to pause in the midst of your sesqui-centenary rejoicings and ask yourself honestly whether your "conscience" is clear in regard to the treatment of the Australian blacks by the Australian whites during the period of 150 years' history which you celebrate?' (Patten *et al* 1938)

The pamphlet asked the reader to acknowledge the impact of the 'protection' approach, the restrictions that it continued to place on Aboriginal people's rights, and to be proud of the Australian Aborigines and not misled by the superstition that they are a naturally backward and low race. The paper also stated: 'We ask you white Australians for justice, fair play and decency, and we speak for 80,000 human beings in your midst. We ask—and we have every right to demand—that you should include us, fully and equally with yourselves, in the body of the Australian nation' (Patten *et al* 1938).

The organisers distributed approximately 2,000 leaflets and posters advertising the Day of Mourning which advised that "Aborigines and persons of Aboriginal blood only are invited to attend". The organisers were denied permission to hold the Day of Mourning in Sydney Town Hall, but were able to rent the Australia Hall, 150-152 Elizabeth Street. The use of Australia Hall was granted on condition that the delegates watched the sesquicentennial parade from the Town Hall steps and then marched behind the parade to the Australia Hall (NSW Heritage Office 2000:9; Mesnage 1998). At the time the Australia Hall was within a building owned by the Knights of the Southern Cross, a Catholic fraternal lay group (Register of the National Estate).

The official Australia Day celebrations included a re-enactment of the arrival of Governor Phillip by boat at Port Jackson 'who will put the Aborigines to flight' (Horner 1980:44). The Government had brought in Aboriginal people from the Menindee reserve to participate in the re-enactment of the arrival of Governor Phillip at Port Jackson as this was a safer option than using Aboriginal people from the Sydney area

(Parbury 1986:107; Dodson 2000). These people were housed at the Redfern Police Barracks and were not allowed any contact with 'disruptive influences' before the re-enactment (Dodson 2000).

While the delegates for the Day of Mourning did not watch the re-enactment, they were required to watch the pageant at the Sydney Town Hall which included a short corroboree danced by boys in brown paint to contemporary European music (Horner 1980:44). After watching this parade delegates walked to Australia Hall. Two police officer's guarded the front door of the building. The Day of Mourning was held in a period when there were restrictions on Aboriginal people's rights of movement and assembly and the delegates from reserves risked imprisonment, expulsion from their homes and loss of their jobs for participating in an event such as this (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:4; Mesnage 1998; Burgess 2002:20). As a result some entered through the back door of the building to avoid identification and reprisals (NSW Heritage Office 2000:9).

Over 100 people attended the Day of Mourning from throughout NSW, Victoria and Queensland (Horner 1980:49; NSW Heritage Office 2000: 9). Telegrams of support for this action also came from West Australia, Queensland, North Australia, which the organisers believed gave the gathering the status and strength of a national action (Patten 1938).

After a number of statements by participants, they unanimously endorsed a resolution demanding full citizen rights:

"WE, representing THE ABORIGINES OF AUSTRALIA, assembled in conference at the Australian Hall, Sydney, on the 26th day of January 1938, this being the 150th Anniversary of the Whiteman's seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people by the whitemen during the past 150 years, AND WE APPEAL to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY'.

On 31 January 1938, a delegation presented this resolution, and a ten-point policy statement developed at the Day of Mourning, to the Prime Minister and the Minister for the Interior. Participants described the ten-point policy statement as the only policy which has the support of the Aborigines themselves (Patten 1938). It included a long range policy with recommendations for: Commonwealth Government control of all Aboriginal affairs; the development of a National Policy for Aborigines and the appointment of a Commonwealth Minister for Aboriginal Affairs whose aim would be to raise all Aborigines throughout the Commonwealth to full Citizen Status and civil equality with the whites in Australia. The latter included entitlement to: the same educational opportunities; the benefits of labor legislation, including Arbitration Court Awards, workers' compensation and insurance; to receive wages in cash, and not by orders, issue of rations, or apprenticeship systems; old-age and invalid pensions; to own land and property, and to be allowed to save money in personal banking accounts.

The long range policy also identified the need for Aboriginal land settlements including tuition in areas of agriculture and financial assistance to generate self-supporting Aboriginal farmers. While opposing a policy of segregation, it advocated the retention of Aboriginal Reserves as a sanctuary for some Aboriginal people.

A full report of the Day of Mourning appeared in the first issue of the monthly *Australian Abo Call* in April 1938. *Australian Abo Call* was the first newspaper published by Aboriginal people to voice their views and therefore became a very important vehicle for the movement (Goodall 1996:243; NSW Heritage Office 2000:9). It stated:

'The Day of Mourning protest conference on 26 January 1938 at the Australia Hall marks the first occasion in Australian history that Aboriginal people from different states joined together to campaign for equality and full citizenship rights. Initiated and organised by key figures in two of the early Aboriginal political protest organisations, the Australian Aborigines League and the Aborigines Progressive Association, delegates joined to discuss civil rights and debate a ten-point list of demands aimed at redressing the political and legal disadvantages of Aboriginal people' (Patten, 1938).

In the 1930s demanding the same rights as white Australians, when Indigenous people were subject to severe restrictions and punitive sanctions, constituted a radical claim in Australia and challenged the premise of the dominant racial order (Attwood 2003:66). The Day of Mourning is therefore regarded as one of the most important moments in the history of the Indigenous resistance in the early 20th Century (Foley, 2005). Although in 1938 it brought about little change, the Day of Mourning produced a comprehensive collection of key policies that identified impacts on the lives of Aboriginal people at the time and recommendations for how they should be addressed.

One of the issues highlighted in these policies, namely Commonwealth Government control of all Aboriginal affairs, formed the basis for the constitutional amendments endorsed by the Australian people in the Referendum of the 27th of May, 1967 (Mesnage 1998, NSW Heritage Office 2000:9). While there has been progress, governments still identify the broad issues raised in these documents as priority areas within Indigenous Affairs (see Ministerial Taskforce on Indigenous Affairs long term vision in Office of Indigenous Policy Coordination 2004; issues identified in Bilateral Agreements between Commonwealth and States/Territories at [www.oipc.gov.au](http://www.oipc.gov.au)).

A number of contemporary Indigenous leaders also recognise that the key policy issues identified at the Day of Mourning remain relevant to Indigenous people today. In a speech at the Australian Reconciliation Convention in Melbourne, Noel Pearson (1997) noted that after reading the documents associated with the Day of Mourning he 'was struck either how sophisticated the movement was back then, or how far we have not come' because the issues raised in the material from the Day of Mourning remained fresh propositions. In an article published in a number of metropolitan newspapers on Australia Day in 1998, Gatjil Djerrkura noted that while advances have been made in relation to Indigenous affairs since the Day of Mourning, many of the underlying issues remain including improvements to the health and economic opportunities in communities (Djerrkura 1998).

Patrick Dodson (2000) also stated that the call at the Day of Mourning for recognition of 'full citizen status' and 'equality within the community' has recurred in the numerous government reports including those of the Human Rights Commission, the Social Justice Commissioner, the Aboriginal and Torres Strait Islander Commissions and the Council for Aboriginal Reconciliation, as well as the Indigenous statements such as the Yirrkala Bark Petition, the Barunga Statement, the Eva Valley Statement and the Boomanulla Oval Statement.

The Day of Mourning identified a significant collection of policy issues impacting on Indigenous people and proposed recommendations for addressing these issues through government action. While there has been some progress, generally the political statements from the Day of Mourning are still relevant to Indigenous people today (Djerrkura 1998).

The Australia Hall may have outstanding heritage value to the nation under criterion (a) because of its association with the Day of Mourning, the first national Indigenous protest which identified issues of continuing relevance to the nation.

#### *The Australian Nation*

The choice of holding the Day of Mourning on Australia Day, the national holiday celebrating the arrival of the first fleet and the birth of Australia as a nation, highlighted the exclusion of Aboriginal people from the Australian nation. This is explicit in the material published to promote the Day of Mourning:

This festival of 150 years' so-called "progress" in Australia commemorates also 150 years of misery and degradation imposed upon the native inhabitants... We ask you white Australians for justice, fair play and decency and we speak for 80,000 human beings in you midst. We ask-and we have every right to demand- that you should include us, fully and equally with yourselves, in the body of the Australian nation (Paten *et al* 1938).

The boundaries of the nation are drawn by citizenship (Cunnenn 2001). Indigenous people have been excluded from citizenship through particular State and Commonwealth legislation, and until 1962 Indigenous voting and citizenship rights varied throughout Australia (Chesterman *et al* 1997:59,84). The Royal Commission into Aboriginal Deaths in Custody (1991) stated that the lack of Indigenous citizenship rights '... is revealing of Australia's sense of nationhood; Aboriginal people were to be part of the past, not the future.'

Since the Day of Mourning in 1938, Indigenous people have continued to use Australia Day celebrations to draw attention to their sense of exclusion from the national consciousness: in 1970 a second Day of Mourning was held to demonstrate against Sydney's bicentenary celebrations of Captain Cooks 'discovery' of Australia; Australia Day in 1972 saw the establishment of an Aboriginal Tent Embassy on the lawns of Parliament House in a call for national land rights, sovereignty and self-determination; and, the bicentenary protests on Australia Day in 1988 is still one of the largest Indigenous protest marches in Australia (Attwood 2003:334-336; Horton 1994:1062, 74).

Nationhood was also a central theme of the reconciliation movement of the late 1990s. During this time, the Council for Aboriginal Reconciliation worked towards achieving the national goal of reconciliation, a process they called 'Renewal of the Nation'. The 1997 National Reconciliation Convention also saw a number of speeches highlighting the importance of reconciliation process in forming the Australian nation. At this conference, the then Leader of the Opposition, the Hon KC Beazley MP (1997), stated that 'a truly cohesive nation requires its people to be reconciled, to own and value their shared history and shared cultural heritage'.

The ambiguous relationship between Indigenous people and the Australian nation remains an issue for Indigenous people (Dodson 2000). Pearson (2007) states that Australia has never been clear about the place of Aborigines and Torres Strait Islanders within the nation, not during the founding of the colonies, not at the formation of the Federal Commonwealth in 1901 and it remained unsettled at the time of the Day of Mourning. Since the 1967 referendum, the question of the place of Indigenous people within the Australian nation has only surfaced momentarily in public life and therefore remains a fundamental question today (Pearson 2007).

The Australia Hall may have outstanding heritage value to the nation under criterion (a) because of its association with the 1938 Day of Mourning, the first national Indigenous protest that sought the inclusion of Indigenous people within the Australian nation, a theme that is still current.

Criterion (g): The place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

The site of the Day of Mourning is important to Indigenous people because it played a significant role in identifying social justice issues that are still relevant to Indigenous people today.

The continued relevance of the policy issues identified at the Day of Mourning has lead contemporary Indigenous leaders such as Gary Foley (2005) to describe it as one of the most important events in the history of Indigenous resistance in the early 20th Century. Mick Dodson has also stated the significance of the Day of Mourning in the history of the struggle for the recognition of Indigenous people's civic rights is beyond dispute (Martin 1996). Other Indigenous leaders such as Noel Pearson (1997; 2007), Gaṭjil Djerrkura (1998), Patrick Dodson (2000) and Larissa Behrendt (nd) recognise the significant role that the Day of Mourning has played in Australia's Indigenous political and social history.

Indigenous people have shown the strong association they have with Australia Hall through their campaign for the recognition of it significance and protection of the building. Through the mid 1990s a number of Indigenous people and the National Aboriginal History and Heritage Council lobbied to stop the demolition of the building which housed Australia Hall, now known as the Cyprus Hellene Club. An inquiry into objections to a Permanent Conservation Order for the building found that the Day of Mourning is of great social, structural and cultural significance to the Indigenous community (Commissioners of Inquiry for Environment and Planning 1995:26).

This campaign resulted in the inclusion of parts of the building on the NSW State Heritage Register in recognition of its exceptional social significance as it is held in high regard by the Aboriginal community for its association with the Day of Mourning (NSW Heritage Register). The listing also noted that building is very important to the Aboriginal community's sense of its history and their struggle for social justice. The Indigenous Land Corporation subsequently purchased the building in recognition of its historic and cultural significance to Indigenous people, and it is now owned by the Metropolitan Aboriginal Association (Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund 1999:26).

The strong association that Indigenous people have with the Day of Mourning is also shown through depictions of the participants of the day and the resolution at Reconciliation Place in Canberra's Parliamentary Zone. Reconciliation Place recognises the importance of understanding the shared history of Indigenous and non-Indigenous Australians, and aims to reaffirm the commitment to Reconciliation as an important national priority (National Capital Authority (nd)). The depictions of the Day of Mourning at Reconciliation Place recognises the significant role it has played in the 1967 Referendum.

It is apparent that Indigenous people from across Australia have a strong association with Australia Hall, as the location of the Day of Mourning, for the outstanding role it has played in the Australia's Indigenous political and social history.

The Australia Hall may have outstanding heritage value to the nation under criterion (g) because of the strong association Indigenous people have with the place where the 1938 Day of Mourning occurred, the first national Indigenous protest which identified issues of continuing relevance to Indigenous people.

Criterion (h): The place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's cultural history;

The Day of Mourning has a special association with the work of a number of the key Aboriginal political leaders of the early 1900s. While over 100 people participated in the Day of Mourning, a smaller number of people were involved in its inception and organisation. This included prominent Aboriginal leaders of the time such as William Cooper, William Ferguson, Jack Patten, Pearl Gibbs, Margaret Tucker and Doug Nicholls.

The organisers of the Day of Mourning had a broad understanding of the policies that were impacting on the lives of Indigenous people. William Cooper, Jack Patten and William Ferguson had travelled extensively to Indigenous reserves throughout eastern Australia to gather information for an inquiry into the NSW Aboriginal Protection Board, collect signatures for a petition to King George V and to promote the Day of Mourning to other Indigenous people. The majority of the organisers of the Day of Mourning had also lived under the control of the Aboriginal Protection Boards on reserves and felt the full impact of discriminatory laws while living off reserves.

These experiences allowed the organisers of the Day of Mourning to identify a significant collection of policy issues impacting on the lives of Indigenous people, many of which are still relevant to Indigenous people today (Djerrkura 1998). The culmination of the work of this historically important group of Indigenous leaders occurred at, and is inextricably linked to, Australia Hall, the site of the Day of Mourning. The continued relevance of the work of the Day of Mourning organisers makes it outstanding as part of Australia's cultural history.

The Australia Hall may have outstanding heritage value to the nation under criterion (h) for its special association with combined work of prominent Aboriginal leaders involved in the Day of Mourning.

## **History:**

### *History of the Day of Mourning*

Since European settlement, Indigenous people have been treated differently to the general Australian population; denied the basic concession of equality with whites and rarely given full protection before the law (Bennett 1989:3). Indigenous people have long resisted and protested against European settlement of their country (Foley 2001). Early protests were initiated by residents of missions and reserves as a result of local issues and took the form of letters, petitions and appeals (Attwood *et al* 1999:9-11).

One of the earliest examples of this form of protest was during the mid 1840s at the Aboriginal reserve called Wybalenna on Flinders Island. Residents of Wybalenna sent letters and petitions to Queen Victoria and the Colonial Secretary and other Government officials, protesting against the living conditions and administration of Wybalenna (Attwood *et al* 1999:30). Similarly in the mid 1870s residents of Coranderrk in Victoria began a decade long protest against the management and closure of the reserve using letters to the editors of daily newspapers and government Ministers as well as seeking support from humanitarian organisations (Attwood *et al* 1999:31-33).

This pattern of protests focusing on local concerns continued during the 1880s and 1890s with residents of Cummeragunja in New South Wales and Poonindie in South Australia also using letters and petitions to lobby for the allocation of parcels of land within the reserve to families so that they would be responsible for farming their allocated parcel (Attwood 1999:33-35).

A new dynamic began in the late 1920s with the creation of regional and state based Aboriginal controlled organisations. The first of these was the short lived Australian Aboriginal Progressive Association (AAPA), founded on the mid north coast of New South Wales (NSW) by Fred Maynard (Attwood *et al* 1999:58). Subsequent state based organisations were formed in NSW with the Aboriginal Progressive Association (APA) and in Victoria with the Aboriginal Advancement League (AAL). Key founders of these organisations included William Cooper, Doug

Nicholls, Margaret Tucker, William Ferguson, Jack Patten and Pearl Gibbs.

The key members of both these organisations shared common life experiences; they grew up on missions or reserves controlled by protection boards but were either expelled on disciplinary grounds or left to find work (Attwood 2003:40). The majority of these people had at one time resided at Cummeragunja and/or Warrangesda missions in NSW and a number also had lived at Salt Pan Creek, an Aboriginal squatter's camp south-west of Sydney. This camp housed refugee families, the dispossessed and people seeking to escape the harsh and brutal policies of the Aborigines Protection Board (Reason in Revolt Project 2007). It became a focal point for intensifying Aboriginal resistance in NSW.

While living off an Aboriginal reserve provided some level of freedom, these Aboriginal people experienced the full force of laws that impacted on the ability of Indigenous people to find employment, receive equal wages, seek unemployment relief and the ability to purchase or own property. The experience of living under the control of a protection board on a mission or reserve, and the barriers they faced off these reserves, united the members of these early Aboriginal organisations in their concerns for the lack of civil rights, the growth in the Aboriginal Protection Board's powers and the condition of people remaining in missions and reserves (Attwood 2003:41).

It was in this environment that in November 1937 William Cooper called a meeting of the AAL in Melbourne which William Ferguson from the APA also attended (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:6). During this meeting the two groups agreed to hold a protest conference in Sydney to coincide with sesquicentenary celebrations planned for Australia Day 26 January 1938. They decided to call this protest the Day of Mourning (Horton, 1994:75; Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:6).

The AAL and APA widely promoted the Day of Mourning through radio interviews and other media. To encourage Aboriginal people to attend, Jack Patten and William Ferguson took turns in touring the reserves to promote it (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:7). Jack Patten and William Ferguson also published a 12 page pamphlet entitled *Aborigines Claim Citizen Rights* to promote the purpose of the Day of Mourning amongst non-Indigenous people. Rowley (1972:79) states that this 'manifesto' is perhaps the most bitter of Aboriginal protests. It explained the significance of the action;

'The 26th January, 1938, is not a day of rejoicing for Australia's Aborigines; it is a day of mourning. This festival of 150 years' so-called "progress" in Australia commemorates also 150 years of misery and degradation imposed upon the original native inhabitants by the white invaders of this country. We, representing the Aborigines, now ask you, the reader of this appeal, to pause in the midst of your sesqui-centenary rejoicings and ask yourself honestly whether your "conscience" is clear in regard to the treatment of the Australian blacks by the Australian whites during the period of 150 years' history which you celebrate?' (Patten *et al* 1938)

The pamphlet asked the reader to acknowledge the impact of the 'protection' approach, the restrictions that it continued to place on Aboriginal people's rights, and to be proud of the Australian Aborigines and not misled by the superstition that they are a naturally backward and low race.

It also made explicit that the choice of holding the Day of Mourning on Australia Day, the national holiday celebrating the arrival of the first fleet and the birth of Australia as a nation, was to highlight the exclusion of Aboriginal people from the Australian nation: 'We ask you white Australians for justice, fair play and decency, and we speak for 80,000 human beings in your midst. We ask—and we have every right to demand—that you should include us, fully and equally with yourselves, in the body of the Australian nation' (Paten *et al* 1938).

The organisers distributed approximately 2,000 leaflets and posters advertising the Day of Mourning which advised that "Aborigines and persons of Aboriginal blood only are invited to attend". The organisers were denied permission to hold the Day of Mourning in Sydney Town Hall, but were able to rent the Australia Hall, 150-152 Elizabeth Street. The use of Australia Hall was granted on condition that the delegates watched the sesquicentennial parade from the Town Hall steps and then marched behind the parade to the Australia Hall (NSW Heritage Office 2000:9; Mesnage 1998).

The official Australia Day celebrations included a re-enactment of the arrival of Governor Phillip by boat at Port Jackson 'who will put the Aborigines to flight' (Horner 1980:44). The Government had brought in Aboriginal people from the Menindee reserve to participate in the re-enactment of the arrival of Governor Phillip at Port Jackson as this was a safer option than using Aboriginal people from the Sydney area (Parbury 1986:107; Dodson 2000). These people were housed at the Redfern Police Barracks and were not allowed any contact with 'disruptive influences' before the re-enactment (Dodson 2000).

While delegates did not watch the re-enactment, they were required to watch a pageant at the Sydney Town Hall. After watching this pageant, delegates for the Day of Mourning walked to Australia Hall. Two police officers guarded the front door of the building. The Day of Mourning was held at a time when there were restrictions on Aboriginal people's rights of movement and assembly and the delegates from reserves risked imprisonment, expulsion from their homes and loss of their jobs for participating in an event such as this (Jumbunna Centre for Australian, Indigenous Studies, Education and Research 1994:4; Mesnage 1998; Burgess 2002:20). As a result some entered through the back door of the building to avoid identification and reprisals (NSW Heritage Office 2000:9)

Over 100 people attended the Day of Mourning from throughout NSW, Victoria and Queensland (Horner 1980:49; NSW Heritage Office 2000:9). Telegrams of support for this action also came from West Australia, Queensland and north Australia, which the organisers believed gave the gathering the status and strength of a national action (Patten 1938).

After a number of statements by participants, they unanimously endorsed a resolution demanding full citizen rights:

"WE, representing THE ABORIGINES OF AUSTRALIA, assembled in conference at the Australian Hall, Sydney, on the 26th day of January 1938, this being the 150th Anniversary of the Whiteman's seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people by the whitemen during the past 150 years, AND WE APPEAL to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY".

On 31 January 1938, a delegation presented this resolution, and a ten-point policy statement developed at the Day of Mourning, to the Prime Minister and the Minister for the Interior. Participants described the ten-point policy statement as the only policy which has the support of the Aborigines themselves (Patten 1938). It included a long range policy with recommendations for: Commonwealth Government control of all Aboriginal affairs; the development of a National Policy for Aborigines; the appointment of a Commonwealth Minister for Aboriginal Affairs whose aim would be to raise all Aborigines throughout the Commonwealth to full Citizen Status and civil equality with the whites in Australia. The latter included entitlement to: the same educational opportunities; the benefits of labor legislation, including Arbitration Court Awards, workers' compensation and insurance; receiving wages in cash, and not by orders, issue of rations, or apprenticeship systems; old-age and invalid pensions; to own land and property, and to be allowed to save money in personal banking accounts.

The long range policy also identified the need for Aboriginal land settlements including tuition in areas of agriculture and financial assistance to generate self-supporting Aboriginal farmers. While opposing a policy of segregation, it advocated the retention of Aboriginal Reserves as a sanctuary for some Aboriginal people.

A full report of the Day of Mourning appeared in the first issue of the monthly *Australian Abo Call*, the first newspaper published by Aboriginal people to voice their views (Goodall 1996:243; NSW Heritage Office 2000:9). It stated:

'The Day of Mourning protest conference on 26 January 1938 at the Australia Hall marks the first occasion in Australian history that Aboriginal people from different states joined together to campaign for equality and full citizenship rights. Initiated and organised by key figures in two of the early Aboriginal political protest organisations, the Australian Aborigines League and the Aborigines Progressive Association, delegates joined to discuss civil rights and debate a ten-point list of demands aimed at redressing the political and legal disadvantages of Aboriginal people' (Patten, 1938).

Although it brought about little change in the years immediately following 1938, the Day of Mourning produced a comprehensive collection of key policies that identified impacts on the lives of Aboriginal people at the time and recommendations for how they should be addressed. One of the issues highlighted in these policies, namely Commonwealth Government control of all Aboriginal affairs, formed the basis for the constitutional amendments endorsed by the Australian people in the Referendum of the 27th of May, 1967 (Mesnage 1998, NSW Heritage Office 2000:9). While there has been progress, governments still identify the broad issues raised in these documents as priority areas within Indigenous Affairs (see Ministerial Taskforce on Indigenous Affairs long term vision in Office of Indigenous Policy Coordination 2004; issues identified in Bilateral Agreements between Commonwealth and States/Territories at [www.oipc.gov.au/publications/default.asp](http://www.oipc.gov.au/publications/default.asp)).

A number of contemporary Indigenous leaders also recognise that the key policy issues identified at the Day of Mourning remain relevant to Indigenous people today. In a speech at the Australian Reconciliation Convention, Noel Pearson (1997) noted that after reading the documents associated with the Day of Mourning he 'was struck either how sophisticated the movement was back then, or how far we have not come' because the issues raised in the material from the Day of Mourning remained fresh propositions. In an article published in a number of metropolitan newspapers on Australia Day in 1998, Gatjil Djerrkura noted that while advances have been made in relation to Indigenous affairs since the Day of Mourning, many of the underlying issues remain, including improvements to the health and economic opportunities in communities (Djerrkura 1998).

Patrick Dodson (2000) also stated that the call at the Day of Mourning for recognition of 'full citizen status' and 'equality within the community' still recurs in the numerous government reports including those of the Human Rights Commission, the Social Justice Commissioner, the Aboriginal and Torres Strait Islander Commissions and the Council for Aboriginal Reconciliation, as well as the Indigenous statements such as the Yirrkala Bark Petition, the Barunga Statement, the Eva Valley Statement and the Boomanulla Oval Statement.

The Day of Mourning not only produced political statements that remain current, it also highlighted the exclusion of Indigenous people from the Australian nation. The ambiguous relationship between Indigenous people and the Australian nation remains an issue for Indigenous people (Dodson 2000; Pearson 2007). As a result, Indigenous people have continued to use Australia Day and other foundation anniversaries to draw attention to their exclusion from the national consciousness: in 1970 a second Day of Mourning was held to demonstrate against Sydney's bicentenary celebrations of Captain Cook's 'discovery' of Australia; Australia Day in 1972 saw the establishment of an Aboriginal Tent Embassy on the lawns of Parliament House in a call for national land rights, sovereignty and self-determination; and the anti-bicentenary protests on Australia Day in 1988 is still one of the largest Indigenous protest marches in Australia (Attwood 2003:334-336; Horton 1994:1062, 74).

In the 1930s demanding the same rights as white Australians, when Indigenous people were subject to severe restrictions and punitive sanctions, constituted a radical claim in Australia and challenged the premise of the dominant racial order (Attwood 2003:66). The Day of Mourning is therefore regarded as one of the most important moments in the history of the Indigenous resistance in the early 20th Century (Foley, 2005).

#### *History of Australia Hall*

The building that houses Australia Hall was erected in 1910-13 for the Concordia German Club. It was purchased in 1920 by the Knights of the Southern Cross, a Catholic fraternal lay group linked with the Catholic Right, in 1922 the name of the hall in the building was changed from Miss Bishop's Hall to Australia Hall (Commissioners of Inquiry for Environment and Planning 1995:12). The Knights of the Southern Cross sold

the building in 1979 to the Hellenic Club and it was then used by Greek Cypriots as the Cyprus Hellene Club. In 1961 Australia Hall was renovated and altered to house the Phillip (Street) Theatre and in 1989 Australia Hall became the home of the Mandolin Cinema (Commissioners of Inquiry for Environment and Planning 1995:13).

In the early 1990s the owner of the Cyprus Hellene Club planned to demolish most of the building and erect a 34 story residential development. This proposal started a campaign by Indigenous people and the National Aboriginal History and Heritage Council to protect the building and gain recognition of the significance of the building to Indigenous people for its association with the Day of Mourning (Mesnage 1998). After several years of inquiries and objections, the NSW Minister for Urban Affairs and Planning made a Permanent Conservation Order over parts of the building. In 1998 the Indigenous Land Corporation, a Commonwealth statutory authority, purchased the building on behalf of the Metropolitan Aboriginal Association Inc, who now manages the building.

**Condition:**

The building is in a good condition. Modifications to the interior of the building have not affected its heritage significance in connection to the Day of Mourning. The front of the ground floor has undergone modernisation and has a suspended awning.

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**End of Report**

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