Vincent Lingiari (1908–1988)

Lingiari led the Gurindji campaign for land rights. The song ‘From Little Things Big Things Grow’ by Kev Carmody and Paul Kelly celebrated Lingiari’s contribution to the struggle for Aboriginal rights.

Read more about land rights, the Gurindji Campaign and Vincent Lingiari in Chapter 3.

Recognition and rights of indigenous peoples

Since the 1930s, Aboriginal Australians have campaigned for rights of citizenship and political equality. In the 1960s these campaigns also began to focus on land rights, self-determination and social equity. The Gurindji people of the Northern Territory are one of the many important groups who fought for these rights. They were led by Vincent Lingiari, a man dedicated to the rights of his people. Lingiari led the Gurindji people to successfully win their rights in 1975.

The photo on the right shows the Prime Minister symbolically transferring ownership of the land, using a handful of Dagurgu soil, to Vincent Lingiari, a leader of the Gurindji campaign.

Vincent Lingiari (1908–1988)

Lingiari led the Gurindji campaign for land rights. He was a key figure in the Gurindji and Paul Kelly wrote the song ‘From Little Things Big Things Grow’ to celebrate his activism for Aboriginal rights.

Read more about land rights, the Gurindji Campaign and Vincent Lingiari in Chapter 3.
"Imagine if we had suffered the injustice and then were blamed for it."

Paul Keating, Redfern Address, 1992
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Using Recognition and Rights of Indigenous Peoples

Recognition and Rights of Indigenous Peoples has been developed especially for senior secondary students of History and is part of the Nelson Modern History series. Each book in the series is based on the understanding that History is an interpretive study of the past by which you also come to better appreciate the making of the modern world.

Developing understandings of the past and present in senior History extends on the skills you learnt in earlier years. As senior students you will use historical skills, including research, evaluation, synthesis, analysis and communication, and the historical concepts, such as evidence, continuity and change, cause and effect, significance, empathy, perspectives and contestability, to understand and interpret societies from the past. The activities and tasks in Recognition and Rights of Indigenous Peoples have been written to ensure that you develop the skills and attributes you need in senior History subjects.

ILLUSTRATED TIMELINE

is a bird’s-eye view of the topic and summarises the major developments of the period.

KEY FIGURES AND ORGANISATIONS, KEY TERMS AND CONCEPTS, KEY DOCUMENTS

feature brief biographies, profiles, definitions and summaries of key documents as a ready reference for learning and revision.

CHAPTER INTRODUCTIONS

provide a context to the issues that are addressed.

SIGNIFICANT INDIVIDUALS

are biographical profiles and assessments of key historical figures and frequently include questions and activities.

SOURCE STUDIES

of visual and text primary sources and secondary literature appear frequently through the text and are combined with questions and activities to aid your evaluation and interpretation of evidence from the past.
A fear of the mixing of races was part of the thinking behind the assimilation policy. This fear was often compounded by the belief that Aboriginal people were inferior to European settlers. As a result, the removal of children from Indigenous families continued under different rules.

The Second World War allowed some Aboriginal and Torres Strait Islander people some redress through the Waitangi Tribunal, and their distinctive culture was pervasive in rural and outback Australia.

CONCLUSION

The recognition of Indigenous rights commonly comes up against arguments about these rights. 'Indigenous rights', is about changing the written rules or laws in a society and also changing the unwritten rights. The Nelson Modern History series includes numerous titles on a range of topics covered in senior History courses around Australia. For further information about the series visit: www.nelsonsecondary.com.au.
The following figures and organisations are mentioned in this text, but are only a small fraction of the numerous key figures and organisations involved in the struggle for the recognition and rights of Indigenous peoples in Australia and New Zealand.

**WHINA COOPER (1895–1994)**

Whina Cooper was born in the northern Hokianga region of New Zealand and was much influenced by her father's community leadership. As a young woman, she was strong and independent and involved in land protest and community health as well as successful business ventures. After the death of her second husband in the early 1950s, she moved to Auckland and became the public face of the Maori Women's Welfare League. She remained a significant Maori leader even in very old age and led the 1975 land march (hikoi) for land rights.

**WILLIAM COOPER (c. 1861–1941)**

A Yorta Yorta man from the Cummeragunja reserve who founded the Australian Aborigines’ League and devoted the last years of his life to the struggle for Aboriginal rights.

**RUA KENANA (1869–1937)**

A Maori prophet and faith healer who established a new self-sufficient religious community and challenged mainstream society by his anticonscription stance. He taught that Maori and Pakeha (New Zealanders of European descent) should be treated equally.

**VINCENT LINGIARI (1908–1988)**

The Gurindji leader in the Wave Hill Walk-off in 1966 and the subsequent founding of the Wattie Creek settlement. He received the symbolic handing over of the land from Prime Minister Gough Whitlam in 1975.

**EDDIE (KOIKI) MABO (1937–1992)**

A Mer man from the Torres Strait who was active in the struggle for rights in Queensland from the 1960s. With other Torres Strait Islander traditional owners, he led the court cases that resulted in the overturning of the doctrine of *terra nullius* in 1992.

**APIRANA NGATA (1874–1950)**

One of the Young Maori Party and the key Maori politician and community leader in the first half of the 20th century. Ngata was a lawyer, politician and skilled orator.
A significant Maori leader within the Kingitanga. She supported her fellow Waikato people in resisting conscription during the First World War, and assisted in Maori cultural and economic endeavours.

**OODGEROO NOONUCCAL (KATH WALKER) (1920–1993)**

A poet active in the struggle for rights for Indigenous Australians in the 1960s and 1970s. Her writings exemplify some of the changes that took place over the course of this struggle.

**LOWITJA O’DONOOGHUE (1932–)**

A public servant engaged in the struggle for Indigenous Australian rights since the 1960s, often in leading roles. She was appointed as the foundation chairperson of the Aboriginal and Torres Strait Islander Commission (ATSIC) from 1990 and served until 1996.

**PRINCESS TE PUEA (1883–1952)**

A significant Maori leader within the Kingitanga. She supported her fellow Waikato people in resisting conscription during the First World War, and assisted in Maori cultural and economic endeavours.

**WIREMU RATANA (1870–1939)**

A faith healer and religious leader who became a political leader in New Zealand. His followers won the four Maori seats in the New Zealand Parliament in 1943, and began the alliance between Maori and the Labour Party, which lasted until 1993. The Ratana Church, which he founded, continues today.

**ABORIGINES PROGRESSIVE ASSOCIATION (APA)**

Aboriginal organisation in New South Wales, formed in 1937 by Jack Patten and Bill Ferguson. Together with William Cooper, they organised the Day of Mourning protest on Australia Day 1938. The APA had three aims: full citizenship rights for Aboriginal Australians; Aboriginal representation in Parliament; and the abolition of the New South Wales Aborigines’ Protection Board, which regulated the lives of Indigenous Australians.

**ABORIGINAL ADVANCEMENT LEAGUE (AAL)**

One of the oldest continuously operating Aboriginal organisations in Australia. It was established in Victoria in 1957 by prominent Aboriginal activists with their supporters, and continued the work of the earlier Australian Aboriginal League founded by William Cooper and E Lovett in 1932.

**AUSTRALIAN BLACK PANTHERS FEDERAL COUNCIL FOR ABORIGINAL ADVANCEMENT (FCAA)**

The first national Aboriginal affairs organisation in Australia. The Federal Council for Aboriginal Advancement, 1958–73, later the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), included Indigenous and non-Indigenous leaders and a range of affiliated organisations.

**ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC)**

A body set up by the Australian Government in 1990 to represent and support regional Indigenous communities. It was dismantled in 2005. A national voice is now provided by the independent National Congress of Australia’s First Peoples, formed in 2010.

**ODGEROO NOONUCCAL (KATH WALKER) (1920–1993)**

A poet active in the struggle for rights for Indigenous Australians in the 1960s and 1970s. Her writings exemplify some of the changes that took place over the course of this struggle.
STUDENT ACTION FOR ABORIGINES (SAFA)
A group formed at the University of Sydney in 1964. Under the leadership of Charles Perkins, SAFA made the Freedom Ride in 1964 and 1965 around New South Wales country towns to research and publicise Aboriginal inequality.

THE ‘YOUNG MAORI PARTY’
The name given to a group of young, educated Maori leaders who entered parliament in the late 19th and early 20th centuries. Peter Buck, Apirana Ngata and Maui Pomare were assisted by James Carroll in the struggle for rights from within parliament.

MAORI WOMEN’S WELFARE LEAGUE
The first national Maori organisation, established in 1951. The league liaised with local and national government and other community organisations. It investigated and worked for improvements in Maori housing and education, and in the prevention of racial discrimination and crime.

NGA TAMATOA (THE YOUNG WARRIORS)
An activist group that arose in the late 1960s at Auckland University. Modelled on Black Power in the United States of America, it staged street protests and land occupations. It sought the honouring of the Treaty of Waitangi; the end of the selling of Maori land; and the elimination of racism in New Zealand.

KOHANGA REO (LANGUAGE NEST)
A movement developed by Maori elders in the 1980s to support the learning of the Maori language through total immersion. Today, there are more than 460 Kohanga Reo centres.

KINGITANGA (THE KING MOVEMENT)
Originally established to create a role similar in status to that of the British monarch and so help provide a more united Maori voice against the alienation of Maori land in the mid-19th century. It continued throughout the 20th century, providing a focus for traditional Maori from the Waikato region in the central North Island, exemplified by Princess Te Puea.

NATIONAL TRIBAL COUNCIL
The first Indigenous-controlled Australian national organisation. It was formed in 1970 by Doug Nicholls and Oodgeroo Noonuccal following a split at the FCAATSI Conference of that year over Indigenous control of that organisation. It lasted only a few years.

NATIONAL TRIBAL COUNCIL
The first Indigenous-controlled Australian national organisation. It was formed in 1970 by Doug Nicholls and Oodgeroo Noonuccal following a split at the FCAATSI Conference of that year over Indigenous control of that organisation. It lasted only a few years.
In the early 20th century Australia proclaimed a ‘White Australian’ identity. This identity was based on the intention to keep Australia ‘British’ by excluding those from other backgrounds. It came from a desire for a unified nation of equals, but it was intertwined with a racial ideology that assumed the superiority of the British and the inferiority of all other races, with Indigenous Australians regarded as the lowest kind of humans. The ‘White Australia Policy’ was expressed in the first Act of the national parliament, the Immigration Restriction Act of 1901. While Indigenous Australians – unlike immigrants – could not be deported, the White Australia Policy underlies the attitudes towards them and the actions taken against them for most of the 20th century.

This idea of a White Australian identity was formalised in legislation, meaning that Indigenous Australians did not have citizenship rights.

In the period leading up to Federation in 1901, the account of the invasion of Australia became consolidated as one of *terra nullius* and the dying out of an inferior race. This story was used to justify the policies of protection and control of Aboriginal peoples.

After Federation, Indigenous Australians were excluded from voting at a federal level, and from the census, and the states were left to regulate matters concerning them. The states continued to follow the approach towards Indigenous Australians they had adopted as colonies. Increasing restrictions were placed on Indigenous Australians during the period of protection and segregation as the 20th century progressed. The policy of assimilation was increasingly applied to Indigenous people of mixed descent, as it was hoped that they would be absorbed into the white Australian population.

However, some concerned people argued for more equal treatment for Aboriginal peoples. Moreover, Indigenous Australians themselves continued to fight for their land and to resist the controls and restrictions placed upon them. This was mostly on a personal and local level, but by the 1930s Aboriginal organisations had emerged and began to reflect a new sense of Aboriginality and a national movement.

**INQUIRY QUESTIONS**

+ What rights did Indigenous people have in Australia in the early 20th century?

+ What responses did Indigenous people make to their situation in the early 20th century?
In the new nation

It is very likely that many Aboriginal and Torres Strait Islander people entered the 20th century with little knowledge of Federation – the unification of the colonies and the establishment of the new nation of Australia. Federation in 1900 brought together colonies with different histories of interaction with their Indigenous peoples. For some colonies, the frontier was still in evidence, with continued conflict, while for others this was generations earlier. Although the colonies had much in common as they were all British, Indigenous Australians were lumped together by the British as ‘aborigines’ or ‘natives’. However, even though there were extensive

Torres Strait Islander peoples

The people who come from the Torres Strait Islands to the north of Cape York, Queensland, speak two main traditional languages as well as Torres Strait Kriol, a language that is a hybrid of traditional languages and English. Their culture is Melanesian, with strong links to Papua New Guinea. There are about 100 islands in the Torres Strait group, but while all are used, only 20 have enough water for permanent living.

Colonisation speedily followed missionary arrival in 1871, and in 1879 the Torres Strait Islands were annexed to Queensland.
trading routes across the continent, Indigenous Australians had very distinct identities, with many different languages and ways of living. For example, people from Cape York in the north did not have much contact with Aboriginal peoples in the south, thousands of kilometres away and people of the Torres Strait Islands were closer geographically and culturally to their Melanesian neighbours than to many groups on the mainland.

Each of the groups also had their own particular experiences of colonisation as they struggled to survive in a range of ways. These experiences varied according to the identity and traditions of the group, which in turn depended on the group’s country, their frontier history, and their location within a particular colony. There was little sense of Aboriginality as a national experience, and any conflicts over land, livelihood and personal safety were usually local.

THE MOVING FRONTIER

While some Indigenous Australian groups have a long history of colonisation, others do not. Indeed, Aboriginal historian Gordon Briscoe from New South Wales wrote in 2010:

“It will come as a revelation to some readers that nearly one hundred years after Captain Cook landed and claimed New South Wales as a British possession my ancestors had had no contact with Europeans.”

By 1900, large areas of Australia were still only sparsely settled by Europeans who had intermittent contact with Indigenous Australians. Some Aboriginal people – such as scattered groups of the Walmajarri from the Great Sandy Desert in Western Australia – only left their traditional lives to make their homes on cattle stations in the 1950s and 1960s.

In the West Australian Kimberley region, the late 19th century was called the ‘killing times’. Jandamarra – a Bunuba man who was variously labelled an outlaw and a freedom fighter – led an armed insurrection against settlers from 1894. He was shot dead in 1897 along with 19 of his countrymen, and his decapitated head was preserved and sent to England in a jar.

Remote areas in Australia were still vulnerable to rough-and-ready ‘justice’ well into the 20th century, as both the West Australian Forrest River massacre in 1926 and the Northern Territory Coniston massacre in 1928 were to show. At Forrest River in the Kimberley, the royal commissioner concluded that at least 20 Aborigines were killed; however, missionaries thought the number to be at least 30, and according to Aboriginal oral evidence of the time, more than 100 were killed. At Coniston, those responsible for two punitive police expeditions admitted to killing 31 Walpiri and Anmatyerre people in retaliation for the killing of two white men, but some historians believe the toll was 170.

**SOURCE 1.2** The moving frontier of European settlement suggests the variation in the experience of Aboriginal people in each state or territory.
‘SMOOTHING THE DYING PILLOW’

Population decline in the late 19th century supported the notion that Indigenous Australians were dying out, and this was portrayed as an inevitable natural process rather than as a result of European settlement. The population decline was interpreted according to social Darwinism as a natural effect of the ‘survival of the fittest’. Vincent Lesina, a journalist and politician, told the Queensland Parliament in 1901: ‘the law of evolution says that the nigger shall disappear in the onward progress of the white man. There is really no hope at all.’ The response was to kindly ‘smooth the dying pillow’ – to make the inevitable passing as comfortable as possible. As historian Richard Broome sums up:

By 1900 most settler Australians held derogatory views towards Aboriginal Australians, which were a mixture of ignorance, indifference, fanciful racial theories, a belief in white superiority, and the need to rationalise the continued dispossession of Aboriginal land.

THE CONSTITUTION OF AUSTRALIA

In Australia’s Constitution, which took effect on 1 January 1901 with Federation, Aboriginal peoples are mentioned only twice – in order to exclude them from the Commonwealth’s power to make laws for ‘the people of any race’ (the ‘race power’), and to exclude them from the census. The Constitution did not exclude Aboriginal and Torres Strait Islander people from citizenship; however, ensuing Commonwealth legislation gradually excluded them from federal rights, and state legislation consolidated that exclusion.

<table>
<thead>
<tr>
<th>State</th>
<th>Population estimate*</th>
<th>Definition of Aboriginality</th>
<th>Statutory bar on voting?</th>
<th>Able to be removed to reserves?</th>
<th>Employment formally regulated?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qld</td>
<td>26,670</td>
<td>Aboriginal natives and ‘half-castes’ habitually associating with them</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>NSW</td>
<td>80,65</td>
<td>No relevant legislation</td>
<td>No</td>
<td>No relevant legislation</td>
<td>No relevant legislation</td>
</tr>
<tr>
<td>WA</td>
<td>5,261</td>
<td>Aboriginal natives and ‘half-castes’ habitually associating with them</td>
<td>Yes</td>
<td>Implied</td>
<td>Yes</td>
</tr>
<tr>
<td>SA and NT</td>
<td>30,71 and 23,363</td>
<td>No relevant legislation</td>
<td>No</td>
<td>No relevant legislation</td>
<td>No relevant legislation</td>
</tr>
<tr>
<td>Vic.</td>
<td>521</td>
<td>Aboriginal natives and small group of ‘half-castes’</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tas.</td>
<td>0**</td>
<td>No relevant legislation</td>
<td>No</td>
<td>No relevant legislation</td>
<td>No relevant legislation</td>
</tr>
</tbody>
</table>

Table compiled from Tables 1, 2 and 3 in John Chesterman and Brian Galligan, Citizens Without Rights: Aborigines and Australian Citizenship, Cambridge University Press, Melbourne, 1997.

* Note that the population figures are estimates only, and were made using various definitions of Aboriginality that were accepted by governments at the time. Chesterman and Galligan also note that these are underestimates. Historian Geoffrey Bolton argues that the West Australian population was more than 25,000 and the Northern Territory population more than 27,000.

** Following the death of Truganini in 1876, it was assumed that there were no more full-blood Tasmanian Aboriginal peoples. However the 1891 census shows that there were 139 people of Aboriginal descent in Tasmania, most living on Cape Barren Island. In 1912 the Tasmanian Government recognised this community and passed the Cape Barren Reserve Act to create an Aboriginal reserve. The reserve continued to operate until the 1950s.

RECOGNITION AND RIGHTS OF INDIGENOUS PEOPLES
Westralian blacks – how they are treated

Questions
1. What is the message of this cartoon?
2. Comment on how the message is conveyed through each of the following: the figures in the background; the woman with the sword; and the man reading a newspaper.
3. What does this cartoon suggest about diversity in Australian attitudes at the time?

SOURCE 1.3 At the time, differences in the treatment of Aboriginal Australians from state to state were acknowledged, and some states were criticised for their failings. This image appeared in The Bulletin on 10 August, 1901

Voting rights for Aboriginal Australians

At the time of Federation in 1901, voting rights for Aboriginal Australians varied from state to state, and the issue of federal voting was undecided.

Federal Aboriginal voting rights were the subject of parliamentary debate in the lead-up to the passing of the Commonwealth Franchise Act 1902, which sought to provide for a ‘Uniform Federal Franchise’. This debate illustrates the differences between states and also indicates how, in the politicians’ desire for federation, Aboriginal rights were sacrificed.

Opponents of Aboriginal voting argued that Aboriginal workers in remote areas would simply vote as their employer instructed, and that Indigenous Australians were not ready for the vote; while those in favour of extending the franchise to Indigenous Australians put forward the case that it would be totally unjust to exclude them.
The result was a confusing decision that allowed those Indigenous Australians who already had the state vote to also have the federal vote, but prevented new enrollees. Section 4 of the Commonwealth Franchise Act read:

"No person who is of unsound mind and no person attainted of treason, or who has been convicted and is under sentence or subject to be sentenced for any offence punishable ... by imprisonment for one year or longer, shall be entitled to vote at any election of Members of the Senate or House of Representatives.

No aboriginal native of Australia, Asia, Africa or the Islands of the Pacific except New Zealand shall be entitled to have his name placed on an Electoral Roll unless so entitled under section 41 of the Constitution.

However, public servants put into practice their own interpretation of the legislation so that even those Indigenous voters who should have been able to vote federally were denied that right.

Debating the Aboriginal vote

During debate of the Commonwealth Franchise Bill, Senator Alexander Matheson of Western Australia proposed excluding Aboriginal Australians from the vote, saying:

Surely it is absolutely repugnant to the greater number of the people of the Commonwealth that an aboriginal man, or aboriginal lubra or gin – a horrible, degraded, dirty creature – should have the same rights, simply by being 21 years of age, that we have, after some debate today, decided to give to our wives and daughters. To me it is as repugnant and atrocious a legislative proposal as anyone could suggest.

Speaking against Matheson’s exclusionary amendment, Senator Richard O’Connor of New South Wales argued:

In New South Wales, Victoria, South Australia, and Tasmania an aboriginal has the same right to vote as has any other inhabitant ... This is the policy in four States out of the six. In the remaining States of Western Australia and Queensland, where the largest number of what are generally described as wild blacks exist, the right to vote is given to an aboriginal, provided he is the owner of property to the value of 100 pounds. Why was that right given? Every one was aware at the time that there were numbers of these aboriginals who, perhaps, would not understand very much about political questions. But I think it occurred to those who were framing these laws in the States, that it would be a monstrous thing, an unheard of piece of savagery on our part, to treat aboriginals, whose land we were occupying, in such a manner as to deprive them absolutely of any right to vote in their own country, simply on the grounds of their colour, and because they were aboriginals …

Commonwealth of Australia Parliamentary Debates, Senate, Vol. 9, 10/04/1902, pp. 11580–1 and pp. 11584–7

Questions

1. In the two text extracts, identify the arguments for and against Aboriginal Australians having the federal vote.
2. Imagine that you are debating this issue. Add other arguments for and against.
Embracing White Australia

Questions

1. What does this cartoon show?
2. In what ways does this cartoon situate the issue of the Aboriginal vote in the context of White Australia?
3. Is the cartoonist simply reflecting attitudes at the time, or is he criticising or endorsing some attitudes? Use details from the cartoon to support your views.

Source 1.4 Votes for Aboriginal Australians were seen as the beginning of votes for others seen as undesirable, such as the caricatured Chinese and Indian men shown here. For many, the only way to achieve one nation was to embrace White Australia and exclude those from backgrounds other than British. This image appeared in The Bulletin, 24 May 1902.

Written out of the national story

We have seen that Indigenous people were written out of the Australian Constitution and denied the right to participate politically in their own country. At the same time, Indigenous people also were being written out of the history of Australia – a history that was emphasising the courageous role of the bush pioneers.

Melancholy images were also being produced of ‘the last of the tribe’, often depicting an Indigenous person looking back, as if suggesting the sadness of being part of a dying race. Furthermore, the land before settlement was often described as ‘wilderness’ and ‘untouched’, as if Indigenous people had not existed or had made no impact. (Today, the work of the original owners in creating the landscape is acknowledged.) Images of Aboriginal men with spears were used, with other national motifs, such as the emu, to express the Australian character; but these were works of white Australians seeking a distinctive identity. The Australian Natives Association – whose membership was restricted to Australian-born men of European descent – was an organisation for such white Australians.
**The Pioneer**

 SOURCE 1.5 *The Pioneer* by Frederick McCubbin, 1904. This huge oil painting is composed of three panels in the tradition of European religious paintings.

**Questions**

1. What story is told in the three panels?
2. What does this painting suggest about the national story being told at the time of federation?
3. What are the likely effects of depictions such as this one?

History was indeed written by the victors. One book published in 1911 – James Collier’s *The Pastoral Age in Australasia* – refers to the First Peoples ’all-round inferiority and their inability to till the ground or even make use of its natural pastures'. Historian Henry Reynolds reports that as late as 1930, Australian scholars still commonly referred to the Aboriginal peoples of Australia as ‘the most primitive variety of man still existing’. In this way, Aboriginal experience was either omitted, or was given minimal or derogatory mention. What the Australian anthropologist William Edward Hanley Stanner later called ‘the cult of forgetfulness’ was well under way.
 Denied rights: protection, segregation and control

CHAPTER 1

Denied rights: protection, segregation and control

Protection', control and the denial of rights

The rights of Indigenous Australians were further denied in federal legislation that classed them as alien ‘Aboriginal natives’, and excluded them from old age pensions and maternity allowances. There was no discussion of what it meant to be an Australian citizen, as all were considered to be British subjects. If a person was deemed to be ‘Aboriginal’, then what are now citizenship rights were denied.

However, each state used different definitions of Aboriginality. The definition used, and the decision made about the ‘predominating blood’ in an individual, had important consequences for the rights of that individual.

The existence of a growing population of people of mixed descent had become an issue by the time of Federation. A fear of the mixing of races was part of the thinking behind the

Alternative images of Australia

In the early 20th century, Indigenous artworks were collected and included in museums as examples of Indigenous ways of living. Today, many such works are priz ed by art galleries. An example is the symbolic art of the Wurundjeri elder William Barak (c. 1824–1903), who used his paintings – often entitled Ceremony – to teach his culture to those who lived on the Coranderrk reserve near Healesville, Victoria.

Barak died as an old man in 1903, having lived through the arrival of Europeans in the Port Phillip District and the loss of country and people.

Tommy McCrae (1835–1901) was another Aboriginal artist in south-eastern Australia whose pen and ink drawings also depict an Aboriginal viewpoint of early contacts with the colonisers.

Question

1. Find some examples of other works by William Barak or Tommy McCrae, and briefly describe an alternative story they present to that depicted in Source 1.5.
White Australia Policy, and many would have agreed with this statement, from *The Bulletin* in 1901:

“If Australia is to be a country fit for our children and their children to live in, we must keep the breed pure. The half-caste usually inherits the vices of both races and the virtues of neither. Do you want to be a community of mongrels?”

### PROTECTION STATE BY STATE

Many claimed that Indigenous Australians learnt the worst traits of white people, and it was thought that ‘protection’ could be achieved through their separation from mainstream white society and their regulation by government-appointed authorities.

It was evident that exploitation was common. There was troubling evidence of sexual exploitation and the use of Indigenous workers as cheap labour. Advisers recommended a system with approved work contracts and closer supervision of young Indigenous women. Starting with the Victorian *Aborigines Act 1890* and the Queensland *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, all states and territories had legislation by 1911 that controlled the lives of those deemed to be ‘Aboriginal’. Torres Strait Islanders were included under Queensland legislation in 1904.

### PROTECTION AND CONTROL

Increasingly, protection policies implied that Aboriginal and Torres Strait Islander people, and those deemed to be ‘Aboriginal’, were not only unable to look after themselves, but also needed to be compelled to live in ways that government-appointed protectors decided were good for them. This paternalistic regime was seen as benevolent, but policies disempowered Indigenous Australians, and the power of those in charge could easily be misused. In practice, much depended on the individuals who held authority, the general public attitude in each state and the resources allocated.

Over time, definitions changed and regulations were extended.

### EXCLUSION FROM SOCIETY

Those who lived in the general community – rather than on a *mission* or *reserve* – but were deemed ‘Aboriginal’ by reason of their appearance, experienced many unofficial social restrictions. Historian Richard Broome reports that when an Aboriginal girl began working at the cannery in Mooroopna in Victoria in 1929, workers walked off the job, some yelling: ‘We don’t have to work with black trash.’

Another clear social barrier was the prohibition on Indigenous Australians drinking with other

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**missions**
Christian institutions set up for Indigenous Australians to live in. Their aim was to ‘Christianise’ and ‘protect’ Aboriginal and Torres Strait Islander people. The term ‘mission’ is also often used generally for Aboriginal and Torres Strait Islander reserves and government stations.

**reserves**
Living areas established by governments for Indigenous people, on which managers cared for (and controlled) Indigenous people.
Australians in pubs. Drinking in a pub was not just about alcohol; it was also an opportunity for Indigenous men to meet and bond socially with other men after work. The pub was a place where people made connections and got jobs.

Professor Marcia Langton describes her experience of Indigenous people always having to wait in a shop until any white people were served, no matter how much later they arrived. All of these unwritten rules were about ‘knowing your place’ – and it was separate from others and at the bottom of the social scale.

One of the disturbing aspects of this discrimination against Indigenous Australians was that it was often ordinary people in the community who protested against the presence of Aboriginal children at the local school or Aboriginal patients at the local hospital. It was not just about government-imposed laws and rules, but about the values and attitudes of those who put them in practice.

**Exclusion from citizenship rights**

The new Australian nation gradually developed legislation for the rights and responsibilities of citizens. These included the political rights of voting and standing for parliament, but also what we now call civil rights, such as access to health care, access to education, freedom of speech, freedom of movement and equality before the law. For people deemed ‘Aboriginal’ according to state laws, however, government protective legislation in the states was soon to restrict their rights thoroughly. They were to be protected like children and would have few – if any – legal rights. This was the case whether they resided on a mission or reserve, on a pastoral station or in the general community; whether they lived off wages earned, farmed land, or were on the fringes of society.

On a reserve, the government could exert absolute control over every detail of the lives of Indigenous Australians. A reserve superintendent had to be obeyed and had the right to search Indigenous people, read their mail, confine children to dormitories, expel people or send them to other reserves and order compulsory medical inspections. Threatening or abusive language, card games, intoxication, traditional dancing and rituals were all forbidden, as was ‘any act subversive of good order and discipline’.

It seemed that the more protection and segregation, the greater the separation of Indigenous Australians from wider society and the fewer rights they had.

**ACCESS TO HEALTH CARE**

Without access to their own hunting and gathering, inmates of reserves were given a poor diet. Food on reserves, distributed as rations, was often of poor quality and insufficient for good health.

In 1938, Aboriginal activists in New South Wales publicised the appalling health conditions there, where Aboriginal people were without adequate food, or clinical or public health facilities. One of the grievances on the New South Wales reserve of Cummeragunja was the poor water supply and sanitation.
Health care was often not available to Indigenous Australians, and segregation existed in hospitals. In many cases, Indigenous Australians were refused hospital treatment altogether.

**ACCESS TO EDUCATION**

Schooling for Aboriginal and Torres Strait Islander children was usually very basic, up to about Year 3. The assumption was that Indigenous Australians were backward and unable to benefit from schooling.

Often schooling was segregated. Historian Heather Goodall lists 27 segregated ‘special’ schools that were established in New South Wales between 1883 and 1909, mainly because white people objected to shared schooling. Excluding Indigenous children from schools often prompted their families to move from townships onto reserves, in order to get some schooling for their children. However, mission schools often employed untrained teachers.

In Western Australia in the late 1920s, only 1 per cent of Aboriginal children were educated in state schools.

**Training**

It was assumed that Indigenous Australians could only function in white society by doing the lowliest unskilled jobs. All states had apprenticeship schemes, usually for farm work for boys and domestic service for girls.

In New South Wales, children were forced to go to training homes. In her 1977 autobiography, *If Everyone Cared*, Aboriginal activist Margaret Tucker (1904–1996) wrote of her own distressing removal to the Cootamundra Domestic Training Home for Aboriginal Girls, her placements with families and her attempt to escape it all by taking rat poison.

In Queensland in 1920 there were 524 female Aboriginal domestic servants in service, a third of whom were under 18. In Western Australia in the late 1920s, about 90 girls each year were sent from Moore River reserve into domestic service.

**PAID WORK**

Work on missions and reserves was often unpaid. In 1911, Queensland legislation set cash wages for Indigenous Australians on reserves at one-third of wages for white people,
increasing to two-thirds in 1918. With the coming of the Great Depression in 1930, however, this legislation was suspended and was not restored until the 1960s. Therefore, from the 1930s in Queensland, Indigenous Australians on reserves could be ordered to work for 32 hours a week without pay.

Many thousands of Indigenous Australians worked in the pastoral industry. In the Northern Territory, labour on cattle stations was often unpaid, with only very basic food and clothing provided. Some workers received low pay, but often these ‘wages’ simply amounted to credit at a company store, or were put into a trust account and never received (see below). In Western Australia, by 1930 about half the 5000 stockmen received a wage between 10 shillings and £1 per week. This did not change until 1950.

The white owners and managers argued that Indigenous labour was ‘inferior’, that they were supporting families by providing rations and that they could not afford more. However, it is clear that Aborigines did provide skilled work with cattle, and also that they provided a reserve workforce as domestics, gardeners, maintenance workers and musterers.

The sexual services of Indigenous women were assumed. It is also clear that the rations and any housing provided were extremely basic. Indigenous workers were segregated from others and were denied workers’ compensation. Work contracts forbade them from absconding, and punishments could be very severe. The police supported the employers. While some labelled station work as slavery or ‘akin to slavery’, many Aboriginal stock workers, despite the oppression, loved their work and took pride in their skills. They were also able to stay with kin in their own home country and continue traditional food gathering and ceremonies in the wet season when there was less work.

**CONTROL OVER MONEY**

People deemed ‘Aboriginal’ were unable to have control over – or even access to – their own money. Their wages were controlled by various Protectors or Protection Boards, which only gave the workers pocket money. Their earnings were supposedly held in trust for them, even though they did not

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**SOURCE 1.10** Aboriginal workers saddling camels in Central Australia, 1935

**SOURCE 1.11** This undated photograph, labelled ‘Jim and his mother’s servant’, illustrates the experience of an unnamed Aboriginal woman. Lowly paid jobs in domestic service could include cooking, cleaning, washing and childminding, and working days were long. Girls and young women were vulnerable to sexual abuse, and could be sent back against their wishes to their employers after the birth of a baby, who was taken away.

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**CHAPTER 1**
Denied rights: protection, segregation and control
have individual accounts. In Queensland those not on reserves also had a portion of their wages taken for the relief of ‘indigent natives’.

In 1935, the Annual Report of the Department of Aboriginal Affairs stated that £293,549 was held ‘in trust’ for Aboriginal workers in Queensland. Today, many people in Queensland are still trying to access their earnings, which became known as the ‘Stolen Wages’.

These restrictions on Indigenous Australians meant that they could not usually own property. Even when inheriting property, it would be held in trust for them and they were unable to access it. For example, the grandmother of Aboriginal leader Patrick Dodson, Elizabeth Djiagween, inherited a considerable amount – more than £2000 – from her father, but because her mother was an Aboriginal woman she was unable to access the money. She was obliged to work as a servant and to petition the Protector even to obtain a house for her family to live in.

This lack of money meant that Indigenous people did not have a chance to learn how to manage their finances, and were kept dependent and poor.

**FREEDOM TO MARRY**

Governments regarded control over marriage as crucial because of fears about the impacts of racial mixing and growing numbers of ‘half-castes’. Official language referred to ‘half-castes’, ‘quadroons’ and ‘octoroons’ as if there was some scientific basis for distinctions, but often decisions were made simply on appearance. In some states, all Indigenous people were effectively wards of the state for their entire lives. This meant that they did not have the right to marry, and in many cases Protectors denied them their own choice and then labelled them as promiscuous if they cohabited.

In Queensland, ‘half-castes’ were encouraged to marry their own kind, and marriage between whites and Indigenous Australians was forbidden. Kitty Clarke, a Ngadjon woman in Queensland, wanted to marry Leandro Illin, a Russian immigrant, in the early 20th century. The Protector of Aborigines, JW Bleakley, rejected their application to marry, and the police were sent to remove Kitty and her children to a mission. Kitty and Leandro’s story, including their eventual marriage, has been celebrated in the 2005 documentary film *Pioneers of Love*.

In Western Australia, Gladys Gilligan – whose story has been told in the SBS television program *First Australians* – was three times refused permission to marry her non-Aboriginal partner, but in 1938 they found a clergyman who would marry them despite the rules.

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**SOURCE 1.12** Leandro Illin photographed with his children. His wife, Kitty Clarke, died in 1926 after giving birth to her seventh child. Courtesy of the Illin family.
AUTHORITY OVER CHILDREN

The federal government acknowledged the general importance of motherhood (it introduced the Baby Bonus in 1912), but not that of Indigenous Australian motherhood. In several states, the Chief Protector was the legal guardian of all Indigenous children under the age of 21. Separation from Indigenous parents was seen as the best way for children to learn new ways. Therefore, even when families were on a settlement or reserve, it was usual to separate the children from their parents and house the children in dormitories, where they were locked up overnight. They needed permission to see family members, and discipline could be tough. For example, on Palm Island, Queensland, young Marnie Kennedy was put in jail for the night in the late 1920s, because the matron heard her singing a song using the word ‘bum’. In Western Australia, lengthy punishment for trying to return to family was not uncommon.

The issue of whether to attempt to merge the ‘mixed-blood’ population with the general community was debated in each state. Some argued that it would not work because such people were ‘practically Aboriginals’, while others questioned restrictions on marriage or the morality of removing children from their mothers. West Australian official James Isdell in his 1908 report about the Kimberley region stated that Indigenous mothers ‘soon forget their offspring’. In 1910, Thomas Burgoyne said in the South Australian Parliament that Indigenous people did not feel distress.

Children often were removed into institutionalised care that was underfunded. In 1928 a bungalow in Darwin, originally built for one family, housed 67 Aboriginal children and nine adults. Like other institutions, there were few facilities and not enough staff, equipment or food. Basic sewerage and drainage were also a problem.

If there was any appearance of ‘white blood’, parents were not able to keep their families together and children were forcibly taken from them in order to ensure training and employment, for what was judged to be a better life. Many young children were removed from their families, placed in institutions and raised ‘white’, being taught that their culture was evil. Some were even taken from reserves, such as Cummeragunja in southern New South Wales.

In Western Australia, such children were under the comprehensive management of AO Neville, who was Chief Protector in that state from 1915 to 1940. Survivors of this regime, such as Doris Pilkington, spoke of a ‘cold upbringing’, with ‘no affection at all in that place’. From 1934 the fairest-skinned children were placed in a home run by an Anglican nun known as Sister Kate, from where it was hoped they would marry ‘white’. Neville and his counterpart Cecil Cook in the Northern Territory believed in racial theories that maintained that ‘blackness’ could be bred out, and so supported assimilation – the ‘absorption’ of Indigenous Australians into wider society.

SOURCE 1.13 The inhabitants of ‘The Bungalow’, Alice Springs, 1928. The original bungalow was built in Darwin to accommodate one woman and her nine children. It was relocated to Alice Springs, where it existed for decades as an institution for ‘half-caste’ children.
The Queensland Aboriginal Department removed children born to Torres Strait Islander mothers and non-Islander fathers to mission dormitories on Thursday Island or to mainland institutions up until the 1970s.

**FREEDOM OF MOVEMENT**

Aboriginal people in Australia did not have freedom of movement. Federal legislation required them to have special permission to travel outside Australia, and even within Australia they were not free to travel. Torres Strait Islanders could not come to the mainland without permission until after the Second World War.

Within a state, Indigenous people could be forbidden to associate with their own families on a reserve, and could be required to stay outside towns. People could be moved from one reserve to another, without having any say in the matter. In 1911, Aboriginal people in Darwin and Alice Springs had to reside with an employer or in the compound, they needed permission to go in and out of the town, and there were limits on when they could do so – a curfew. In 1933, the Northern Territory Aboriginals Ordinance meant that an administrator could declare any place to be prohibited to an Indigenous person, and could remove an Indigenous person to any place in or beyond the Northern Territory. In Western Australia, Indigenous people were prohibited from entering parts of Perth after 6 p.m.

On missions and reserves, removal orders were used as a method of control as no one wanted to be separated from family and friends. There was no redress if a removal order was made, and the threat of removal could be used to change behaviour, especially if an individual was seen to be ‘bad tempered and abusive.’
ACCESS TO JUSTICE

In theory, Indigenous Australians were subject to the same criminal laws as other Australians, but laws could be applied quite differently. Indigenous Australians were more likely to be arrested, and if arrested they were treated differently from white Australians – in northern Australia, for example, the use of neck chains was only for Indigenous prisoners. Neck and leg chains were used on arrested Indigenous prisoners in the centre, the north and parts of Western Australia up until the 1930s. In the Northern Territory, it was difficult for Indigenous people to receive justice even if they understood the language used and the charges against them. In frontier areas, Indigenous witnesses were often chained and imprisoned until the hearing – a very frightening and confusing experience. Courts and juries were also part of the dominant society and discriminated against Indigenous peoples.

Special laws and regulations

Indigenous Australians were not simply subject to the laws of the land; there were special laws and restrictions that governed details of their lives. The local police who were also Protectors often administered these. These dual roles resulted in Indigenous people having greater fear of the law and less trust of those working in welfare.

On reserves and missions, the manager’s duties included enforcing regulations. Punishments for minor offences such as ‘answering back’ or being uncooperative included being locked up, deprived of rations, having your family deprived of rations, and being exiled from the reserve. Physical punishments were also used. Reverend James Watson of Milingimbi in the Northern Territory used a stockwhip on Aboriginal men.

FREEDOM OF BELIEF

On most supervised reserves or settlements, religious people were employed as superintendents. Indigenous language and cultural practices such as initiation were generally forbidden and the missionaries treated Indigenous people as children. Furthermore, many Indigenous children were taught that they were ‘dirty’ and ‘bad’, and that behaviour such as the wearing of lipstick was wicked and sinful.

On the Torres Strait Islands, the London Missionary Society used Torres Strait Islander preachers and many of these preachers found Christianity to be compatible with their own religion. Aboriginal people, however, were slower to convert to Christianity.

By 1920, there were 20 Christian missions in remote areas of northern Australia, and these were used by Aboriginal people as sanctuaries, temporary campsites and rations depots. Some missionaries respected Aboriginal culture and worked with Aborigines; and some Aboriginal
people embraced Christianity. In 1925, James Noble became the first Aboriginal deacon to be ordained in the Anglican Church.

**Sharing the pain?**
While excluded from citizenship rights, Aboriginal and Torres Strait Islander peoples shared the major national experiences of war and economic depression.

**THE FIRST WORLD WAR**
Australian men were urged to enlist in the armed forces as a responsibility of citizenship, but the Commonwealth Defence Act 1903 only allowed those of ‘European origin and descent’ to enlist. However, some Indigenous men did seek to join the war effort, and it seems there was little attempt to prevent them at the outbreak of the First World War. About 500 served in the war.

During the war, Indigenous Australians were able to serve on an equal footing with white Australians, but at the end of the war nothing had changed. While returned soldier schemes in New South Wales encouraged further settlement by the granting of soldier settler blocks in remote areas, historian Heather Goodall states that only two of the 154 Indigenous returned servicemen in New South Wales received land. Although there were no discriminatory rules in place, they were discriminated against in practice.

Yet the shared experiences did lead to some support after the war; for example, the Casino and Bangalow branches of the New South Wales Returned Soldiers’ and Seamen’s League supported their Aboriginal comrades petitioning for ‘civic rights’.

**THE GREAT DEPRESSION**
In the 1930s Great Depression, conditions for Indigenous Australians were often very poor. Some say that the Great Depression affected Indigenous people less than others in Australia – and because of their ongoing poverty this may be so – but there is clear evidence that less was done to assist Indigenous Australians suffering during the Great Depression.

The 1930s also saw the definition of ‘Aboriginal’ widened in several states, so that more people were confined on reserves under the various state acts. This was a product both of racial thinking and a desire to shift an economic burden to a different government department. In New South Wales, Aborigines who had lived in towns were required to move back to reserves so
that the government was not required to pay them unemployment benefits (the dole). Instead, the cost was borne by the department in charge of Aborigines. Kooris at Wreck Bay, NSW, complained that they paid ‘like the white men’ for their fishing licences and to send fish to market, yet they could not get the dole. The assumption was that Aborigines on reserves could make do with much less. The New South Wales dole was double the amount that Aborigines received on reserves.

Overcrowding caused significant suffering. In Western Australia, for example, the Moore River Native Settlement was set up to accommodate 200 people, but housed 500 Aborigines during the Great Depression. Many children under the age of five died there from preventable illnesses. Also in Western Australia, Aborigines received very poor rations – only flour, sugar, tea and tobacco – while non-Aborigines received a much more varied diet including bread, butter, meat, jam, milk and cheese.

There were severe cuts to funding and local governments denied work to Aborigines as a way of getting rid of them. People on the unsupervised reserve of Framlingham in the Western District of Victoria were so badly off that neighbours called attention to their plight in the local press, describing them as ‘half starved’.

**Changing government attitudes**

By the 1930s, emphasis moved from the segregation and protection of those deemed ‘Aboriginal’, to assimilation for those of mixed descent. In Western Australia and the Northern Territory, this was based on racial theories, as well as recognition of the growing numbers of people of ‘mixed blood’. It was still assumed that ‘full-blood Aboriginal’ people were dying out.

In 1931, the Annual Report of the Chief Protector of the Northern Territory directed that illegitimate ‘partly coloured children’ should continue to be removed from camps and placed in homes, ultimately to marry ‘higher-grade half-caste males and whites’. In Western Australia, the Moseley Commission led to the *Native Administration Act 1936*, which stated that ‘the destiny of the native of aboriginal origin [lies] in their ultimate absorption by the people of the Commonwealth’.

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### THE PATH TO ASSIMILATION

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1901</td>
<td>The Commonwealth Constitution excluded the Commonwealth Government from Aboriginal affairs</td>
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<td>1902</td>
<td>The Commonwealth Franchise Act excluded Indigenous Australians from the federal vote</td>
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<td>1911</td>
<td>The Commonwealth Government took control of the Northern Territory and became responsible for Aboriginal affairs in the Northern Territory, passing the Aboriginals Ordinance</td>
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<td>1929</td>
<td>The Royal Commission on the Commonwealth Constitution ‘recognised that the effect of the treatment of Aborigines on the reputation of Australia furnishes a powerful argument for a transference of control to the Commonwealth’</td>
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<td>1937</td>
<td>The first national Native Welfare Conference resulted in all governments embracing assimilation</td>
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The 1937 National Native Welfare Conference followed these leads. It clearly set out policies for the segregation of ‘full-blood’ and ‘tribal’ Aboriginal people, assuming they would die out; and for ‘the ultimate absorption by the people of the Commonwealth’ of those of mixed descent. This latter policy was advocated by West Australian Protector AO Neville, who argued for a policy of ‘breeding out the colour’, so that over time Australia’s Indigenous peoples would no longer exist as separate groups.

However, Queensland authorities did not accept the same racial ideas as Western Australia and the Northern Territory and tried to retain the policy of keeping Aboriginal and Torres Strait Islander people ‘entirely isolated from contact with other races’. Even when the policy of assimilation was embraced, contradictory practices of segregation of Indigenous people continued, probably due to their general lack of acceptance in the general community. Policies of control that denied basic rights also continued.

**CHANGING PUBLIC ATTITUDES**

By the 1930s, there was public discussion of different ideas about Aboriginal and Torres Strait Islander peoples. The anthropologist and Anglican clergyman AP Elkin argued against the notion of Indigenous culture being inferior, showing it instead to be a rich culture that should not be allowed to die out or be absorbed. In his pamphlet *Aborigines: Our National Policy*, published in 1934, he pressed for better education and material conditions for Indigenous Australians. He influenced government policy towards assimilation, but also argued that Indigenous culture should be retained, if it was still intact. Elkin was president of the Association for the Protection of Native Races (APNR), which focused on northern Australian concerns.

In the 1920s and 1930s, Australian feminists argued against the government policies on reserves. Mary Bennett was one of these feminists. Bennett worked at the Mount Margaret mission in central Western Australia in the 1920s, and believed that Indigenous Australians with education could achieve as well as whites. She praised the mission run by Reverend JR Love in the Kimberley, which she saw as guiding Aborigines to ‘civilisation’, while keeping their traditional culture and maintaining the centrality of family life. She was impressed that Reverend Love paid cash wages and refused to send Aboriginal people south because he respected their attachment to land and kin.

Bennett argued against child removal and institutionalisation in Western Australia, promoting Aboriginal citizenship rights, independent community-based reserves, and improved provision of health, education and welfare. She argued that as the dispossessed original owners of the land, Aboriginal people should be equal but different citizens. She supported Aboriginal activists in their work.

Throughout Australia, various organisations were formed to improve the conditions for Indigenous people. South Australia had two: the Aborigines’ Protection League of South Australia, which began in 1925, and the Aborigines’ Friends Association, established in 1858. In Victoria,
the Victorian Aboriginal Group, founded in 1933, lobbied government about conditions on reserves and camps in the state and nationally.

Such humanitarian groups worked for improved conditions for Aboriginal people, but not always in the ways Aboriginal campaigners wanted. However, some individuals became very supportive of Aboriginal Australian activists, providing resources and practical assistance.

**Early organised Indigenous protests**

Throughout this period Indigenous people agitated for reforms. Many individuals tried to better their lot, but often found the strong controls over their lives to be absolute. However, some banded together, forming Indigenous organisations that recognised their common experiences and concerns, and began to develop more of a sense of a common Aboriginality. Land and livelihood remained central concerns, but Indigenous people also campaigned for basic political and civil rights.

Individuals and groups fought against the controls and asserted their rights to their land. In a letter to *The Argus* newspaper, dated 23 June 1923, residents on the Coranderrk reserve near Melbourne wrote:

> We are very much in sad distress thinking of how the board are breaking up our homes at Coranderrk and trying to transfer us against our wish. We wish to be here with our old people and near our loved ones in the cemetery. This is an estate given as a home to the natives. Remember we are no more slaves because we are coloured. We are under the British flag too. They might as well shoot us than shift us against our will. Will someone fight for us?

**‘FULL CITIZENSHIP RIGHTS’**

Aboriginal people in New South Wales were faced with discrimination in unemployment relief, increases in Protection Board powers, and appalling conditions on stations and reserves. In that state, Aboriginal activist Fred Maynard founded the Australian Aborigines Progressive Association (AAPA) in 1924. By 1925 it had 11 branches.

The AAPA had many concerns, but focused primarily on the loss of homes and land, and the removal of children. Between 1913 and 1927, half of New South Wales reserve land was sold or leased, and three-quarters of this was the most productive land – lost to the Aboriginal people who farmed it. In 1927 the AAPA called ‘for liberty, freedom, and the right to function in our own interest’; that is: ‘full citizenship rights’. In his 1927 letter to Premier Jack Lang, Maynard argued for ‘sufficient good land to maintain a family’; that children shall be left in the control of their parents”; and that ‘capable educated aboriginals’ manage Aboriginal affairs’.

The AAPA went underground in the late 1920s, but emerged as the Aborigines Progressive Association (APA) in the 1930s.

**SOURCE 1.18** Aboriginal activist Fred Maynard and his sister at the Rocks, Sydney, 1927

CHAPTER 1

Denied rights: protection, segregation and control
Land and livelihood

A letter to the Premier

In 1927, Fred Maynard wrote to New South Wales Premier Jack Lang:

We respectfully solicit such easy alteration in the laws relating to aboriginals as will make effective the following reforms and which we most sincerely assure you will enable the aboriginals of this State to prove that they are worthy of the full privileges of citizenship, viz: That all capable aboriginals shall be given in fee simple sufficient good land to maintain a family. That the family life of the aboriginal people shall be held sacred and free from invasion and that the children shall be left in the control of their parents ... That the control of aboriginal affairs, apart from common law rights, shall be vested in a board of management comprised of capable educated aboriginals under a chairman appointed by the Government.


A protective union

Aboriginal farmer William Harris founded the Native Union in Western Australia, which resisted the regime of control in the state. Harris led a deputation to Premier James Mitchell in 1928, but the Premier ignored the group’s complaints. Harris then wrote to politicians and newspapers. This extract from his letter to the *Sunday Times* on 14 November 1926 sums up his attitude:

Ever since the whites settled in Australia the Aborigines have not lived in a more cruel or lawless state than they are today ... The educated Aborigines ... are about to form a protective union. As British subjects they claim and mean to have the protection of the same laws that govern the white man, not to be persecuted by the Aborigines’ department and its officials.

At Laverton we had the spectacle of natives of the district being decoyed into the police station on the pretence of being served with food. The doors were closed on them, they were kept under lock and key until the train was ready to start, then taken under armed escort and locked in the train for Mogunmber (Moore River Settlement).


Questions

1. Who is the audience for William Harris’ letter?
2. How does this audience differ from the audience for Fred Maynard’s letter?
3. Identify the words of Maynard’s that support concern for land and livelihood, and concern for parental rights regarding children.
4. What issues do the letters share?
5. What different issues does Harris raise?

TORRES STRAIT ISLANDER STRIKE

In 1936 Murray Islanders in the Torres Strait went on strike to protest the poor working conditions of pearl divers, and to demand the right to control their own wages and affairs. After several months, the Queensland Government agreed to changes and in 1937 legislation allowed
for elected island councils to take charge of local government. However, the superintendent could still declare a candidate ineligible ‘for any reason whatsoever’. Until the Second World War, Torres Strait Islanders were not allowed to live on the Queensland mainland.

**DAY OF MOURNING**

In 1933 in Victoria, William Cooper (c. 1861–1941) founded the Australian Aborigines’ League, which was composed mainly of exiles from the Cummeragunja reserve, including Bill Onus, Doug Nicholls, Shadrach James and Margaret Tucker.

The Victorian Australian Aborigines’ League and the New South Wales Aborigines Progressive Association (APA) (led by Bill Ferguson, Pearl Gibbs and Jack Patten) shared their concerns – they called for full and immediate civil rights and demanded land as bases for future Aboriginal development. Together they organised a Day of Mourning conference in 1938. South Australian Aboriginal leader David Unaipon also advocated equality, but he criticised this approach because he saw the word ‘mourning’ as being too negative. The conference was only for Aboriginal Australians, but Mary Bennett was an invited participant.

**SOURCE 1.19** The Day of Mourning, 26 January 1938: while Sydney was celebrating its 150-year anniversary of settlement, the activists protested 150 years of ‘theft and genocide’. This image appeared in *Man* magazine, March 1938.

At the Day of Mourning, Jack Patten opened the proceedings with the President’s address, saying:

> You took our land by force ... We ask for full citizenship rights, including age pensions, maternity bonus, relief work when unemployed, and the right to a full education for our children.
Soon after the Day of Mourning, a delegation met Prime Minister Joseph Lyons with a list of 10 objectives. These included the Commonwealth Government taking responsibility for Indigenous Australians and the inclusion of Indigenous people in the administration of Aboriginal affairs. The emphasis was on civil equality. Specifically, the delegation sought equal education, labour laws, workers’ compensation and insurance, old age pensions and invalid pensions. They also sought equality regarding the ownership of land, property and personal bank accounts. They wished to receive their wages in cash and to have the same marriage laws as other Australians.

**EARLY ORGANISED PROTESTS**

- **1924**: The first Aboriginal protest group, the Australian Aborigines Progressive Association (AAPA), was formed by Fred Maynard on the north coast of New South Wales.
- **1928**: William Harris founded the Native Union in Western Australia and led a deputation to the Premier.
- **1933**: William Cooper founded the Australian Aborigines’ League in Victoria.
- **1936**: Murray Islanders (in the Torres Strait) went on strike and achieved elected island councils.
- **1938**: The Day of Mourning was held in Sydney during the 150th anniversary celebrations of settlement.
- **1938**: The Aborigines Progressive Association (APA) published six editions of *The Australian Abo Call*.
- **1939**: The Cummeragunja Walk-off: residents walked off the Cummeragunja reserve and over the Murray River in protest against poor conditions.

**William Cooper (c. 1861–1941)**

William Cooper was a Yorta Yorta man with strong family links to the Maloga mission and later the government reserve Cummeragunja (‘my country’) on the Murray River. In 1887, Cooper and his brother wrote to the New South Wales Government calling – unsuccessfully – for land so that they could have economic independence. Cooper wrote of the land as ‘this small portion of a vast territory which is ours by Divine right’. In 1896, several Aboriginal farmers did obtain their own blocks of land, and worked them profitably until the New South Wales Protection Board decided in 1907 to lease out that land to earn money.

The following year, the Board required able-bodied men to find work outside the reserve, and Cooper worked as a shearer and handyman. He became a member of the Australian Workers’ Union and a spokesman for Aboriginal people.
As an older man, Cooper returned to live at Cummeragunja, but he left the reserve in 1933 so that he could receive the old age pension in Victoria. He joined a community of about 100 Aboriginal people living in Melbourne, including a number from Cummeragunja such as Doug Nicholls, Shadrach James and Margaret Tucker. As a man in his 70s, Cooper worked with others to achieve reform.

**Activism**

In 1933, Cooper founded the Australian Aborigines’ League, an organisation whose full membership was only available to Aboriginal people. A supporter, Helen Baillie, wrote that she ‘was amazed how soon he had mastered the many complicated aspects of Aboriginal legislation’.

Cooper made personal visits to reserves and wrote many letters. His letters reveal a man of broad concerns who was careful to use accepted means of protest and who showed respect for others. He wrote about many Aboriginal issues, including those related to Cummeragunja. ‘Laws were passe[d] and still exist, which no human creature can endure,’ he wrote.

He presented an alternative view of Australia’s past, asserting Aboriginal Australians as Australia’s First Peoples ‘by right of prior possession and by right of gift from God’.

In 1935, Cooper led the first Aboriginal deputation to a Commonwealth minister, calling for a duty of care from government and asking for federal representation. He reminded the minister that Maori had enjoyed such rights since 1867.

Cooper’s broad humanitarian concerns and his identification with the Jewish people caused him to respond to events occurring in Nazi Germany. In 1938 he led a group that marched down Collins Street to present a petition to the German Consulate, protesting against the ‘cruel persecution of Jews in Germany’, following the horrors of the Kristallnacht attacks.

Also in 1938, Cooper and the Australian Aborigines’ League worked jointly with the APA to organise the Day of Mourning, marking the 150th anniversary of the settlement of New South Wales.

**Petition to the King**

Over a period of several years Cooper led the gathering of around 2000 signatures on a petition to King George V, which stated that: ‘Our lands have been expropriated by Your Majesty’s Governments, and (b) Legal status is denied to us by Your Majesty’s Governments; and ... all petitions made on our behalf to Your Majesty’s Governments have failed.’ It asked for ‘better conditions for all’ and ‘a member of parliament ... to represent us in the Federal Parliament’.

Cooper again referred to the example of Maori representation in the New Zealand parliament to show how this could work.

However, the petition remained in Australia and the federal government simply responded that Aboriginal rights was a state matter.

No wonder William Cooper was disheartened at times and expressed disappointment at the slowness of progress.

**National Aborigines Day**

Cooper also worked to establish a National Aborigines Day, which was first celebrated on 28 January 1940. This continued until 1955, when it moved to the first Sunday in July, and...
later it was expanded into NAIDOC (National Aboriginal and Islander Day Observance Committee) week.

William Cooper died in 1941. He was survived by his third wife and by six children.

Questions

1. Construct a timeline for William Cooper’s life.
2. Identify evidence of Cooper’s concern for (a) equal rights for Aboriginal people as human beings and citizens; and (b) special rights for Aboriginal people as the original owners of the land.
3. What suggests Cooper’s broad concern for human rights?
4. What influence did Cooper have on the continuing struggle for Indigenous rights (that is, rights that are specific to Indigenous people)?

CUMMERAGUNJA WALK-OFF

In the 1930s, the New South Wales Protection Board used its increased powers to move Aboriginal people away from country towns, where they were not welcome, and away from some reserves that the Board wished to close or lease. Conditions on remaining reserves in the state worsened. In 1938, the drought exacerbated the problems of water supply and sanitation on the Cummeragunja reserve, and the residents petitioned for the immediate removal of the new manager, McQuiggen, who came with a poor reputation from the Kinchelea Boys Home. The Board returned the petition to McQuiggen, who then penalised those who had signed it.

In February 1939, about 200 of the 300 residents walked off the reserve and crossed the Murray River – the border between New South Wales and Victoria – to set up camp at Barmah, on the Victorian side. This meant that the community could use in their favour the different state government policies relating to Aborigines. In Victoria they hoped to receive pensions, and for them the river was not a border at all, but part of their Yorta Yorta territory.

The nine-month protest – the first-ever mass strike of Aboriginal people in Australia – called for a royal commission, the removal of McQuiggen, the return of blocks of land, support in agricultural development, abolition of all Protection Board control and full citizenship rights.

The Board response to the walk-off was to blame individual agitators and to claim that there had been no problems before the walk-off.

The New South Wales media portrayed the strikers as foolish people led by agitators, but in Melbourne the press was more sympathetic and the Victorian Government provided unemployment food relief. The Melbourne campaign to support the strikers was broadly based, and included the Women’s Christian Temperance Union and the Young Communists League, as well as left-wing trade unions. They organised food and blankets for the strikers.
After seven weeks, Board representatives responded by visiting those who had walked off, and some residents decided to return to their homes. However, finding that houses had been re-allocated and that there would be other reprisals, about 80 people walked off again.

In October 1939, the strike ended when the Board prevailed upon the Victorian Government to stop food relief and to prevent the strikers’ children from attending the Barmah public school. The strikers left their camp to find alternative places to live in New South Wales and Victoria. McQuiggan was sacked, but not until February 1940.

The events of the Cummeragunja Walk-off, like the Day of Mourning, were not widely known at the time, but have come to broader attention since their portrayal in the celebrated SBS television miniseries, *Women of the Sun* in 1981, and in a recent opera. More importantly, the walk-off also highlighted the use of tactics and issues that would come to characterise the style and form of Aboriginal activism after the Second World War.

**Conclusion**

Despite the denial of rights and the structures controlling Aboriginal and Torres Strait Islander people in the early 20th century, there were significant changes in the 1930s. Government policy was moving from segregation and protection towards assimilation. A sense of Aboriginality emerged, and Indigenous and non-Indigenous campaigners worked for change. However, while the struggle for rights had begun, real gains had yet to come.
Chapter summary

+ Aboriginal and Torres Strait Islander peoples were excluded from the Australian Constitution and from the federal vote.
+ The attitudes of European Australians also excluded Aboriginal and Torres Strait Islander peoples from the Australian story and from Australian society.
+ Protection policies in the states and territories denied basic rights to Aboriginal and Torres Strait Islander peoples, and Protection Boards controlled their lives.
+ Aboriginal and Torres Strait Islander peoples were controlled and treated differently in regard to health care, education and training, work, individual control over their own money, freedom to marry, freedom of movement, authority over their own children and access to justice.
+ In the 1930s, governments proclaimed assimilation policies for those of mixed descent; but in practice, segregation and control continued.
+ While the painful experiences of the First World War and the 1930s Great Depression were shared by Aboriginal and Torres Strait Islander people, they received less care from the government than did white Australians.
+ Throughout the first half of the 20th century, Aboriginal and Torres Strait Islander peoples tried to improve their situation.
+ From the 1920s, Aboriginal and Torres Strait Islander people joined together in organisations to protest the oppression they experienced and to fight for their rights.
+ The 1938 Day of Mourning and the 1939 Cummeragunja Walk-off exemplify their protests.

Weblinks

Weblinks relevant to this chapter can be found at http://nmh.nelsonnet.com.au/indigenous.

Further resources

Benny and the Dreamers (1992), documentary
Lousy Little Sixpence (1983), documentary
Denied rights: protection, segregation and control

Loved Up – Lore of Love (2005), documentary
Pioneers of Love (2005), documentary
Rabbit-Proof Fence (2002), feature film

Endnotes


Chapter review activities

1 Divide the following list of dates and events into two columns, headed ‘Denial of rights’ and ‘Struggle for rights’:
   + 1897: Aboriginal Protection and Restriction of the Sale of Opium Act (Qld)
   + 1901: Federal Constitution
   + 1902: Franchise Act (Cwlth)
   + 1905: Aborigines Act (WA)
   + 1908: Invalid and Old Age Pension Act (Cwlth)
   + 1910: Northern Territory Aboriginals Act (SA)
   + 1925: The Australian Aborigines Progressive Association (AAPA) had 11 branches in New South Wales
   + 1933: William Cooper founded the Australian Aborigines League
   + 1936: Murray Islanders went on strike
   + 1937: The National Native Welfare Conference adopted a policy of assimilation
   + 1938: The Day of Mourning was held in Sydney
   + 1939: The Cummeragunja Walk-off

2 Rank the following factors involved in the denial of rights to Aboriginal and Torres Strait Islander peoples in order of importance, and then write a paragraph briefly explaining each point:
   + Exclusion from the Australian Constitution
   + State laws about Indigenous people
   + General community attitudes and values
   + Racial ideology
3 Briefly explain the meaning of the two policies, protection and assimilation, and the ways in which they limited the rights of Aboriginal and Torres Strait Islander peoples.

4 Create a mind map showing the various ways in which rights were denied to Aboriginal and Torres Strait Islander peoples.

5 In 1938, the Aborigines Progressive Association (APA) published six editions of *The Australian Abo Call*.
   + Build a class summary chart based on articles from this newspaper, which is available on the National Library of Australia website.
   + Individual students should each select one article and write a summary of it using the following table.

<table>
<thead>
<tr>
<th>Article details (title, author, date, page number ...)</th>
<th>Information about denial of rights</th>
<th>Information about Aboriginal activism</th>
<th>Underlying aims of the article</th>
</tr>
</thead>
</table>

When the class summary chart is completed:
   a Discuss as a group the qualities and limitations of the newspaper as a historical source.
   b Note how the title of the newspaper uses a term that is now seen as offensive. Discuss what this tells us about changing attitudes and language.

6 Research the conditions on a particular reserve, settlement or mission during this period, such as Cummeragunja, or any that is in your own state and write down your findings. Be sure to:
   + note all the source details (author, title, publisher, and place and date of publication; or website address and date of access)
   + use inverted commas and page numbers to record quotations or specific information.
Share your findings with others, either in small groups or as a class, and chart the similarities and differences between the reserves.

7 Select one of the following individuals – Bill Ferguson, William Harris, Margaret Tucker, Jack Patten, Pearl Gibbs, Fred Maynard, Mary Bennett, AP Elkin or Helen Baillie – and research their life and work. You could start with the online *Australian Dictionary of Biography*.
   a Briefly provide details of their life, and summarise their actions and their significance in the struggle for Indigenous rights.
   b Share your findings with the class. Assess each individual on the way they argued for rights based both on being a human being and being an Indigenous person.
   c Class discussion: How important can one person be? To what extent is change about processes and trends, rather than individuals?
8. Watch a documentary (or excerpts from a documentary) about the denial of Indigenous rights in Australia, such as:
   + *First Australians* (2008), SBS, episode 5 or 6
   + *Pioneers of Love* (2005)
   + *Dhahiyarr vs the King* (2004)

   Briefly summarise what is revealed about the denial of rights and/or the struggle for rights.

9. Examine the photograph of Jimmy Clements in 1927 (opposite page 1) and explain what it suggests about Indigenous rights in Australia in the first half of the 20th century.

10. This activity could include a class library visit as well as Internet use, with at least half the sources to be books from a library.

   a. Locate one historical source and use the following headings to note information to share with the class:
      + Source details (author, title, publisher, date and place of publication or website address and date)
      + Type of source (primary: a historical source from the time, made by an eyewitness or participant in the event or experience; secondary: written or produced after the event or experience by an historian or commentator; a source combining primary documents with commentary)
      + Likely usefulness and/or limitations for study of the Indigenous struggle for rights in Australia and/or New Zealand (comment on relevance, accessibility, likely accuracy of the source, effects of its purpose and audience)
      + Personal comments (your own feelings about the source, any items that stood out for you).

   b. Share this with class members

   c. Compile an annotated bibliography for all students to use in this study.