

en Stuart White

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DT SUZUKI

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P.01

DR. DAVID SUZUKI'S OFFICE

219 - 2211 West 4th Avenue
Vancouver, B.C. V6K 4S2

Fax Cover Sheet

DATE: November 24, 1997 TIME: 09:58
TO: Gabriella Kuiper PHONE: (61) 2 9209 4350
FAX: (61) 2 9209 4351
FROM: Lisa Hayden PHONE: 604-730-9670
Executive Assistant FAX: 604-730-9672
RE: Your fax of Nov 23

Number of pages including cover sheet: [1 page]

Message

Dear Ms. Kuiper:

Thank you for your fax of Nov.23. Please be advised that Dr. Suzuki's schedule while in Australia is fully booked and has been for some time. It is not possible for us to add on any more to his over-bulging agenda.

Dr. Suzuki is on a book promotion tour in Australia and if you wish to pursue contacting him while he is there, you need to contact his publisher Monica Joyce at Allen & Unwin, tel: (61) 2 9901 4088 ; Fax: (61) 2 9906 2218. *Cfax kit - p*

He leaves for Japan from Australia on December 6 and does not return to this country until December 12.

Regards,

Suzuki

Lisa Hayden
Lisa Hayden

proposed pick - a appeal



COMMENT and COLUMNS

Upholding customary law

A NUMBER of Indigenous People are in jail for upholding the law, not breaking it.

This is a result of the Customary law practices that exist throughout Australia.

Customary law continues to be a very real and active issue for Australia's Indigenous Peoples.

It relates specifically to the political, social and cultural fabric of a society and ensures the harmonious co-existence between people and their lands.

The knowledge of Customary law is held by community elders who have an obligation to maintain and uphold it while actively seeking methods to pass it to future generations.

Despite this, Customary law has not been recognised as an alternative to the white legal system and people are being jailed for upholding their obligations under these laws.

Efforts have been made to incorporate Aboriginal systems of law and legal procedure within the Western and South Australian and Northern Territory legal systems.

However, people are still required to go before a white judge when Customary law cases are being considered.

The decision by the new Federal Government in March of this year to give support to the formal recognition of Customary law practices within statewide legal systems may go some way towards redressing this problem.

However, the fuller



By MARISA MENIN

recognition of an alternative dispute resolution system based on the doctrines of Customary law needs to be considered as well as a treaty that recognises that Sovereignty was never ceded by the traditional owners of this country.

Efforts also should be made to ensure that Indigenous Peoples who are currently incarcerated for cases related to Customary law obligations are given the just and fair trial they deserve and that their basic human rights are finally met.

Such is the case of Denis Bruce Walker.

Walker is a member of the Nunukul tribe whose traditional lands fall within Stradbroke Island.

In 1994 he was visiting the Bundjalung lands as a Nunukul Law Man and, as such, was obliged to uphold Bundjalung law including the protection of sites.

He was arrested and subsequently imprisoned for four years for protecting a sacred site at Nimbin, New South Wales while on this visit.

According to Walker, he was jailed as a result of the white legal

system not being able or willing to recognise Aboriginal Customary law practices in his court hearing.

In his trial, Walker attempted to demonstrate that he was acting legally under Aboriginal Customary law in protecting a site significant to the Bundjalung nation. This issue was considered irrelevant to his case.

Walker is serving time in Grafton Jail and has sent a statement to *Land Rights Queensland*.

"My incarceration is the result of my righteous step in protecting sacred sites which has run up against the corrupt and illegal processes of the invader institutions," he said.

He said customary law is part of common law by definition and on this basis he has been unjustly treated.

The definition of Common law states that unwritten law includes the particular customs of certain parts of the kingdom. This fact, though, is not being recognised or considered in a number of hearings throughout Australia.

When asked about the relationship of Customary law to ownership of land, Walker stated that "until consent is given, it is still our land and our law; and the invaders and their adjuncts are here by force of arms and force of arms only".

Walker and supporters of the formal recognition of Customary law are calling for an

acknowledgment of sovereignty vested in the Elders-in-Council at the local level and the equal weightage of both laws: Customary law as represented by the Elders-in-Council and British based Australian law.

The Royal Commission into Aboriginal Deaths in Custody which has been the main vehicle for the proper treatment of Aboriginal People in the white legal system, has not recommended Customary law as an alternative to the current system.

The closest the Royal Commission went toward recognising Customary law was recommending that the Government report as to the progress in dealing with the Australian Law Reform Commission report on Customary law.

This report, published 8 years after the initial report, states that Customary law is basically a state responsibility and they feel that the Commonwealth government's responsibilities for Customary law have been met through the Mabo decision and the Native Title Act 1993.

However, what the Commonwealth have neglected is the consideration of Intellectual Property Rights, which is their responsibility.

These lame responses will hopefully be more fully considered by the Coalition Government, who have recently

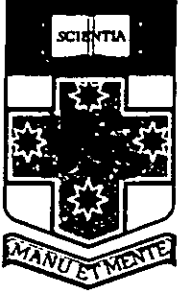


Denis Walker

put Customary law on the agenda.

When Walker was asked of his opinions on this recent decision by the Coalition, he stated "if they recognise Customary Law, then I should not be in jail". At least this new decision will give Walker the opportunity for his appeal to be heard.

As Steve Hatton, Attorney-General, Northern Territory stated in October 1995, "If we do not recognise it, there is the potential for injustice to occur".



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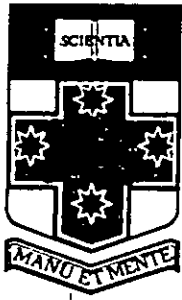
The family of the late Oodgeroo Noonuccal

in appreciation of her contribution to the
Project of National Significance

**Teaching the Teachers:
Indigenous Australian Studies**

Dated this second day of May 1996

Professor W Boyd Rayward
Faculty of Professional Studies



THE UNIVERSITY OF NEW SOUTH WALES

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SPIRIT IN THE SKY

David Suzuki explains how indigenous peoples hold the key to our ecological future

THE VISTA FROM THE WINDOW BY WHICH David Suzuki sits is all glass, cement and steel. Not a bird in the sky, not a tree in sight, not even a leaf drifts by on the late autumn wind. Nothing at all to remind us that this sprawling city was once built on the back of what Suzuki calls our living Mother Earth.

The world's best known environmentalist, on the other hand, is thoroughly animated. He's happier, livelier, perhaps even more hopeful than he's been in years. This and his talk of the "Earth

Mother" seem to be symptoms of a marked change in his approach. Could it be that, in his own ever rational and thoroughly accessible way, David Suzuki has 'gone spiritual'?

"I was clearly being very sceptical and critical of science a long time ago but the spiritual aspect," he smiles, "you're absolutely right, is a very recent phenomenon. I've always said, 'Look, worrying about the spiritual thing is way down the road. I don't have time. We've got to save the planet now.' The urgency

is still there but I've come to see that, even if we stop global warming, even if we stop ozone depletion, even if we save all the rainforests, until we are spiritually connected, we will just continue to find different ways to destroy the planet."

To the casual observer, this might seem like a pretty sudden turn around but, really, this new vision is the natural outcome of the 'wholistic' scientific and environmental path David Suzuki has been treading for years.

"The roots really go back to when I started in science," he explains. "I was trained to believe that science was this great way of knowing, that through science we could essentially solve everything in the universe. My faith was that, through science, as we came to understand more, life would get better and better for everyone."

"During the '60s and '70s science exploded but, at the very time that science was exploding, the world was getting increasingly poor for more and more people and the Earth itself was showing greater signs of distress. This was a tremendous paradox for me. So I had to begin to question the assumptions I had about science."

"A friend once asked Einstein whether science could explain everything and he said, well, yes it could but it would be description without meaning, like describing a Beethoven symphony as a variation in wave pressure. I think that's a very profound statement. It's saying that science is basically describing little bits and pieces of nature but the really important things have to do with that spiritual sense of what those pieces mean to you."

"Then, as the ecological crisis became clearer, in the '70s, more scientists, like Paul Ehrlich at Stanford, were calling for a quasi-religious change. There is a statement signed by a number of eminent scientists, including Nobel Prize winners, which says, in part: 'As scientists, many of us have had profound experiences of awe and reverence before the universe. We understand that what is regarded as sacred is more likely to be treated with care and respect. Our planetary home should be so regarded. Efforts to safeguard and cherish the environment need to be infused with a vision of the sacred.'"

Now that's a pretty revolutionary statement to come from scientists but what they're saying is that science alone is not enough, that unless you begin with a sense of reverence for the planet and

the other living forms, then you're going to be destructive."

But Suzuki has not only been influenced by great names in science. Indeed, one of the most profound influences on his understanding was far closer to home.

"The most important elder for me," he explains, "was my father. My father was born in Canada and always said he was an agnostic but he believed in classical Japanese Shinto. Shinto is a form of nature worship and, since I was a child, he always said, 'You know, we're all made up of nature. We eat the food and breathe the air and drink the water and all the things around us have gone to making up what we are. We came out of nature and, when I die, I want you to cremate me and spread my ashes on the ocean. Then, when you go out and touch a fish, I'll be a part of that fish, when you dig up a worm, I'll be there, that tree will have some of me in it.'"

"I find it very comforting to think that the essence of my father and my mother will be out there speaking to me. So I've said in my will that I want to be cremated and spread out in the same way and, as long as nature exists, then each of us will continue to exist."

The beliefs of indigenous peoples have also influenced Suzuki's world view enormously and it is to their cultures, he believes, we must look in order to learn how we might reinvest a sense of the sacred in our own. Indeed, it was Suzuki's interest in these very different perspectives that inspired he and co-author, Peter Knudston, to collect stories and traditions from some of the most ancient cultures in the world and to compile them, along with the words of great contemporary scientific thinkers, in their most recent book, *Wisdom of the Elders*. Perhaps the most extraordinary thing about the book is the way the beliefs of tribal elders and many modern ecologists and scientists concur. What Suzuki proposes is a new ecology that will come from a blending of these strangely similar perspectives.

"We've got a long way to go and we've got to do it very quickly," he explains. "Indigenous people can inform us about a different way of looking at the world. Where you see other species, treat them as your relatives, rather than resources or commodities. When you see sacred land, sacred places, respect nature

and leave it as it always was. You think of time no longer in a linear, progressive fashion, like an arrow, but as a circle. The lessons I keep getting from aboriginal people are a sense of connection with the rest of nature and a sense of respect and reverence for the Earth.

"I did a four-week tour with my book across Canada and I visited many Indian reserves. One of the first ones I went to was called the Six Nations Reserve in Ontario and an elder there told me they spend 36 days a year taking time off and celebrating some event, like the first snowfall or the first day the buds begin to bloom. We just happened to be there when they were celebrating the first day that the sap was running in the trees

Where you see other species,
treat them as your relatives, rather
than resources or commodities.
When you see sacred land, sacred
places, respect nature and leave it
as it always was.

because they get their maple syrup from the maple trees. They're constantly giving thanks to the clouds and the wind and the trees and re-affirming the cycles of nature and the rhythms of the natural world that they are a part of."

It's that unerring consciousness of our place in the scheme of things that Suzuki believes we, in contemporary Western cultures, need so urgently to understand.

"We wake up in our temperature controlled homes, jump in our air-conditioned cars, go to our offices that usually don't even have windows that open. We buy the same fruits and vegetables 12 months a year. It's as if the seasons don't affect us. It's hard to feel that sense that we're a part of the natural world.

"We should become much more like aborigines in celebrating our connections. We have one day a year that we set aside for the Earth, Earth Day, and one day for Mum and one day for Dad. I think, every day of the year, we should think about our mothers, our fathers and Mother Earth. So, when you go into your house tonight and turn on the light, just stop for a second and say, 'How did that electricity get here?' The chances are that, for you to use that electricity, Mother Earth has had to pay some price.

Once you realise that we pay a price for that electricity, you'll be much more careful about it. When you turn on the tap, you should think, 'Where the hell did that water come from?' When you flush the toilet, you should think, 'Where is that going?' When you put your garbage on the curb, you shouldn't forget it when it disappears, you should say, 'Where does it go?' And when you buy your food, you should reflect on the fact that every bit of your food was once a living plant or animal. If you just pause to reflect on that every day, it seems to me that you will come to a much better understanding of what the important things are."

David Suzuki is far more interested, these days, in talking to his indigenous American friends than to scientists and politicians and he now believes that the battle for the environment is irrevocably tied to the battle for land rights around the world. But when it comes to our Western, post-industrial society, in many respects, he believes, there is no turning back. "We're going to be urban people," he says, and we must find both practical and spiritual solutions to our problems that

take account of that.

One giant step towards finding those solutions is the David Suzuki Foundation, which aims to map out paths for sustainable development that can be followed by cities, states, nations and smaller communities all over the globe.

"Right now," says Suzuki, "we're raising money and the money will be used primarily to fund an institute. We're not debating whether global warming is going to happen, how soon or how much. We start from the position that the planet is in deep trouble and we've got to act now. So the institute will very quickly define the ground rules of how we can live sustainably. Then you say, what will future sustainable societies look like? And we will flesh out that picture and define very concrete strategies for getting there. We're going to try to do that in two years - define a vision and strategies. Then we're going to find people to whom we will give the vision and strategy and say, now go into your communities and spread the word."

"Pretty soon," our much loved and respected environmentalist laughs, ever confident, "there will be Suzuki samurai everywhere."

□ SAMANTHA TRENOWETH

Ah, white man, have you any sacred sites?

A poem by Denis Kevans, 1985.

Ah, white man, I am searching for the sites, sacred to you,
Where you walk, in silent worship, and you whisper poems, too,
Where you tread, like me, in wonder, and your eyes are filled with tears,
And you see the tracks you've travelled down your fifty thousand years.

I am searching round Australia, I am searching, night and day.
For a site, to you so sacred that you won't give it away
For a bit of coloured paper, say a Church you're knocking down,
Or the Rocks, your nation's birthplace, by the Bridge, in Sydney town.

Your cathedrals I have entered, I have seen the empty aisles
Where a few knelt down in sorrow, where were all the children's smiles?
Big cathedrals, full of beauty, opal glass, and gleaming gold,
And an old man, in an overcoat, who had crept in from the cold.

Your schools, I drifted through them, heard the sound of swishing canes,
Heard the yell of angry teachers crushing flowers in their brains,
Heard the bark up on the rostrum where the powers had their say,
Wouldn't children's hearts be sacred, though they're made, like mine, of clay?

Where's your wonder? Where's your worship?
Where's your sense of holy awe?
When I see those little children torn apart by fear of war,
What is sacred to you, white man, what is sacred to your clan?
Are your totems rainbow-feathered? Is there dreaming in you, man?

Sacred ... sacred ... sacred ... gee you chuck that word about,
And when echoes answer sacred ... sacred louder still you shout,
And the echoes come in patterns, and then, louder, every one
Till they meet, like waves together, and go bang! just like a gun.

Sacred ... hesitating ... now, a film is reeling through
My brain, and through my memory, of our sacred rendezvous,
Of our meeting, of our parting, of my tears, as sweet as ice,
Of my numb incomprehension of a shattered paradise.

Sacred, oh so sacred, was our sacred rendezvous.
And your ferocious anger when you found we weren't like you,
But if I should make an act of faith, in a voice, both firm and clear,
That there's something sacred to me, you start drowning in your beer.

What is sacred to you, white man, what is sacred to your heart?
Is Australia just a quarry for the bauxite belts to start?
Where the forests are forgotten, and the tinkling of the bell
Of the bell-bird in the mountains, is just something more to sell?

Ah, brother, I am searching for the sites, sacred to you,
But the rivers, clear as crystal, smell like sewerfulls of spew
From the pipe and pump polluters, and the nukes that fleck the foam,
Would you let a man, with dirty boots, go walking through your home?

Sacred means that ... sacred ... it's a place where spirits rise,
With the rainbow wings of sunset, on the edge of paradise,
Sacred ... that's my father, that's my mother, that's my son,
Sacred ... where the dreaming whispers hope for everyone.

In the silence of the grottoes of Australia's mighty land,
Stand together with the kooris, stand together, hand in hand,
Open eyes to endless beauty, and to spirits, far and near,
For Australia is my country, it is sacred to me here.

Ah, white man, I am searching for the sites, sacred to you,
Where you walk, in silent worship, and you whisper poems, too,
Where you tread, like me, in wonder, and your eyes are filled with tears,
And you see the tracks you've travelled down your fifty thousand years.

BEYOND TERRA NULLIUS THE LIE.

Co-authors: Oodgeroo and son Denis Walker.

Terra Nullius was a legal lie used by the invading forces of the British to deny the legal rights of the indigenous people of this country, now called Australia.

This legal lie of Terra Nullius has been used right up to and until the High Court of Australia handed down its decision on the now famous Mabo Case. All previous claims at law by the indigenous people had up until that time floundered on the rocks of that legal lie of Terra Nullius.

Now that the highest court in this land has recognised the pre-existing legal rights of the indigenous people, many forms of settlement of dispute over their territory and their law/lore must be made.

Settlements must be made by way of Treaties at all local levels through the bloodlines back to their territories and agreed to by their Elders-in-Council at their local level. Legislation be it state or federal will not be sufficient, nor will decisions by the High Court. Such actions as stated are impositions and as such would continue to deny true justice to the indigenous people of this country.

Settlements of disputes at law/lore involving indigenous people and their territories, should be considered by their Elders-in-Council at the local level and those considerations be given equal weightage with the invaders laws, in resolving such disputes, to the extent that conditions regarding environment and remunerations need to be agreed to before settlement can take place.

Recognition of the indigenous peoples territorial and legal rights can only be justifiably dealt with by way of the Treaty mechanism. Anything else is an imposition and will merely water down of the lie of Terra Nullius.

Because of the genocidal policies arising out of Terra Nullius the Lie, a great deal of disruption has taken place with indigenous people and their territories. They will need immediate resources to allow them to restructure and redefine themselves in order for them to settle all the outstanding matters.

Embodied in this process is the urgent necessity to recognise justice at natural law/lore. The invaders law defines this natural law thus: "Natural law is Gods law and is superior to man made laws."

Indigenous people have had to live through and survive the holocaust of the genocidal policies arising out of the legal lie of Terra Nullius for over 200 years. To delay any further is to continue to deny the indigenous people of this country true and equal justice.

The ongoing problems within the spheres of indigenous peoples existence such as high rates of imprisonment, high infant mortality rates, deaths in custody, breakdown of extended family units, substance abuse, domestic violence etc are all components making up the situation that constitutes an iron cycle which we have yet to break. The "piecemeal" approaches of the past have not worked. In the main these "piecemeal" attempts have been received as impositions that have been rejected.

In conclusion, last but by no means least is the spirituality of the indigenous people of this country. Their spirituality is not a religion. It is tied firmly to the spirit of their Earth Mother who created all living things. Their sentries the rocks, their sea, land and air spirits which are very much a part of their culture as is their philosophy which states "We cannot own the land for the land owns us".

The Constitution of Australia was written to meet the needs of the invading English "haves" at the expense of the "have nots".

Time to shred the present English constitution and replace it with an Australian constitution which meets the needs of all races now living in this country.

Sum up

1. Time for a more enlightened approach.
2. Time for a change for the better.
3. Time to outlaw racism in Australia.

THE OODGEROO LETTER

30th August 1993

To: The Minjerribah/Morgumpin Elders in Council
c/o Mrs Joan Hendricks
Secretary
382 Murarrie Road
Tingalpa Qld 4173

Subject: Treaty - Land/Lore

Dear Elders,

Would you please consider the attached draft memorandum to Premier Wayne Goss and make any alterations and additions you require before signing.

Please send original copy to Premier Goss and copies to Minister for Family Services and Aboriginal and Islander Affairs Anne Warner, Mr. Darryl Brisky MLA as well as Mr. Manfred Cross.

Yours Sincerely

(signed and sealed Oodgeroo of the tribe Noonuccal,
Custodian of the land Minjerribah).



The Minjerribah/Morgumpin Elders in Council
c/o 382 Murarrie Road
Tingalpa, Qld, 4173

To: The Honourable Wayne Goss
Premier of Queensland
15th Floor Executive Building
100 George Street
Brisbane 4000

Subject: Treaty - Land/Lore

We, the Minjerribah/Morgumpin Elders, sitting in Council, submit the following proposals for your consideration, as the basis for Treaty negotiations.

1. That title to all Crown lands on Minjerribah (North Stradbroke Island) and Morgumpin (Moreton island) be vested in the

Minjerribah/Morgumpin Elders in Council, to be rented back to the state government for suitable commercial enterprise.

2. That hunting and fishing rights on land and waters be vested in the Elders in Council.

3. That oystermen and fishermen be required to take out a special licence under the control of the Elders in Council, so that we are able to maintain a balanced use of these precious resources.

4. That royalties from the mining companies be paid to the Elders in Council.

Yours Sincerely,

The Minjerribah/Morgumpin Elders in Council

cc: Minister for Family Services and Aboriginal and Islander
Affairs Anne Warner
Mr Darryl Brisky MLA
Mr Manfred Cross

THE FAITH

The Conscious State

1. God the Father: the absolute truth of all matters, which takes up ten percent of the mind (Einstein said that). The other ninety percent you are not using is the bright heavenly bliss, the prior condition, prior to all else, where you reside with the absolute truth of God the Father having sacrificed your ego up.

Without that sacrifice of the ego up to the Father, which is the conscious state, you deal directly from the ego state, which is likened to screwing your teddy bear: you are popping gum, you are bullshitting and that is the everlasting hell of it all. It will continue until you sacrifice your ego up to that conscious state of the absolute truth of God the Father by residing in that ninety percent of the mind which is the bright, everlasting heavenly bliss, beyond and prior to all else, a state of no mind, an emptying of the mind, beyond all desire, made by way of and through recognition and realisation of

The Spiritual State

2. God the Holy Ghost, which is the oneness, which is the spirit, which is the Natural Law/Lore personified by the ELDERS in Council, bloodlines back to territory. Sacrifice is made here by bending the knee, tithing, to those Elders in Council, bloodlines back to territory/ies in order to maintain those natural balances, which are the spiritual paths revealed by the ego sacrifice in the ascendance through the Holy Ghost up to the Father and in the descendance upon those spiritual paths revealed by the Spirit or Holy Ghost upon proper and full consideration with God the Father in that bright heavenly bliss of that prior condition and state of being conscious and manifesting or re-manifesting in the NOW which is the only reality, moment by moment, step by step in the material realm. This material realm is illusory because of its constantly changing condition necessitating the moment to moment, step by step, manifestation or re-manifestation of the material NOW which is expressed laterally and three dimensionally, which is the recognition and realisation of heaven on earth by the doing of God's will on earth in His name and His creation which is the Garden of Eden and achieved by proper manifestation moment by moment, step by step, here and NOW by way of

The Ego State

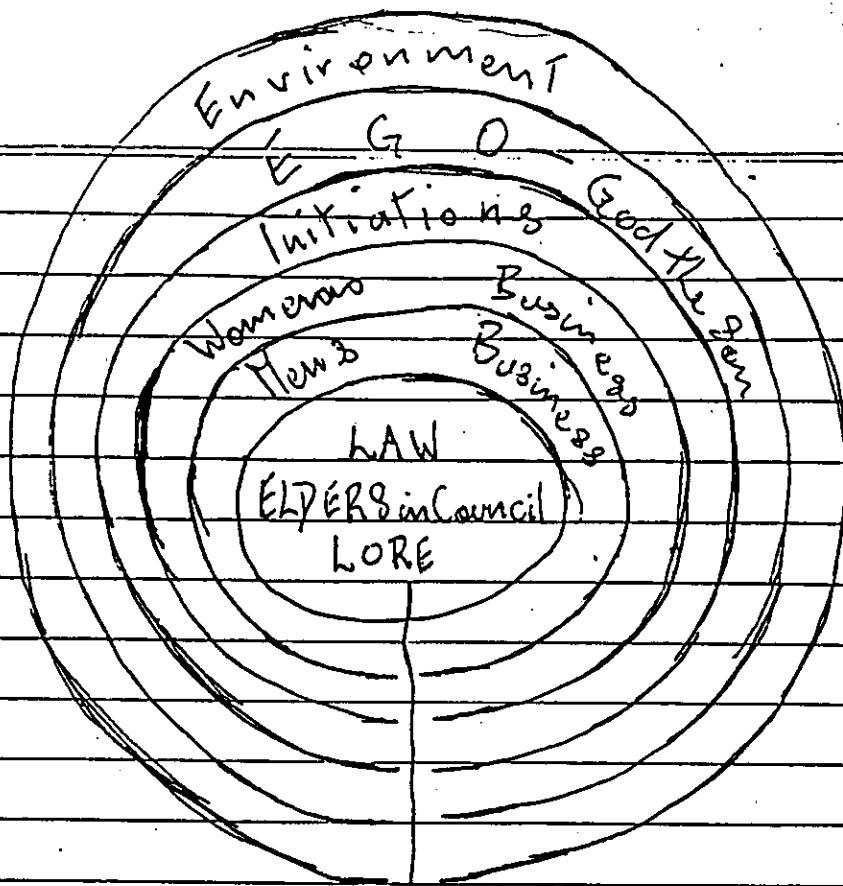
3. God the Son which is the manifestation, the reincarnation, the second coming having made the sacrifice of the ego, which is the source of the dis-ease, the everlasting hell WITHOUT that sacrifice, transcendence through the Holy Ghost up to the Father giving proper consideration with His absolute truth in that bright heavenly bliss, descending back down through the Holy Ghost on those spiritual paths, remanifesting, reincarnating in the second coming to do God's will on earth, righteously stepping on those spiritual paths to create His heaven on earth.

God the Father, God the Son, and God the Holy Ghost.
Forever and ever, Amen.

The FAITH without ACTION is BLASPHEMY.

*ACTION without FAITH
is foolhardy.





* God * The Holy Ghost *

Considering the Absolute Truth

* Spiritual

* Dimension *

Considering the Absolute Truth

* The Oneness

* There is no other *

* 10%

* Einstein *

90%

The Prior Condition

The Conscious Dimension

14% FAITH
is the Discipline

The bright heavenly Bliss

Prior to all else

Before everything else

Absolute Truth - GOD THE FATHER - BIA ME

24 April, 1996.

Elders in Council

Dear ELDERS,

Re. 1. Law
2. Territory

As you can see by the enclosed material, I am doing quite a bit on the law side of things and expect to be running my case in the High Court in the not too distant future. So far, it looks like I am going to have to do it myself, however I will be assisted by a Queen's Counsel as well as many others.

In terms of Territory my offering is that each ELDER clearly identify an area of 5 acres to move onto as soon as possible using Native Title, Land Acquisition Fund, Social Justice package or whatever to legitimise the process. You will need the advice of lawyers and anthropologists to assist you and as well as that, I suggest we spread those 5 acres out as far as possible through the Territory. Consideration should also be given to ensuring invitations to all people who use our Territory to meet and reconcile with us.

Peace, Power and Love to all your families,

Denis Walker.



*Imprisoned for protecting an Aboriginal
sacred site and upholding customary law:*

Denis Walker's case



The real land and law business has not been done yet. And what I would like to point out to you is that in terms of our land and our law it needs to be understood, as my mother said, we are custodians of this land. And when people say 'oh we lost this land or we lost that land', we didn't lose it anywhere. The land is still here and we still have got the responsibility of being custodians of that land. The problem is that we haven't been given the power in the non-Aboriginal legal system to fulfil that custodial right. Until our Elders in Council decide on these matters through their customary laws and until that consent, which Captain Cook was supposed to get, is properly given, then we still live under bad laws...."

Denis Walker speaking at the ceremony to mark the listing of the Aboriginal Tent Embassy on the Register of the National Estate, 9/4/95.

TREATY

A treaty between:
and their descendants either part or full blood inasmuch as they identify as such and are recognised as such by the

*.....*Aboriginal people,
and
.....

Upon agreement, as stated herein of such a Treaty, the people resolve to forgive the following mutually recognised atrocities:-

1.The claiming of the territory of the *.....* by Captain Cook in 1770 was an act of undeclared war and aggression by England. Not only was this action immoral, it was also illegal in that Cook did not follow the instructions given to him by King George III. Those instructions were:-

"You are also with the CONSENT of the natives to take possession of convenient situations in the country in the name of the King of Great Britain, or, if you find the country uninhabited, take possession for His Majesty by setting up proper marks and inscriptions, as first discoverers and possessors."

No CONSENT has been given at any time by the people.

2.The refusal of the settlers/invaders, represented by their governments, agencies, institutions, etc., to:

- a)recognise the sovereignty of the *.....* nation;
- b)recognise and combat the racist oppression of the *.....* people;
- c)educate themselves of the *.....* economic, political, social and cultural systems;
- d)honour their own laws in respect to a fair trial by our own peer group, as stated in their basic principles in the Magna Carta.

3.The rounding up of our people and confining us to reserves and missions and thus denying us the natural way of life, diet and health, while refusing alternate and adequate diets or health care. In the process of this forced unnatural living and subsequent breakdown of our economic, political, social and cultural systems, a great inhumanity has been done to us.

4.The aforementioned is recognised as a blatant attempt at physical, cultural and psychological genocide of our people.

The Agreement

The signing of this TREATY and all conditions embodied within is to be recognised on the basis that the territory of has never been sold, and will never be sold to anyone.

We the *.....* cannot sell any of our territory because we are the Custodians for the generation past and future. We are prepared to lease. Within the Lease will be limits.

Dated Day ofNineteen hundred and.....

LESSEE

.....

WITNESS

.....

LESSOR

.....

WITNESS

.....

OODGEROO

.....

NOONUCCAL

CUSTODIAN OF THE LAND

MINJERRIBAH

*NOTE:

Elders-In-Council until they sit in government on their country. Thus, signing the Treaty not only recognises sovereignty, but also helps restore Elders-In-Council.

Bejan
proposes to represent

LEASE

Lease between the *.....* of
being the Lessor, and, being the Lessee
hereby agree that;

The Lessee ensures that no further damage will be done to the territories specified in this Lease.

The Lessee ensures that the National Aboriginal Flag be flown at specific times:
and in specific places

The Lessee will pay \$..... or in kind by way of
per for the area described as
for the period of

That any disputes between the Lessee and the Lessor will be heard by a special Lands Disputes Committee of the *.....* of

Dated Day of

Nineteen hundred and.....

LESSEE

.....

WITNESS

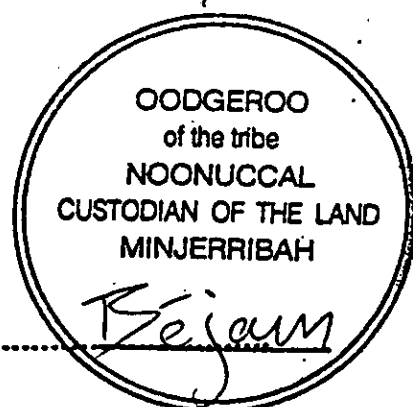
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LESSOR

.....

WITNESS

.....



My main interests in this program

are

.....

.....

.....

Questions

.....

.....

.....

.....

.....

I want to enrol in CHEP yes/no

Name.....

MIN.....

UNITS/MAIN

CHEP Investigating the Dreaming is being set up and offered under the direction of the Elders in Council of the Bundjalung, Yaegel and Kombangerrii nations as pilot program for Grafton prisoners

It is hoped that this program will be modified as appropriate and offered to prisoners throughout NSW.

The Royal Commission into Aboriginal Deaths in Custody suggested that cultural dislocation was a major factor in the high incidence of arrest, incarceration and deaths in custody. This program seeks to address this imbalance.

We recognise that everyone has a cultural heritage which can form a secure basis for development and indeed survival in to-day's 'Australian' society.

ACCREDITATION for CHEP will be sought as entry into bridging courses at Gungil Jindebah.

STUDY ALLOWANCES are being sought for Koori prisoners so they are not penalised financially for enrolling in this program

CULTURAL HERITAGE EDUCATION PROGRAM (CHEP)

"Investigating the Dreaming"

Under the direction of the Elders in Council:
a course of Lectures by Koori teachers from Gungil Jindebah Centre, Southern Cross University, and Tutorials by the Elders

ARCHAEOLOGY

SOCIOLOGY

PSYCHOLOGY

HISTORY

LAW

ANTHROPOLOGY

CULTURAL STUDIES
SONG, DANCE, ART AND CRAFT

AIMS AND OBJECTIVES

The CHEP has been developed to address the issues of the indigenous populations of Australia and the effect of these issues on our people, from our cultural base.

In order to do this, students in the program will examine issues in the wider context of the History, Sociology, Anthropology, Law, Psychology and Archaeology in both traditional and contemporary sense.

In a nutshell, CHEP is designed to give you the skills to trace your cultural heritage and knowledge about your culture and law, in a way that will help you make sense of the way things are now, how they were in traditional society, and how you might get a balance between the old and the new which will make you more effective when you return to your community.

Cultural expression through Song, Dance, Creative writing, Painting and Craft is encouraged, and will form part of this program, which can be further developed into community based enterprises.

ROLE OF THE ELDERS

The CHEP program has been endorsed by Elders of the Bundjalung, Kombangerrii and Yaegel nations.

They have agreed to oversee the design, content, teaching, evaluation and accreditation of this program.

Some of the Elders have agreed to come into the jail and work as Tutors alongside the Koori Lecturers from Gungil Jindebah Centre and other presenters.

They will be available to provide overall guidance, offer their wisdom through their knowledge of the Law, act as guides on excursions to sites of archaeological importance and in a whole host of other ways.

The Elders are vital in this process because they embody the authority and discipline necessary for such a program.

STRUCTURE OF THE PROGRAM

It is planned to offer CHEP 3 days a week for a twenty week Semester starting in early March.

Possible timetable might be as follows:

MONDAY

Archaeology - Lecture (1 hour)
- Tutorial (1 hour)

Anthropology - Lecture (1 hour)
- Tutorial (1 hour)

WEDNESDAY

Psychology - Sociology

FRIDAY

History - Law

A day's break between sets of lectures will allow time for necessary reflection, private study and group discussions.

*Imprisoned for protecting an Aboriginal
sacred site and upholding customary law:*

Denis Walker's case



The real land and law business has not been done yet. And what I would like to point out to you is that in terms of our land and our law it needs to be understood, as my mother said, we are custodians of this land. And when people say 'oh we lost this land or we lost that land', we didn't lose it anywhere. The land is still here and we still have got the responsibility of being custodians of that land. The problem is that we haven't been given the power in the non-Aboriginal legal system to fulfil that custodial right. Until our Elders in Council decide on these matters through their customary laws and until that consent, which Captain Cook was supposed to get, is properly given, then we still live under bad laws...."

Denis Walker speaking at the ceremony to mark the listing of the Aboriginal Tent Embassy on the Register of the National Estate, 9/4/95.

RECONCILIATION

It has been said that "White man got no dreaming".

But White people got their old law/lore just as Aboriginal people have their law/lore.

Consider the Book of Leviticus in the Old Testament:

Ch XXV. v10: And ye shall hallow the fiftieth year, and proclaim liberty throughout *all* the land unto all the inhabitants thereof; it shall be a jubile unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.

v11: A jubile shall that fiftieth year be unto you: ye shall not sow, neither reap that which groweth of itself in it, nor gather *the grapes* in it of thy vine undressed.

v 12: For it is the jubile; it shall be holy unto you: ye shall eat the increase thereof out of the field.

v 13: In the year of this jubile ye shall return each man unto his possession.

v 14: And if thou sell ought unto thy neighbour, or buyest *ought* of thy neighbour's hand, ye shall not oppress one another.

v 18: Wherefore ye shall do my statutes, and keep my judgements, and do them; and ye shall dwell in the land in safety.

Ch XXVII v24: In the year of the jubile the field shall return unto him of whom it was bought, *even* to him to whom the possession of the land *did* belong.

Ch XXVII v32: And concerning the tithe of the herd, or of the flock, *even* of whatsoever passeth under the rod, the tenth shall be holy unto the Lord.

Post Office
Dunwich Qld. 4183

18th February 1996

Dear

re: BAIZAM NUNUKUL also known as DENIS BRUCE WALKER and CUSTOMARY LAW

I act and hereby write to you, on behalf of my abovementioned uncle who is currently illegally (according to Bundjulong lore) incarcerated at Grafton Prison, in New South Wales.

As a member of the Koenpil, Nunukul and Nughie (indigenous owners of the Quandamooka dreaming, and/or, Moreton Bay) who have been engaged in an "undeclared war", with the Australian and British governments, for almost the past twenty decades, I hereby seek your assistance, in our pursuit of true and realistic human rights, for my abovenamed uncle, and others of our tribes who also are incarcerated, in the invader government's prison system.

As you are aware, our Ancient Government and Lore, as handed to our Elders since creation, by the Most High, ensured an harmonious co-existence between ourselves and the Creator's Gift (the environment), up until the beginning of last century. Now, under the management of the invader government, the environment is almost totally destroyed, the indigenous land owners' health status, morbidity and mortality rates are absolutely unacceptable while the high incarceration rate is inhuman, to say the least.

We believe the high incarceration of our people is indicative of a continued implementation, by the invader government, of genocidal policies which control our population growth and confirms our status of "minority group", on our own lands, whilst deliberately weakening our groups, by keeping us in a continued state of 'sorry business'.

According to the invader law, which law condoned genocidal wars, massacre, murder, rape and theft and also, the destruction of the Creator's Gift, our "kippa" (learners of the customary lore) and adults are being targeted, institutionalised and murdered to create employment, within the foreign system, for some taxpayers who, unwittingly perhaps, are the 'armed services' for the invader government, in this genocidal war against us. Also, the media 'sings up' an 'increasing crime rate', as justification for those policies implemented by the Australian governments. As well as inhuman, this 'high incarceration' is outrageously costly to the taxpayer (including the indigenous taxpayers) and is not as effective as customary lore.

Many parliamentary Acts and Legislation contravene the Lore of God and Nature. Fortunately, our people are spiritually strengthened, as were the Jews, in Germany, during the first half of this century and we have survived to retain and proclaim our cultural identity, in spite of the justice and heritage denied us. However, as ever, our Elders will continue to seek this justice, locally, as well as internationally, in their usual loreful way of night on twenty decades, whilst the modern day legislators continue to draw up and enact ineffective and costly legislation which is known to create havoc and anarchy, for all users of our land.

Many of us Koenpil, Nunukul, Nughie and Bundjulung and others, consider the case of Denis Bruce Walker, to be one of 'political imprisonment', similar to that of Nelson Mandela in South Africa. Another injustice against our people which is reminiscent of South Africa and apartheid, is the murder of our young men and women through the police and prison systems. Particularly, the young urban Aborigines who are denied their heritage of land and lore, only to be educated in a system which is made up of presumptions, lies and myths while it benefits not All 'users'.

Most 'urban Aborigines' are the generations surviving the 'forced removal' policies, set up by the invader government to destroy our ancient legal and judiciary systems, by alienation and isolation of families and individuals. In spite of the 'embarrassing' incarceration, health and mortality statistics which is also considered by many as, 'Australia's shame', the governments still fail to provide adequate housing and services, as per population growth, in this country.

Whilst the carnage of our 'kippa' have become headlines to the world, our hypocritical invader government have set up costly commissions, enquiries, etc. to 'whitewash' and cover up the truth regarding Aboriginal Deaths in Custody. At the same time, there has been a 'multi-national' grab at the funds set aside to right the wrongs, and, little or no regard is given to the recommendations resulting from commission and Law Reform enquiries (particularly the Law Reform recommendations on Customary Law of 1986). This all appears to empower, yet again, the invader government and system while the imprisonment and death figures continue to rise.

Under these horrific circumstances, we are obliged to pursue the recognition of our rights for implementation of customary lore on our lands. Until this recognition there is little hope of survival for most Australians, indigenous and others. Consequently, we seek the immediate release of DENIS BRUCE WALKER as per the directions of the Bundjulung Elders noted in the enclosed letter. We also enclose further copies of newspaper clippings etc.

Alicia L. Lusk

21-07-95

The Chairperson
Minjerribah Morgumpun
Elders-in-Council
Stradbroke Island
Queensland.

Una Walker
Chairperson of
Council of
Bundjalung Elders
Lismore

Dear Chairperson,

At a Council of Bundjalung Elders meeting on the 14-07-95 the following resolutions were passed regarding the case of Denis Walker.

1. Len Brown moved and Harold Knight seconded "That the Bundjalung Elders condone the actions of Denis Walker in protecting a Bundjalung sacred site and resolve that he be handed over to his Elders on Stradbroke Island (Minjerribah Morgumpun Elders-in-Council) for any further action in this matter.
Carried: Unanimous

2. Henry Bolt moved and Ken Lawrie seconded, "that the Bundjalung Elders support the appeal being made by Denis Walker that is currently before the Courts and, that the case quoted by Elder Graham Dillion of the Minjerribah Morgumpun Elders-in-Council, be used to assist the appeal".
Carried: Unanimous

Thank you for your support in this matter.

Yours in the struggle



Una Walker
Chairperson
Council of Bundjalung Elders

THE FAITH

The Conscious State

1. God the Father: the absolute truth of all matters, which takes up ten percent of the mind (Einstein said that). The other ninety percent you are not using is the bright heavenly bliss, the prior condition, prior to all else, where you reside with the absolute truth of God the Father having sacrificed your ego up.

Without that sacrifice of the ego up to the Father, which is the conscious state, you deal directly from the ego state, which is likened to screwing your teddy bear: you are popping gum, you are bullshitting and that is the everlasting hell of it all. It will continue until you sacrifice your ego up to that conscious state of the absolute truth of God the Father by residing in that ninety percent of the mind which is the bright, everlasting heavenly bliss, beyond and prior to all else, a state of no mind, an emptying of the mind, beyond all desire, made by way of and through recognition and realisation of

The Spiritual State

2. God the Holy Ghost, which is the oneness, which is the spirit, which is the Natural Law/Lore personified by the ELDERS in Council, bloodlines back to territory. Sacrifice is made here by bending the knee, tithing, to those Elders in Council, bloodlines back to territory/ies in order to maintain those natural balances, which are the spiritual paths revealed by the ego sacrifice in the ascendance through the Holy Ghost up to the Father and in the descendance upon those spiritual paths revealed by the Spirit or Holy Ghost upon proper and full consideration with God the Father in that bright heavenly bliss of that prior condition and state of being conscious and manifesting or re-manifesting in the NOW which is the only reality, moment by moment, step by step in the material realm. This material realm is illusory because of its constantly changing condition necessitating the moment to moment, step by step, manifestation or re-manifestation of the material NOW which is expressed laterally and three dimensionally, which is the recognition and realisation of heaven on earth by the doing of God's will on earth in His name and His creation which is the Garden of Eden and achieved by proper manifestation moment by moment, step by step, here and NOW by way of

The Ego State

3. God the Son which is the manifestation, the reincarnation, the second coming having made the sacrifice of the ego, which is the source of the dis-ease, the everlasting hell WITHOUT that sacrifice, transcendence through the Holy Ghost up to the Father giving proper consideration with His absolute truth in that bright heavenly bliss, descending back down through the Holy Ghost on those spiritual paths, remanifesting, reincarnating in the second coming to do God's will on earth, righteously stepping on those spiritual paths to create His heaven on earth.

God the Father, God the Son, and God the Holy Ghost.
Forever and ever, Amen.

The FAITH without ACTION is BLASPHEMY.

Pastoral lease title confusion

By BERNARD LANE

WHETHER and how the High Court might come to clarify the effect of pastoral leases on native title was left unclear after a hearing in Sydney yesterday.

The Waanyi people of north-west Queensland had sought leave to appeal from a Full Federal Court judgment which confirmed a tribunal decision not to accept their native title claim over land earmarked for zinc mining.

In his decision, the president of the National Native Title Tribunal, Justice Robert French, had decided as a question of law that a pastoral lease without reservations for traditional usage extinguished native title, and at that stage had heard submissions from parties opposing the native title claim.

Appearing yesterday in the High Court for the Waanyi, Mr Ron Castan QC said special leave to appeal should be given so that the court could elucidate the relation between pastoral leases and native title.

But the Chief Justice, Sir Gerard Brennan, saw difficulty in the court being able to reach the point at which it could decide that substantive question.

Black outrage as death in custody numbers increase

By JENNIFER FORESHEW

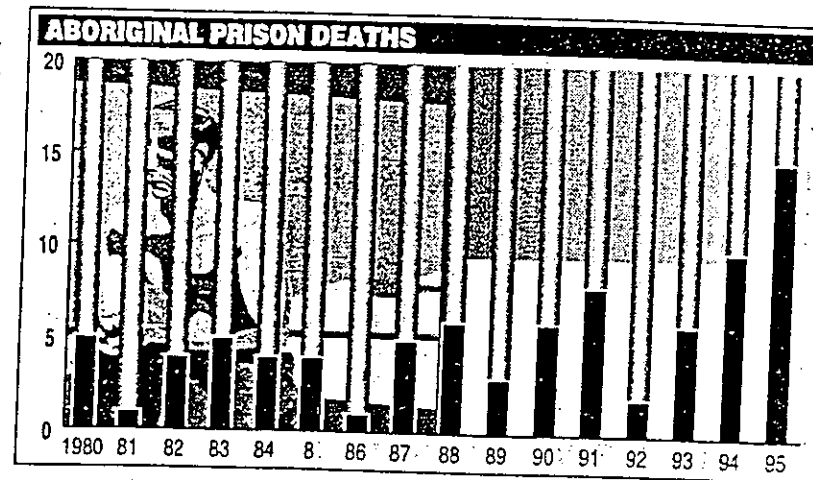
ABORIGINAL community leaders condemned the State and Territory governments yesterday for failing to fulfil the recommendations of the \$30 million royal commission into black deaths in custody after the number of Aboriginal prison deaths for the year peaked at 15 — the highest ever recorded.

The Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Mick Dodson, said that the governments had "blood on their hands" as the yearly total for Aboriginal deaths in custody climbed to 19 — with four a result of police car chases.

"This is an all-time record of Aboriginal deaths in prison. They (the States) can't bald-facedly lie about implementing the recommendations ... the figures don't stack up," Mr Dodson said.

The death of a 24-year-old Aboriginal in Western Australia last week took that State's total number of Aboriginal deaths in custody to three, while NSW recorded seven, Queensland three and South Australia six, according to Mr Dodson.

Aboriginal and Torres Strait Islander



der people make up at least 14 per cent of prison populations and are imprisoned at 13 times the rate of non-Aboriginal people.

"We sit up at night, every night, trying to work out how we can stop these deaths and we cannot do it because we do not run the system," Aboriginal Deaths in Custody Watch Committee spokesman, Mr Ray Jackson, said.

One of the most brutal deaths this year was that of 22-year-old Brett Glen Cross at Goulburn Prison in

NSW. Cross was savagely beaten and left in a coma before his life support machine was switched off last month.

Two-thirds of the commission's 339 recommendations are the exclusive responsibility of State and Territory governments.

The federal Minister for Aboriginal Affairs, Mr Tickner, described this year's total number of deaths in custody figure as "deeply distressing".

"The Commonwealth has no con-

stitutional power over conditions in police cells, the behaviour of State police or the law reform processes of the States," Mr Tickner said.

"My heart weeps when I hear another death in custody that could have been prevented by better jail supervision or the implementation of the royal commission recommendations. It is a deeply distressing problem."

He said that despite the royal commission's recommendation that drunkenness be decriminalised, it was still a crime in Queensland, Victoria and Tasmania.

Mr Jackson said a "total cultural change" was needed to successfully utilise the royal commission's recommendations.

"It is only the people at the ground levels, so to speak, who must utilise these (recommendations). (But) they are not going to utilise them because there is no pressure on them to do so," Mr Jackson said.

The federal Opposition spokesman on Aboriginal and Torres Strait Islander affairs, Ms Chris Gallus, said that the Government had shown a "clear lack of will" to solve the problem.

"The increasing deaths is a result of Labor's failure to develop a strategy to implement the royal commission's recommendations," she said.

Law deal embraces black customs

By LISA McLEAN

ABORIGINAL affairs ministers and attorneys-general from across Australia are set to make the historic endorsement today to incorporate Aboriginal customary law in the nation's mainstream legal system.

At meetings in Sydney and Melbourne, they will begin paving the way for courts to recognise the appropriateness of Aboriginal law to Aboriginal communities.

Once enacted by State parliaments, indigenous communities may be exposed to dual systems of law, affecting the whole scope of life, from criminal punishments to marriage and adoption.

Aboriginal spokesmen welcomed the move, saying it was an important precursor to fuller recognition of Aboriginal and Torres Strait Islander cultural legitimacy.

Yesterday, federal and State officials agreed that the time was right for parliaments to begin accommodating the dual systems although no decision was taken on just how far today's resolution will urge change. The Federal Government, however, has made it clear that it will not allow customary practices which are in breach of international law.

The Government's caveat means courts almost certainly would not be able to condone traditional practices such as payback spearing and the beating of young people, as now used in some outback communities to discourage petrol sniffing.

The decision will come eight years after the Australian Law Reform Commission advocated the change and after a sequence of court cases - criminal and civil - where judges have commented on the dilemma of conflicting legal systems.

In the Northern Territory, for instance, Chief Justice Brian Martin this year released on a good behaviour bond an Aboriginal man, Wilson Jagamara Walker, found guilty of the stabbing manslaughter of another man.

Continued — Page 2

Alice Springs. The judge said one of the reasons for the bond was that, under customary law, Walker could expect to be speared through his thighs as a pay-back for the killing.

The extensions have included civil law. In 1981 a Northern Territory judge gave recognition to tribal marriage for the purposes of an adoption and courts have taken into account the value of traditional Aboriginal ways of life — such as the lost ability to participate in ceremonies — when assessing damages for crimes such as assault.

Politicians and indigenous leaders agree that the task of incorporating customary law into statute law will be racked with headaches.

One Aboriginal leader said: "Aboriginal law and custom need to be incorporated in a wider scheme."

This included a link with the social justice policy due to be released by the Federal Government early next year.

In a draft resolution, the Aboriginal Affairs and attorneys-general departments would be encouraged to endorse the principle that Australia's indigenous customary laws were "a special case involving unique circumstances which warrant their specific recognition in statute law and in administrative policy and related arrangements".

Governments should speed up full legal recognition and the rate of implementation should be reported back to the next meetings of the ministers next year.

Yesterday, the federal Aboriginal Affairs Minister, Mr Tickner, put the onus on federal and State parliaments to enshrine these sentiments.

"The Mabo decision was a major initiative by the judiciary to recognise indigenous customary law," Mr Tickner told *The Australian*. "Governments need not sit on their hands waiting for further judicial intervention - a more expeditious remedy lies with the parliaments."

AUSTRALIAN OCT. 1995

Call to recognise Aboriginal laws

By DAVID NASON

INJUSTICES would occur if governments in Australia failed to recognise and incorporate principles of Aboriginal customary law into the mainstream legal system, the Northern Territory Attorney-General, Mr Hatton, will argue in Canberra today.

But Mr Hatton, in his speech to an indigenous law seminar being convened by the federal Minister for Aboriginal Affairs, Mr Tickner, will claim the task, while complex, is not as difficult as many would make out.

"There is a commonality between Aboriginal law and non-Aboriginal law in basic principles," Mr Hatton says in his speech, a copy of which was obtained by *The Australian* yesterday.

"Aborigines have their own legal and judiciary systems, just as we have. They have legal frameworks for title to land, laws of contract, dispute resolution and even laws of bankruptcy."

"Incorporating customary law into the mainstream law involves a recognition of the commonality between the two systems and then conducting sensible negotiation about the differences between them and the nature of censure or punishment between them."

Mr Hatton's speech identifies the criminal law area as posing the biggest hurdle because of the physical retribution component which was often a feature of customary laws.

Customary law a priority

By MARIA CERESA

RECOGNITION of Aboriginal customary law in legislation should be given a higher priority, according to the Attorney-General, Mr Williams.

He told a briefing of the Standing Committee of Attorneys-General (SCAG) in Darwin: "From what they have told me already, I think it is a subject that ought to be advanced on and put higher on the agenda."

The push for improved understanding was more prominent in States where Aborigines led a traditional lifestyle, he said.

"I think you will find that the interest in Aboriginal customary law is generated in those States where Aborigines mostly live in a customary way, and that doesn't involve much of the southern States of NSW, Victoria and Tasmania," Mr Williams said.

The Northern Territory Attorney-General, Mr Hatton, urged States to consider including customary law in their legal systems. The Territory recognised such law in many areas of civil law, including marriage, the rights of hunting, gathering and fishing, and the protection of sacred sites.



April 1996

Please find enclosed copies of the following:

1. Bundjalung Resolution "condoning" my actions to defend a sacred site and supporting my appeals, dated 21.7.1995.
2. Newspaper clippings supporting recognition of Customary Laws dated 3.11.1994 and Oct. 95 and Black Deaths in Custody dated 16-17 Dec. 1995.
3. Letter from Donna Ruska.
4. Copy of "The Faith".

Could you please write to the following people and get others to write also and demand my immediate release pending retrial on the basis that Customary Law evidence was refused by my Trial Judge Craigie:

1. State and Federal Ministers for (a) Aboriginal Affairs
(b) Justice
(c) Attornies General
2. Heads of Churches and individual Priests
3. Human Rights Commission
4. Reconciliation Council
5. ATSIC representatives from the top down.
6. Any others who can influence my immediate release.

Also mention in your letters that a full brief can be obtained from:
Keith Gasteen, Wallace Rd, The Channon, 2480. Ph/Fax 066.886339.

Could you also send me copies of your letters and their replies as well as anyone else who writes.

Stepping in the Faith,

Yours sincerely,

Denis Walker.